

Tax Map/Block/Parcel
No. 67-12-129

Building Permit/Zoning
Certificate No. 05-4110

Case 5172

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

APPLICANT: Peter Berggren
2700 Sams Creek Road
New Windsor, MD 21776

Shawn Richard
1562 Buckhorn Road
Sykesville, MD 21784

ATTORNEY: N/A

REQUEST: Conditional use for a contractor's equipment storage facility and shop for service and repair of equipment; variances from the required 3 acre lot size to 2.7 acres and from the required 400 ft. setback to 57 ft.

LOCATION: The site is located at 5047 Old Washington Road., Sykesville, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-16, 223-71 A (5), 223-75 and 223-186 A (2) & (3)

HEARING HELD: January 26, 2006

FINDINGS AND CONCLUSION

On January 26, 2006, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage facility and shop for service and repair of equipment; request for variances from the required 3 acre lot size to 2.7 acres and from the required 400 ft. setback to 57 ft. The Board made the following findings and conclusion:

The Applicants each operate a landscaping business. They wish to store their respective equipment on a 2.7 acre parcel which currently includes a residence and some outbuildings. They will raze the residence and erect a "pole barn" structure to house their equipment and supplies.

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The neighborhood is rural, with scattered residential uses. The facility will receive approximately 3 deliveries of supplies during the spring/summer and fall season. They currently do not plan to have an office on the site. The Applicants each have 3 full-time employees, who will visit the site in the morning, leave in a truck or equipment, and return in the late afternoon. There will be no retail sales or customer traffic at the property. To the rear of the property is a busy highway. The Applicants intend to plant a tree screen between the subject property and an adjoining residence at 5035 Old Washington Road.

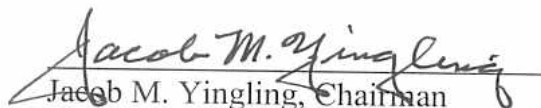
The Board finds that the proposed use at this location, subject to the following conditions, will not generate adverse effects above and beyond those normally associated with such a use. In addition, the Board finds that the lot is unusually shaped, and that there is no location on the lot where a building could be constructed without a variance. Thus, undue hardship will result absent a variance.

Accordingly, the grant of a lot size variance to 2.7 acres, and setback variances to 35 feet on the north, 51 feet on the south, 125 feet on the west and 262 feet on the east are granted to avoid undue hardship. The conditional use is also granted, with the following conditions:

1. Pursuant to Carroll County Public Local Laws and Ordinances § 103-19, a site plan with appropriate tree screening shall be submitted.
2. The total number of employees using the yard shall not exceed 10 (including the Applicants).
3. There will be no retail sales from the property.
4. Hours of operation shall be from Monday through Friday, 7:00 a.m. to 6:00 p.m., and Saturday, 7:00 a.m. to Noon.

Date

2/22/06


Jacob M. Yingling, Chairman