

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Robert E. Uhler
1324 Niner Road
Finksburg, Maryland 21048

ATTORNEY: Charles O. Fisher, Esquire
179 East Main Street
Westminster, Maryland 21157

REQUEST: A request for a building for use in conjunction with a contractor's equipment storage yard authorized in Case 654, and now classified as a nonconforming use.

LOCATION: 1708 Deer Park Road in Election District 4.

BASES: Article 4, Section 4.3(a)1; Article 17, Section 17.2; Zoning Ordinance 1E.

HEARING HELD: September 29, 1987

FINDINGS AND CONCLUSION

The record of this case is hereby included by reference in this decision. Based on the testimony and evidence comprising the record, the Board hereby authorizes the request, subject to the conditions noted below. The pertinent findings justifying the authorization include the following facts:

Establishment and operation of the contractor's equipment storage yard was conditionally authorized by the Board of Zoning Appeals September 10, 1970 in Case 654. At that time, the minimum area required by provisions of the zoning ordinance was considered to be not less than 3 acres--even though the actual area of use would be less than 3 acres. Consequently, the authorization required that at least 3 acres of the 190+ acres property be allocated for the contractor's equipment storage yard. That interpretation has been modified by more recent cases, recognizing that although the minimum required lot area is 3 acres, the actual area of use may be substantially less than the minimum required lot area. Establishment and use of the property for the storage of contractor's equipment has been conducted in conjunction with the original farming operation, including accessory farm buildings. In 1981, the property was rezoned to "C" Conservation

District. The applicant now proposes to construct a building of approximately 34 feet by 132 feet to provide shelter for storage and maintenance of the equipment. Operation of the contractor's business originally included construction of roads to county standards, however, with the revision of construction standards the applicant no longer participates in construction of roads. The emphasis is now to construction of driveways and parking facilities. This has resulted in a reduction of employees and pieces of equipment used in conducting the business. Although testimony was presented regarding effects of vehicular traffic through an adjoining residential subdivision, establishment of the building as proposed will not alter any existing affects upon adjacent residential properties, except to improve the aesthetic appearance of the equipment storage yard. Accordingly, the Board finds that establishment of the building as proposed and conditioned below will not unduly affect the adjoining properties or public interest.

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

1. In accordance with the applicant's testimony, the purpose of the building shall be for storage and maintenance of contractor's equipment owned and used in the applicant's business.
2. In order to minimize vehicular traffic to and from the premises, storage and maintenance of equipment on the premises shall be limited to equipment owned solely by the applicant.
3. As the actual area of the contractor's equipment storage yard is less than 3 acres, the Board hereby orders that the minimum required area shall be reduced to the actual area presently in use and that area required for construction of the proposed building; and, that following construction of the building, neither the building nor contractor's equipment storage yard shall be enlarged without prior authorization by the Board of Zoning Appeals.

Nov. 24, 1987

Date

John Totura

John Totura, Chairman