

Tax Map/Block/Parcel
No. 64-7-122

Case 5440

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Michael Clark
c/o Clark Concrete Construction, Inc.
2197 Baltimore Blvd.
Finksburg, Maryland 21048-1602

ATTORNEY: Gregory A. Dorsey

REQUEST: A conditional use for a contractor's equipment storage facility for a concrete construction company and a variance from the lot size requirement of 3 acres to 1.63 acres and setbacks of 400 ft. from a lot of less than 3 acres occupied by a dwelling and the curtilage area within a lot of 3 acres improved by a dwelling.

LOCATION: The site is located at 3943 Sykesville Road, Finksburg, MD 21048, on property zoned "A" Agricultural District in Election District 4.

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

HEARING HELD: September 30 and December 2, 2008

FINDINGS AND CONCLUSION

On September 30 and December 2, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage facility for a concrete construction company and a variance from the lot size requirement of 3 acres to 1.63 acres and setbacks. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant owns and operates a concrete construction business. He wishes to store equipment associated with the company at the referenced property. The equipment includes bobcat loaders, excavators, equipment trailers and an air compressor. The storage yard is open Monday through Saturday from 6:30 a.m. to 6:30 p.m. There are 3 employees who travel to and from the property when it is open. There is no office and no customers come to the site. The property is served by well and septic.

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The Board found that this facility was consistent with other uses in the neighborhood. The property is well screened by trees, and very little noise is generated there. There was no evidence of noise, dust, fumes, vibrations or any decrease in property values from this use. Any adverse effects generated by this use are no greater here than elsewhere in the zone. The conditional use was granted.

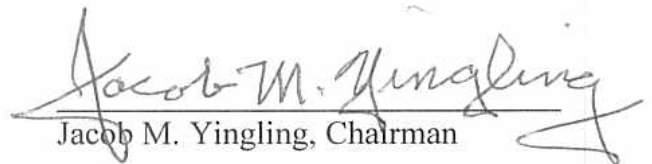
Turning to the variances, the Board found the property to be an oddly shaped lot. It is a long, narrow, and rectangular shaped parcel. It is already improved with a dwelling. The irregular shaped lot was not created by the Applicant. Strict application of the lot size and setbacks to this use would result in practical difficulty and undue hardship and the requested variances were granted.

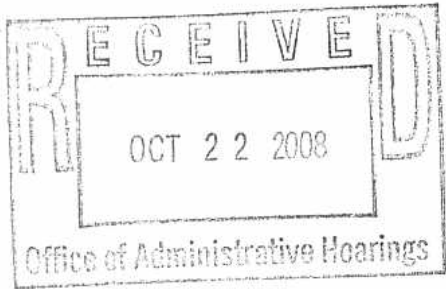
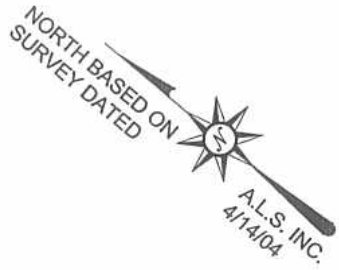
There was one condition imposed by the Board. The Applicant must use only one of the outside areas listed as "Outside Storage Area Options" on the Applicant's Zoning Exhibit Plat affixed hereto as Exhibit "A" for the outdoor storage of equipment.

Date

1/6/09

Jacob M. Yingling, Chairman





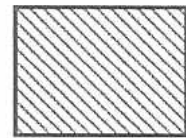
N/F
 JOHN L. JR. &
 MELISSA A. SALE
 LIBER 3230, FOLIO 383
 ACT#04-061683

N/F
 HOWARD L. SHIPLEY ETAL
 LIBER 554, FOLIO 509
 LIBER 982, FOLIO 674
 ACT#04-061748

1.63 ACRES +/-
 BY DEED

LLOYD C. & LUCINDA M. LUDY
 N/F
 LIBER 2231, FOLIO 808
 ACT# 04-016297

N/F
 STEPHAN & EVA L. TIMCHULA
 LIBER 911, FOLIO 702
 ACT# 04-009290



OUTSIDE STORAGE
 AREA OPTIONS

TITLE REFERENCE

M & J PROPERTIES, INC.
 2197 BALTIMORE BLVD.
 FINKSBURG, MD 21048-1602

LIBER 2528, FOLIO 324

ZONING EXHIBIT PLAT

