

Tax Map/Block/Parcel
No. 36-5-75

Building Permit/Zoning
Certificate No. 90-3010

Case 3442

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANTS: Samuel G. Battaglia and Linda C. Battaglia
1120 Clearview Road
Union Bridge, Maryland 21791

ATTORNEY: Charles M. Preston, Esquire
188 East Main Street
P. O. Box 389
Westminster, Maryland 21157

REQUEST: A conditional use for a shop for service, repair
and sale of farm machinery and farm equipment

LOCATION: 1120 Clearview Road in Election District 2

BASIS: Article 6, Sections 6.3(e)2 and 6.7; Ordinance
1E (The Carroll County Zoning Ordinance)

HEARING HELD: September 28, 1990

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board hereby authorizes the requested conditional use for a shop for service, repair and sale of farm machinery and farm equipment, subject to the conditions of authorization imposed below.

The pertinent findings determining the Board's decision include the facts that the property is within an Agricultural Preservation District and is presently being farmed. Off-conveyances have been created, but are included as part of the district. Five acres, containing the farm buildings have been reserved from the district. Approximately .75 of an acre within the 5 acres is proposed for the requested use. The .75 of an acre includes:

a parking area of 60 feet by 90 feet adjoining the storage shed, and sales and storage building;

an existing storage shed of 22 feet by 60 feet;

an existing building of 75 feet by 90 feet to be used for sales and storage;

an existing repair shop of 40 feet by 60 feet; and,

an open storage area, 100 feet by 150 feet adjoining the sales and storage building.

Vehicular access to the area is provided by a farm lane, about 12 feet in width, connecting to Clearview Road. The use is not expected to result in more than two or three vehicular trips by customers per day.

There is no indication that the use, as proposed and conditioned below, will unduly affect the adjoining properties or public interests.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. All operations pertaining to the sale, repair, and display of farm machinery and farm equipment shall be limited to the .75 of an acre including the existing accessory buildings and open storage area depicted on the plot plan identified as Applicants' Exhibit 1. No additional building construction is authorized in conjunction with this use.
2. Farm machinery and farm equipment kept on the premises in conjunction with operation of the shop shall be under active repair or restoration. Inoperable farm machinery or farm equipment which would be ordinarily classified as junk shall not be maintained on the premises.
3. Where reasonable and practical, the access driveway shall be widened by construction of one or more areas to allow vehicles to maneuver out of the traveled portion of the lane to permit vehicles traveling in the opposite direction to pass.
4. The applicant is directed to amend the plot plan, identified as Applicants' Exhibit 1, to show such areas, and to submit a copy of the amended plan to Zoning Enforcement for attachment to Permit Application and Zoning Certificate #90-3010, and a separate copy of the plan to the Office of Administrative Hearings to be incorporated in this case file.

Oct. 15, 1990
Date


John Totura, Chairman