

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

Case 5522

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

APPLICANT: David E. and Katherine V. Greene
1425 Wakefield Valley Road
New Windsor, Maryland 21776

ATTORNEY: n/a

REQUEST: A conditional use for a storage lot for commercial vehicles (trucking company) and a variance from the required 3 acres to 2.0647 acres.

LOCATION: The site is located at 1425 Wakefield Valley Road, New Windsor, on property zoned "A" Agricultural District in Election District 11.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (23) and 223-75.

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 storage lot for commercial vehicles (trucking company) and a variance from the required 3 acres to 2.0657 acres. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicants have resided on this 2.06 acre (+-) lot in the Agricultural zone for 23 years. He operates a truck hauling business and stores trucks and equipment at this residence. The equipment includes 3 dump trailers, 2 tankers, a drop deck, an equipment trailer and 3 tractors. Employees arrive early in the morning to pick up the trucks or equipment and then depart to make deliveries. The property abuts crop land. Although there are potentially 9 pieces of equipment stored on the property, some of this equipment is almost always stored elsewhere. There are several other businesses in the neighborhood, which is a mix of agricultural/residential uses. The property is served by well and septic, which limits the opportunity for additional parking.

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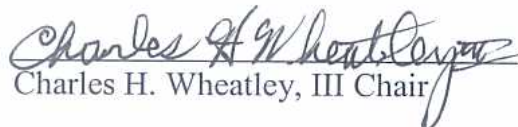
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The Board found that a strict application of the lot size restriction to this property would result in undue hardship and practical difficulty. As the lot was created before the Applicant purchased it, this hardship cannot be said to be self inflicted. The shape of the lot and the location of the well and septic system also limit the Applicant's ability to park an excessive amount of vehicles there. Therefore, the lot size variance was warranted. As for the conditional use, there was no evidence of dust, noise, fumes, gases or traffic emanating from the Applicants' use of the property. There was no evidence of any decrease in property values. The use is in a suitable location and is consistent with the neighborhood. Any adverse effects generated by this use are no greater here than elsewhere in the zone.

The conditional use was granted, subject to the following conditions:

1. All vehicles must be stored on the Applicants' property.
2. No more than 9 pieces of equipment may be stored on the property at one time.
3. Parking of the vehicles and equipment shall be staged to minimize visibility to the public.

11/18/09
Date


Charles H. Wheatley, III Chair