

**Tax Map/Block/Parcel  
No. 51-19-351 Lot 4  
Case 5582**

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

**APPLICANT:** David R. Fogle, Jr. & Jamie Buffington  
1711 Dennings Road  
New Windsor, MD 21776

**ATTORNEY:** Clark R. Shaffer, Esquire  
73 East Main Street  
Westminster, MD 21157

**REQUEST:** An application for a conditional use for a contractor's equipment storage yard and variances from the distance requirements from 400 ft. to 115 ft. from Lots 1, 2, 3 and Parcel 670; and, if needed, from 20 ft. to 10 ft. for the width of the access drive; in the alternative, request for a conditional use for a storage lot for commercial vehicles.

**LOCATION:** The site is located at Dennings Road, New Windsor, MD 21776, on property zoned "A" Agricultural District in Election District 11.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-71A (5) & (23), 223-16, and 103-25.

**HEARING HELD:** April 27, 2011

**FINDINGS AND CONCLUSION**

On April 27, 2011, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a contractor's equipment storage yard and variances from the distance requirements from 400 ft. to 115 ft. from Lots 1, 2, 3 and Parcel 670; and, if needed, from 20 ft. to 10 ft. for the width of the access drive; in the alternative, request for a conditional use for a storage lot for commercial vehicles.

The applicant James Buffington resides on 20 acres (+/-) of agricultural land at 1707 Dennings Road. Both applicants running a small (1 employee) paving company from the property. He uses 1 acre of the property to store contractor's equipment for the paving company. He stores up to 15 pieces of equipment on the site. He occasionally stores paving equipment in a storage building on the property. Cattle and other livestock are also being raised on the property.

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**Page 2**

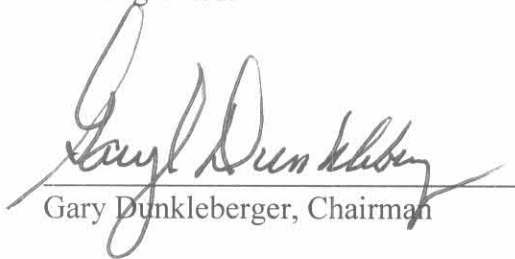
Traffic to and from the site usually consists of 1 trip in and out of the property. Customers rarely, if ever visit the site.

The contractor's equipment yard is to be improved with trees planted by the applicant. In addition, the topography and slopes provide a natural visual screen. Meeting the setbacks would require mowing the yard to a visible spot on the top of a hill due to the shape of the property. All of the properties from which the variances are required are owned by the Fogle family.

Based on the above, the Board found that traffic and noise generated by the use (usually 1 truck per day) will be minimal. No dust, fumes, gases or other adverse effects will result from the use. There was no evidence of any reduction in neighboring property values resulting from the use. The company's business is seasonal and there will often be little activity on the property. A contractor's equipment yard at this location will not generate adverse effects above and beyond those associated with such a use. Thus, the conditional use was granted, with a limit of 15 pieces of equipment (or replacement pieces) as set forth in Applicant's Ex. 1.

Turning to the variances, the Board found the property to be unique with steep slopes and it is surrounded by other properties owned by applicant Fogle. Re-location of the contractor's equipment yard to meet the setbacks (from the Applicants' own property) will require significant grading and result in visual clutter. Thus, the failure to grant the requested variances will result in practical difficulty and undue hardship, the requested relief was granted.

24 May 2011  
Date

  
Gary Dunkleberger, Chairman

# PIONEER PAVING<sup>LLC</sup>

Commerical & Residential

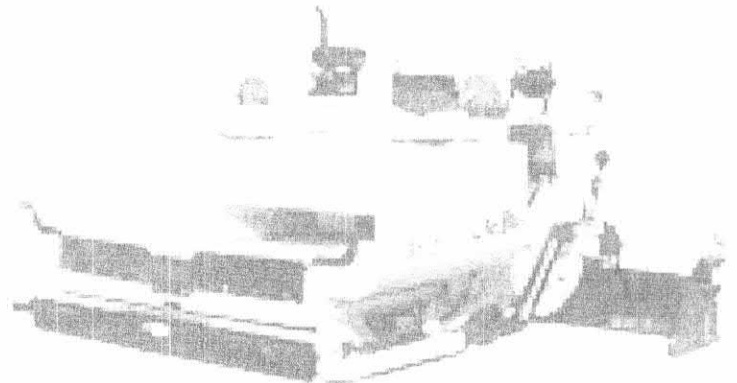
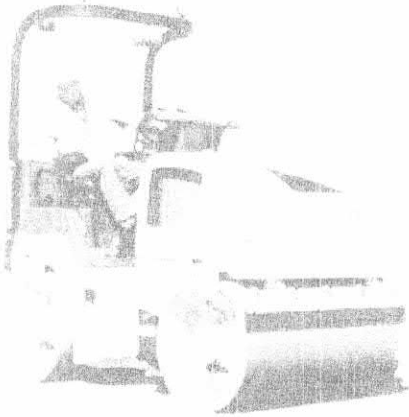
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ASPHALT PAVERS : LEE BOY 8816 , LEE-BOY 8500

ASPHALT ROLLERS : WACKER STON ROLLER

SKID LOADERS : BOBCAT T-200 , BOBCAT S-250

TRACTOR & TRAILER : MACK Superliner & TRAIL KING 35TON TRAILER



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CATER PILLAR D-5M TRACK DOZER

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