

**Tax Map/Block/Parcel**  
**No. 77-17-489**  
**Case 5671**

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

**APPLICANT:** Charles Yowell, Jr.  
101 N. Springdale Road  
Westminster, MD 21158

**ATTORNEY:** N/A

**REQUEST:** An application for a conditional use for a contractor's equipment storage yard and an automotive dismantler & recycler and a variance from the required 400 ft. to 0 ft. to the Rollman and Mougey properties.

**LOCATION:** The site is located at 639 Hoods Mill Road, Woodbine, MD 21797, on property zoned "A" Agricultural & "I-G" General Industrial District in Election District 14.

**BASIS:** Code of Public Local Laws and Ordinances, 223-71 A (5), 223-126 and 223-16

**HEARING HELD:** November 29, 2012

**FINDINGS AND CONCLUSION**

On November 29, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a contractor's equipment storage yard and an automotive dismantler & recycler and a variance from the required 400 ft. to 0 ft. to the Rollman and Mougey properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Mr. Charles Yowell, Jr. purchased his property more than seven years ago. He owns 2.91 acres of land. Part of his property is in the Agricultural District and part is in the General Industrial District. Some property near to him is in a Residential District. He has been in operation for years with the contractor's equipment storage yard and automotive dismantling business. He opened the recycling business to the public as a recycling center in 2012. These customers come to the site in pick up trucks and roll back trucks. He is requesting to line up six cars in his yard at any one time. His business involves processing scrap metal and cars are an important part of that business. He wants to put up a wooden privacy fence around property adjacent to the Gutwald property. He also wants to remove trees on his property but not near the property line between his property and the Gutwald property. His hours of operation are from 7:30 a.m. to 4:30 p.m. and he closes at 12:00 noon on Saturdays.

Neighbors were concerned about fluids from cars being leaked from Mr. Yowell's property to their property. Mr. Yowell noted that no fluids were involved in the dismantling

aspect of his business. Gasoline and antifreeze would be removed by the customers. He is certified to remove air conditioning fluids. Differential fluids do not have to be removed before the cars are taken away. Scrap facilities will also accept cars with motor oil fluid. He stated that he smashed the hood down on the cars and did not tamper with sealed fluids in the car.

Leslie Gutwald testified that she was a neighbor of Mr. Yowell. She moved to Carroll County because she wanted to live in an agricultural, clean, and peaceful type of environment. She was concerned about the leakage of fluids from Mr. Yowell's property, because her well was close to his property. She was pleased to hear about a privacy fence being erected. She wanted to maintain the tree line near the property line as much as possible. Mr. Yowell's hours of operation were not a concern to her.

Alan Mougey testified that he was also a neighbor who bought his property about six years ago. He was concerned about a number of factors: increase in traffic in general and specifically large truck traffic as junk vehicles are transported to and from the site; limited visibility when turning onto Hoods Mill Road from the subject property's driveway; a concern to impact on property values; the number of cars left on the property; and a line of cars parked outside of the gate in the mornings. He was also concerned about noise, dust, and quiet enjoyment.

In considering the testimony and evidence comprising the record, the Board finds no indication that conditional use as requested here, and in compliance with the conditions of authorization imposed below, will unduly affect residents of adjoining properties, the values of those properties, or public interests. The Board also approved the requested variances.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. That there be privacy fencing around the property adjacent to the Gutwald property.
2. That Mr. Yowell has no more than six vehicles to be crushed at any one time.
3. That he cut trees on his property and not trees on the property line between his property and the Gutwald property.

12/6/2012

Date

  
Richard J. Simmons, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.