

Case 2884

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY MARYLAND

APPLICANTS: James Pickett and Diane Pickett  
3934 Gamber Road  
Finksburg, Maryland 21048

REQUEST: A conditional use for a garden supply center specializing in firewood.

LOCATION: 4538 Louisville Road in Election District 4.

BASES: Article 6, Sections 6.3(q) and 6.7; Zoning Ordinance 1E.

HEARING HELD: January 28, 1988

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 denies the request. The pertinent findings include the following facts:

The applicants in this case operate a commercial tree service, including removal of branches and trees. The wood is removed from the premises of clients, brought to the site, cut to appropriate length of firewood and split. The wood is then stored on the premises until purchase orders are received. The wood is then placed on a truck and delivered to the buyer. The existing storage area is immediately adjacent to Louisville Road. The proposed storage area is approximately 200 feet from the front property line of Louisville Road. The hours of operation are generally from 7:00 or 7:30 a.m. to 3:00 or 3:30 p.m. Chain saw and a wood splitter are used to prepare the firewood for sale.

The application was forwarded to the Board from the Zoning Administrator's office based on the provisions of Article 6, Section 6.3(q) of Zoning Ordinance 1E, which read:

"Garden supply centers, including the sale of small or light garden supplies, equipment and tools customary and incidental to the sale of garden plants and nursery stock; and including the sale of woodburning stoves, fireplaces and their accessories. (Amended 4-17-79)

This Board is governed by the provisions of Article 17, Section 17.6 of Zoning Ordinance 1E in considering conditional use requests. In addition, the Board is not convinced that this request actually constitutes a garden supply center. In reality, the request is for storage, preparation, and sale of firewood. The proposed use has none of the characteristics of a garden supply center.

However, assuming for purposes of argument that the proposed use is in fact a conditional use, attention is now directed to the provisions of Section 17.6. Protestants to the request testified regarding the adverse affects of noise resulting from use of the wood splitter and chain saws in preparing the wood for sale; the frequency of heavy trucks bringing wood to the site and later being used to deliver firewood to buyers; and, depreciation of adjacent residential property values resulting from the noise generated from the wood splitter and chain saws.

In weighing the evidence of this case, the Board finds that the applicants proposal is not, in fact, a garden supply center within the intent and purpose of the provisions of the zoning ordinance, and must therefore be denied. However, if the proposed use would be ruled to be a garden supply center qualifying as a conditional use, the Board would then find it necessary to deny the request for reason that the applicants have failed to meet their burden of proof regarding the unduly adverse affects upon the adjacent residents and residential property values.

Accordingly, the conditional use request is hereby denied.

Feb. 17, 1988

Date

John Totura  
John Totura, Chairman