

**Tax Map/Block/Parcel**  
**No. 33-1-761**  
**Case 5862**

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

**APPLICANT:** CJ Miller, LLC  
3514 Basler Road  
Hampstead, MD 21074

**ATTORNEY:** Bradford I. Webb, Esq.  
86 E. Main Street  
Westminster, MD 21157

**REQUEST:** A request for a conditional use for a Contractor's Equipment Storage Yard and a variance to permit an area comprising of 66,277 ft. and a variance to allow distances ranging from 20 feet to 120 feet from adjoining property owners' lot lines.

**LOCATION:** The site is located at 3514 Basler Road, Hampstead, Maryland 21074, on property zoned "BG" Business General District in Election District 6.

**BASIS:** Code of Public Local Laws and Ordinances, Sections 158.078 (D)(5), 158.077 (D)(1), and 158.070 (E)(1)(c).

**HEARING HELD:** July 28, 2015

**FINDINGS AND CONCLUSION**

On July 28, 2015, 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 to permit an area comprising of 66,277 ft. and a variance to allow distances ranging from 20 feet to 120 feet from adjoining property owners' lot lines. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The testimony of William Miller, vice president of the company, was that the request was being made to make the property more appealing. Materials that were currently stored outside would be placed inside a building. With the granting of this request the company would make the property look nicer for the community. He also testified that the company safety director went to neighboring properties and most of them signed a consent form for the proposed lot layout as shown on the Preliminary Plan. (attached in Exhibit B.) The Preliminary Plan was altered and sent to the Board on July 23, 2015.

Daniel Staley works for DRS & Associates. He worked on the preparation of the site plan in this matter. The property is located around six residential use properties and one agricultural field. Some of the materials in the grass area would be placed in the new building. The building was expected to be approximately 8,000 square feet. The new building would not have any plumbing facilities. There would also be screening, fencing and landscaping after the new building was built. The topography and the drop in elevation were the main reasons for the change of the building in the site plan.

Philip R. Hager, Secretary to the Planning Commission, sent the Board a July 14, 2015 letter. He wrote that “the variance request appears to be based upon self-imposed actions. Hardship evidence was not presented as part of the submittal package. Under established case law, the need for a variance must not stem from self-created conditions.”

On July 6, 2015 Nokomis Ford, Planning Technician, wrote a memorandum to the Board. The subject property has a land use designation of commercial-medium in the 2014 Carroll County Master Plan and is surrounded by large-lot single family, agricultural and medium use commercial land. She wrote that the request is compatible with the vision and goals for the area as expressed in Chapter 15. The “staff finding is that this request is consistent with the *2014 Carroll County Master Plan* and would not have an adverse effect on the current use of the property. However, its surrounding environs may be affected because of the close proximity of the proposed structure to existing housing units.”

Bradford I. Webb, Esq. explained to the Board that there would not be an area within Exhibit A that would allow the building without a variance. Therefore, the request for a variance was not a self-created condition. The Board accepted this proffer and found that the variance request was appropriate, especially when considering that most of the neighbors signed a consent form for the new proposed building.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant and the requested variance.

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Date

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Richard 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 Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) 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.

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