

**Tax Map/Block/Parcel
No. 67-5-515**

Case 5518

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

APPLICANT: Robert C. Myers
600 Turf Farm Drive
Sykesville, Maryland 21048

ATTORNEY: n/a

REQUEST: A conditional use for a contractor's equipment storage yard and a variance from the required setback of 400 ft. to 210 ft. at the rear and 126 ft. on the side of the property.

LOCATION: The site is located at 625 Turf Farm Drive, Sykesville, 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: October 22, 2009

FINDINGS AND CONCLUSION

On October 22, 2009, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a contractor's equipment storage yard and a variance from the required setback of 400 ft. to 210 ft. at the rear and 126 ft. on the side of the property. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

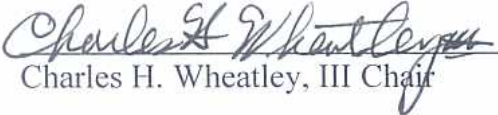
The subject property is 29 acres in the Agricultural zone. The Applicant wishes to continue using a storage building and the surrounding 1 acre for a contractor's equipment storage yard for his landscaping business. The Applicant has 4 full-time employees who work from March to December and work during snow storms. The employees arrive at 7:30 a.m. on Monday through Friday to pick up equipment and their instructions. They then depart and return at staggered times during the day. No customers come to the property. Most of the equipment for the business, including trucks, trailers, mowers and snow removal equipment is kept in the building. Some mulch is occasionally stored on the property. No sales will occur on the property. There is a natural tree screen on 3 sides of the property. No fertilizers or pesticides

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will be stored on the site. Minor vehicle and equipment maintenance will occur at the yard. The building at issue was constructed on the property approximately 20 years ago.

The Board found that the proposed use does not generate any noise, dust, fumes, gases or vibrations and will not reduce property value. There are no discernible adverse effects from the Applicant's use of the property. The sole neighboring Protestant in this case was unaware that Applicant had been using the property for his business for 3-1/2 years. Therefore, the conditional use was granted. Furthermore, the Board found that the failure to grant a variance in this case would render the existing building worthless to the Applicant. His equipment would need to be kept outside or a new building would need to be constructed elsewhere on the property. This constitutes practical difficulty and undue hardship warranting a deviation from the required setbacks. As such, the requested variances were granted.

11/18/09
Date


Charles H. Wheatley, III Chair