

Tax Map/Block/Parcel
No. 24-23-116
Case 5910

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: James H. Masimore, Jr.
4744 Maple Grove Road
Hampstead, MD 21074

ATTORNEY: Bradford I. Webb, Esq.
2010 Bonhill Drive
Reisterstown, MD 21136

REQUEST: Request for a conditional use for a Contractor's Equipment Storage Yard and various variances to adjoining properties.

LOCATION: The site is located at 4744 Maple Grove Road, Hampstead, Maryland on property zoned "A" Agricultural in Election District 8.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(E)(c) and 158.040.

HEARING HELD: January 5, 2016

FINDINGS AND CONCLUSION

On January 5, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a Contractor's Equipment Storage Yard and various variances to adjoining properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

James Masimore stated that 4744 Maple Grove Road was his residence. He works as a General Contractor. The name of his business is Masimore Contracting, Inc. He has had a construction business since 1976. The majority of his contracting business is located at a location off of Route 30 in Hampstead at 1819 Hanover Pike. However, the mailing address for his business is at the Maple Grove Road address, where he has lived for approximately nineteen years. As a contractor he also plows snow during the winter months. Only two people in the business drive to and from the Maple Grove Road address. Those two people are Mr. Masimore and his son. Mr. Masimore stated that his son was the only individual who had a license to drive the larger vehicles at Maple Grove Road. He stated that typically his son would come to the Maple Grove Road address in the morning to pick up a truck. At times his son may return to the

Maple Grove Road address up to three times a day before leaving for the evening. His son would sometimes come back from a job site to switch trucks.

Mr. Masimore has two garages located at Maple Grove Road. The smaller garage is not used for the business. The larger structure is used to maintain vehicles in the business. His other employees report to the address on Hanover Pike.

There is a November 9, 2015 letter in the file which is signed by seven neighbors of Mr. Masimore. The neighbors were aware that the Zoning Office had received a complaint about him running an unauthorized construction business at his residence. The neighbors agreed that they did not have any problems “with the way we conduct our home.” There are no signs at the residence advertising the business.

Charles Phillips testified in opposition to the application. He lived in the area his entire life. He claimed that traffic would come and go all hours of the day and night. He filed a complaint in 2015 against Mr. Masimore to the Zoning Administration Office. His complaint was that there was no quiet time in the area anymore. He did not consider the amount of traffic for the business going in and out of Maple Grove Road to be minimal traffic. He described it as a constant in and out by multiple trucks.

In a December 10, 2015, Nokomis Ford, Planning Technician, and Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, sent a memorandum to the Board. The memo stated that the request is compatible with the vision and goals for the area as expressed in the Carroll County Master Plan. Planning staff did not believe that the proposed use for this contractor’s equipment storage yard would have a major impact on traffic. The staff finding was that the request is not inconsistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its environs.

After reviewing the contradictory testimony, the Board specifically found that traffic was not a significant issue. The Board was convinced that authorization of the request with regard to the request for 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. The Board also approved the requested variances.

8 January 2016
Date


Gary E. Dunkleberger, 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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