

**Tax Map/Block/Parcel
No. 72-20-72**

**Building Permit/Zoning
Certificate No. 06-0572**

Case 5204

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

APPLICANT: Wayne Mullinix
6803 Woodbine Road
Woodbine, MD 21074

ATTORNEY: N/A

REQUEST: Conditional use for a temporary (2 year) contractor's equipment storage facility for a lawn service and landscaping business and setback variances, as needed.

LOCATION: The site is located at 6803 Woodbine Road, Woodbine, on property zoned "A" Agricultural District in Election District 14.

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

HEARING HELD: April 26, 2006

FINDINGS AND CONCLUSION

On April 26, 2006, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a temporary (2 year) contractor's equipment storage facility for a lawn service and landscaping business and setback variances, as needed. The Board made the following findings and conclusion:

The Applicant is a fifth generation farmer residing on a 179 acre working farm. He wishes to allow a family friend to store landscaping equipment on the site of a former sawmill on the farm. The former sawmill parcel is approximately 75 feet wide and 90 feet long.

The landscaper has 3 full-time employees. Employees typically arrive at 7:30 a.m., leave with equipment and return in the early evening. The equipment includes 3 dump trucks, 3 Bobcat bulldozers, 4 trailers, a wood chipper and straw baler. The busy season for the landscaping business is April through October. The landscaper will relocate within 2 years.

The former sawmill site is the only feasible location for the landscaping business. Most if not all other locations on the farm would necessitate road building, grading and clearing, which would adversely affect farmable land. The sawmill site is already graded.

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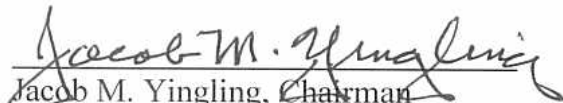
The Board finds that the proposed use, subject to the following conditions, will not generate adverse affects here above and beyond those normally associated with such a use. Accordingly, the conditional use is granted. The conditions are as follows:

1. The conditional use is nontransferable and will expire 2 years from the date of this decision.
2. The landscaping yard may open 7:15 a.m. to 8:00 p.m.
3. No more than 12 pieces of equipment appurtenant to the landscaping business may be stored there.
4. The landscaping business shall have no more than 4 full-time employees and 2 part-time employees.

In addition, the Board finds that the requisite hardship has been proven to support the requested variances from the following property lines and/or dwellings since there is no other available location. Accordingly, the variances are granted as follows:

10 feet from the Garrison property at 6830 Woodbine Road
150 feet from the Condon property at 6820 Woodbine Road
120 feet from the Dayhoff property at 6824 Woodbine Road
110 feet from the Mullinix property at 6844 Woodbine Road
300 feet from the existing tenant house on the subject property.

5/17/06
Date


Jacob M. Yingling, Chairman