

Tax Map/Block/Parcel
No. 77-22-467
Case 6032

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: SS97, LLC
1356 Beverly Road, Ste. 250
McLean, VA 22101

ATTORNEY: N/A

REQUEST: A request for a conditional use for a contractor's equipment storage yard.

LOCATION: The site is located at 8046 Old Washington Road, Woodbine, Maryland, on property zoned "IG" General Industrial District in Election District 14

BASIS: Code of Public Local Laws and Ordinances, Section 158.079(D)(c)

HEARING HELD: August 29, 2017

FINDINGS AND CONCLUSION

On August 29, 2017, the Board of Zoning Appeals (the Board) convened to hear the request for a contractor's equipment storage yard. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jay Voight, the Zoning Administrator, testified that the proposed use was consistent with the Master Plan. It was his opinion that the application was appropriate to come before the Board. He could not explain the position of the Planning staff with regard to the letters in opposition.

Martin W. Hackett is the president of CLSI. He was accepted as a person with experience in land use design. He stated that the application was in accordance with the Master Plan. He noted that the project would bring approximately fifty employees into the county. The applicant would be subject to going through a full site plan in the development review process. This contractor's equipment storage yard was an appropriate use for the zone with the most intensive usage. The County Code specifically permitted such a use in the industrial zones. There were other contractor's equipment storage yards in the vicinity.

Three variances were requested as part of the application. He prepared a plan to accompany the application to the Board. Based on the location of the property, any use would require a variance. The lot is only 1.7 acres. One variance was for 496'; another variance was for 180'; and the third variance was for 33'.

Andrew Farina testified as a witness. He works for Utilities Unlimited. The company is a full service utility contractor. He has approximately fifty employees. There would also be office space for six employees who work in the office. The company is an on call contractor for Howard County, Maryland. The proposed site would allow equipment to be stored there. Some equipment would also be brought back to the site for maintenance purposes. He planned to build a 7500 square foot building. He also planned to fence in the area.

Clare Stewart, Planning Technician, wrote an August 4, 2017 memorandum for the Board. In that memo she wrote that:

“the staff finding is that this request is not consistent with the 2014 Carroll County Master Plan, and would have an adverse effect on the current use of the property and its environs.”

She further wrote that:

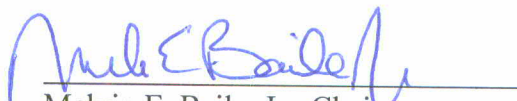
“the request is not compatible with the vision and goals for the area as expressed in Chapter 15: Employment/Economic Development (page 117) of the 2014 Carroll County Master Plan, “Promote a healthy economy and additional employment opportunities by: (b) focusing on development and redevelopment of existing vacant and underutilized commercial and industrial properties.” Industrially-zoned land should be planned and reserved for economic development and employment should be planned and reserved for economic development and employment opportunities.”

The Board found Mr. Hackett’s testimony about the use and the variances to be strong and credible. The Board accepted his testimony about the uniqueness of the property. The Board found that the use would be mainly for storage and that the use would not be intense. The Board disagreed with the opposition by the Planning staff because a contractor’s equipment storage yard was specifically allowed in this zoning district by the Carroll County Code. The application would bring employment and an acceptable use to the property. With all the underutilized commercial and industrial properties in the County, the Board found that an applicant willing to make an allowable use was the goal of the zoning ordinance. This use was specifically allowed in this district in the zoning code.

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. The Board also approved the requested variances.

8-30-2017

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.

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