

**Tax Map/Block/Parcel  
No. 67-18-537**

**Case 5492**

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

**APPLICANT:** Thomas E. Will  
620 Oak Tree Road  
Westminster, Maryland 21157

**ATTORNEY:** n/a

**REQUEST:** A conditional use for contractor's equipment storage for a lawn, landscape, hardscape and construction company and variances from 400 ft. to 10 ft. on the north side, 400 ft. to 160 ft. on the east front, 400 ft. to 65 ft. on the south front, 400 ft. to 45 ft. on the west side and 400 ft. to 100 ft. from property across Jim Pickett Road.

**LOCATION:** The site is located at 209 West Old Liberty Road, Sykesville, MD 21784 on property zoned "A" Agricultural District in Election District 14.

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

**HEARING HELD:** May 27, 2009

**FINDINGS AND CONCLUSION**

On May 27, 2009, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for contractor's equipment storage for a lawn, landscape, hardscape and construction company and variances from 400 ft. to 10 ft. on the north side, 400 ft. to 160 ft. on the east front, 400 ft. to 65 ft. on the south front, 400 ft. to 45 ft. on the west side and 400 ft. to 100 ft. from property across Jim Pickett Road. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is 3.07 acres of land in the Agricultural zone. It has previously been certified as a nonconforming automobile repair center. The Applicant also wishes to keep contractors equipment and materials associated with a construction company and landscaping business on the property. The property was originally part of a larger 5.07 acre parcel, but was subdivided. There is a residence on the property which is being rented. By law, the contractor's

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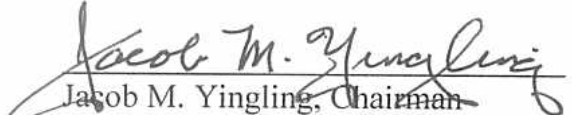
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equipment storage yard can encompass no more than 1 acre of the property. A portion of the property is also being used to grow crops. The shape of the property is rectangular. The neighbors were supportive of the Applicant. There are no employees in the construction business and 5 in the landscaping business.

The Board found that the contractors' equipment yard is in a fairly remote location. It does not generate noise, fumes or dust. Employee traffic to and from the yard is minimal. There was no evidence of any diminution of property values from the use. No neighbors appeared in opposition. The use is compatible with the surrounding agricultural and residential uses. As such, the conditional use for a contractor's equipment storage yard was granted. All vehicles and materials associated with the construction company and the landscaping business must be parked in the equipment storage yard, which shall not exceed 1 acre. 223§(A) (5)

Turning to the variances, the Board found that this parcel had been carved off a larger 5.07 acre parcel. In addition, the rectangular shape of the property severely limits possible locations for an equipment storage yard absent the grant of a variance. The chosen location is the least intrusive upon the neighbors. Under the circumstances, a strict application of the setbacks would result in undue hardship and practical difficulty not of the Applicant's own making. Accordingly, the requested variances were granted.

6/17/09  
Date

  
Jacob M. Yingling, Chairman