

Case 3062

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

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

ATTORNEY: Jo Ann Ellinghaus-Jones
P.O. Box 176
Hampstead, Maryland 21074

REQUEST: For modification of conditions imposed in Case 2886 to provide a single row of trees, instead of a double row; and, erect a smaller building than previously approved for interim use as part of a contractor's equipment storage facility on the property.

LOCATION: 4416 Salem Bottom Road in Election District 9

BASIS: Article 17, Section 17.2; Ordinance 1E.

HEARING HELD: December 28, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes:

1. Modification of condition 2 of Case 2886 concerning landscape screening as follows:
One row of evergreen trees not less than 6 feet tall shall be planted not more than 10 feet on centers to establish a continuous screen of the contractor's equipment storage facility from the adjoining properties to the north, west, and south. The landscape screening shall extend westward from the rear of Building #5, as shown on Applicant's Exhibit 1, parallel to the

northerly, westerly, and southerly property lines to a point not more than 10 feet from the hedge row shown and noted on the exhibit. So long as the property is used for the contractor's equipment storage facility, any of the evergreen trees forming the landscape screening that become diseased or die shall be replaced. The Board hereby establishes the date of January 27, 1990 for the landscape screening to be completed. The applicant is directed to notify the Zoning Administrator immediately upon completion of the landscape screening.

2. Erection of a temporary building approximately 25 feet square, for office and rest room facilities, subject to the conditions that the temporary building shall be demolished, in accordance with the applicant's testimony following construction of the shop and office building conditionally authorized in Case 2886. To assure adherence to the applicant's proposal and provide reasonable time to relocate the office to the conditionally authorized shop and office building, the Board orders that the temporary building be demolished within 90 days after issuance of the Use and Occupancy Permit for the shop and office building, and that the site be immediately seeded or sodded to re-establish the lawn.

The pertinent findings dictating the decision include the following facts:

On March 16, 1988 in Case 2886 the Board conditionally authorized construction of a new shop and office building in conjunction with operation of the contractor's equipment storage facility authorized February 13, 1985 in Case 2240. Condition 1 in Case 2886 restricted the exterior dimensions of the building to not more than 50 feet in width by 120 feet in length. An extension

of time to March 16, 1991 to apply for the required zoning certificate was provided in Condition 3. Conditions 1 and 3 as stated in Case 2886 remain in effect.

The proposed location of the temporary office building, approximately 25 feet square as shown on the plot plan submitted in this case, is behind the first office building adjacent to Salem Bottom Road. Due to the location, dimensions, use, and the fact that the temporary building will be demolished upon construction of the shop and office building conditionally authorized in Case 2886, no additional landscape screening is considered necessary for the temporary office building.

With regard to the landscape screening required by condition 2 in Case 2886, although a number of evergreen trees have been planted since the conditional authorization for the establishment of the contractor's equipment storage yard in Case 2240, the landscape screening is incomplete. Condition 2 of Case 2886 superseded the original landscape screening requirement specified in condition 1 of Case 2240, and required two rows of white pines be planted adjacent to and paralleling the rear and portions of each side property line. This request is to require only one row, and as discussed during the public hearing, increase the distance between trees and eliminate screening along certain areas of the side and rear property lines. The plot plan, Applicant's Exhibit 1, notes that some existing trees along the rear property line are 16 feet in height and 8 feet in width. The exhibit also depicts a row of trees 12 to 18 feet tall, 8 feet in width, paralleling part of the southerly side property line, 20 feet on centers. Although the notation on the plot plan states 11 trees, only 10 trees are indicated. Regardless of the discrepancy, the existing and proposed landscape screening of the contractor's equipment storage facility is insufficient to minimize the adverse visual impact of the commercial facility upon people living in the area, and to conserve the property values of

adjacent residential properties. Since the original authorization of the contractor's equipment storage yard in Case 2240 occurred under the regulations in effect in 1985, the maximum area of the facility (yard and buildings) is not restricted to 43,560 square feet (one acre) as now specified in the provisions of Article 6, Section 6.3(e)1 of the Carroll County Zoning Ordinance. (Ordinance T-76 adopted April 18, 1988 amending Ordinance 1E). However, the boundaries of the facility within the three acre lot, which is part of a residential subdivision, are limited to those shown on the plot plan now identified as Applicant's Exhibit 1 in this case. Attention is directed to the fact that this plan was originally filed in Case 2886 and that the maximum dimensions of the shop and office building authorized by this Board are 50 feet in width by 120 feet in length, not 50 feet by 170 feet.

In considering these facts, the Board finds that modification of the landscape screening requirements, as stated above, is the minimum necessary to lessen the commercial appearance of the contractor's equipment storage facility as viewed from adjacent properties, and to conserve residential property values.

Jan 27, 1989
Date

John Totura
John Totura, Chairman