

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Charles T. Coon, Sr.
4416 Salem Bottom Road
Westminster, MD 21157

ATTORNEY: JoAnn Ellinghaus-Jones, Esquire
P. O. Box 176
Hampstead, MD 21074

REQUESTS: A conditional use for construction of a new building to be used for storage and office space, replacing several existing buildings authorized in Case 2240, and a variance reducing the minimum distance requirements pertaining thereto.

LOCATION: 4416 Salem Bottom Road in Election District 9.

BASES: Article 6, Sections 6.3(e) and 6.7; Article 4, Section 4.12; Article 15; Section 15.5; Zoning Ordinance 1E.

HEARING HELD: January 28, 1988

FINDINGS

The record of this case is hereby included by reference in this decision. The pertinent findings include the following facts:

The existing contractor's equipment storage yard, and variance for the reduction of the minimum distance requirements pertaining thereto were conditionally authorized in Case 2240 on February 13, 1985. The authorizations were based on the plot plan identified as Applicant's Exhibit 2, including landscape screening. In addition, a maximum of 15 pieces of equipment were authorized for storage on the property, unless additional equipment would be authorized by the Board.

The applicant now proposes to demolish 3 of the existing 5 accessory buildings, and construct a new building, 50 feet in width by 170 feet in length. The proposed office space would be 50 feet by 50 feet, and the proposed shop area would be 50 feet by 120 feet. No increase is requested regarding the number of pieces of equipment allowed to be stored on the premises; nor is there any change in the conditionally

authorized business identification sign (condition3, Case 2240). The new plot plan also includes enlargement of the storage yard, establishment of a new parking area for vehicles, and a proposed parking area for equipment. The office portion of the building is tentatively planned for construction before the shop area, which would be accomplished in stages. The landscaping indicated on Applicant's Exhibit 2, and consisting of white pine trees has been ineffective in screening the contractor's equipment storage yard from adjacent properties. Although 13 trees approximately 16 feet tall, have been planted adjacent to the rear property line, additional landscape screening will be required, as specified below, to minimize the effects of the contractor's equipment storage yard on adjacent properties.

Although the applicant owns equipment in excess of the maximum of 15 pieces allowed to be stored on the premises, testimony was presented indicating that the equipment was usually parked or stored at construction sites. Farm equipment stored on the premises is not considered to be contractor's equipment.

Although concerns were expressed regarding the proximity of Winfield Elementary School, visibility of the building and storage yard from Salem Bottom Road, and increased traffic, the Board finds that the proposed improvements will not unduly affect the adjoining properties or public interest.

CONCLUSION

Based on the testimony and evidence comprising the record, the Board hereby authorizes the requests in accordance with, and subject to the following conditions:

1. As the maximum number of pieces of equipment which may be stored on the property is 15, the Board finds that the requested dimensions of 50 feet in width by 170 feet in length for the building are excessive and unjustified. Accordingly, the exterior dimensions of the new building, including both the office area and shop area, shall not exceed 50 feet in width by 120 feet in length. Thus, the gross floor area authorized for the building will be 50 feet multiplied by 120 feet equals 6000 square feet.

2. Two rows, off-set of white pine trees not less than 6 feet tall shall be planted 10 feet on centers to provide landscape screening of the contractor's equipment storage yard from the adjacent properties. As generally indicated on the plot plan showing the proposed building, and which was used to identify the location of existing and proposed trees by marking the plan with red "x's", the two rows of trees shall be planted as indicated by the "x's", except that the two rows adjacent to the southerly side property line and two rows adjacent to the rear property line shall be extended along said lines to intersect and form a continuous screen of the contractor's equipment storage yard from the adjoining properties to the south and west. So long as the property is used for a contractor's equipment storage yard, any of the white pine trees forming the landscape screening, which become diseased or die, shall be replaced. The Board hereby establishes the date of November 1, 1988 for the landscape screening to be accomplished. The applicant is directed to notify the Zoning Administrator upon completion of the landscape screening.

3. The time limit for the applicant to apply for the required Zoning Certificate is hereby extended until March 16, 1991. The applicant's attention is directed to the fact that any extension of time beyond the date noted above will require application to this Board for consideration at public hearing.

March 16, 1988
Date

John Totura
John Totura, Chairman