

Tax Map/Block/Parcel
No. 15-09-254
Case 5954

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Joshua Cy Morningstar
4119 York Road, Number 1
Manchester, MD 21102

ATTORNEY: Haven N. Shoemaker, Jr., Esq.
4046 Gill Avenue
Hampstead, MD 21074

REQUEST: A request for a Conditional Use for a Contractor's Equipment Storage Yard, and a variance of 50 feet to an adjacent property.

LOCATION: The site is located at 4119 York Road, Number 1, Manchester, Maryland on property zone "A" Agricultural District in Election District 6.

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

HEARING HELD: June 28, 2016

FINDINGS AND CONCLUSION

On June 28, 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 a variance of 50 feet to an adjacent property. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Joshua Morningstar testified in favor of the application. He operates a landscaping business, and his work is in Maryland and Pennsylvania. He has no retail operation at the site, and he has no employees working for him. He owns property at the proposed site of 5.64 acres. The application would allow him to park his vehicles and store his equipment at the site. He owns a skid loader, a power edger and hand tools. He travels to clients' homes or businesses but clients do not come to the property. He wants to be able to store excess materials at the site that are not used at a project. However, he will not use the site to keep materials to take to clients' properties, but would only store leftover materials at the site. His equipment is currently placed in three existing sheds. His intention is to build a 12' X 24' building to store his equipment. If

permitted he would build the building himself. His truck and trailer would remain parked outside.

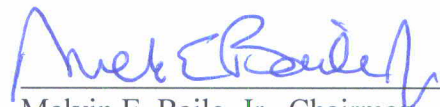
Nokomis Ford with the Bureau of Comprehensive Planning wrote in a June 8, 2016 memorandum that the “staff finding is that this request is not inconsistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its environs.” She also noted that the Planning staff did not perceive that the proposed use for this Contractor’s Equipment Storage Yard will have a major impact on traffic.

There was also testimony about the requested variance from Mr. Morningstar. He stated that there were no other suitable locations on the site to place the building. Exhibit 2 showed the topography of the site. There is a stream that runs through the property. There is an existing pond on the property. There has been flooding around the pond area. There are steep inclines and slopes on the property, and there is a wooded area on the property as noted in Exhibit 1.

Denise Comeau-Rossi testified in opposition to the application. She is the owner of 3.48 acre property adjacent to the site. She believes that the granting of the application would adversely affect her property value. Her property is a wooded area that is presently undeveloped but the long range plan is to develop the property.

The Board was convinced that authorization of the request for a Contractor’s Equipment Storage Yard 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 with regard to a Contractor’s Equipment Storage Yard, and the Board also approved the requested variance.

7-5-2016
Date


Melvin E. Baile, Jr., 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.