

Case 2885

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: James Pickett and Diane Pickett
3994 Gamber Road
Finksburg, MD 21048

REQUESTS: Conditional use for a contractor's equipment storage yard and variance to the minimum distance requirements pertaining thereto; or a conditional use for parking facilities for commercial vehicles.

LOCATION: 4538 Louisville Road in Election District 4.

BASES: Article 6, Sections 6.3(e), or (x), and 6.7; Article 4, Section 4.12; Article 15, Section 15.5; 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 dismisses the conditional use request for the contractor's equipment storage yard and variance to the minimum distance requirements pertaining thereto for reason that the proposed use does not constitute a contractor's equipment storage yard; and, hereby denies the conditional use request for parking facilities for commercial vehicles. The pertinent findings include the following facts:

The property is zoned "A" Agricultural District as shown on zoning map 64A. The proposed parking facilities are to the rear of the existing dwelling. The commercial vehicles to be parked there consist of 4 trucks identified as:

F-560 a chipper truck
F-350 a stake body truck
F-150, a pick-up truck, with a
F-700, loader.

Additional equipment to be stored or parked on the premises include a whisper chipper, a stump grinder, and a wood splitter.

The trucks are used in a commercial tree service conducted by the applicants.

Trees and branches removed from clients' premises are brought to the property and are further cut and split to be sold for firewood. The trucks are also used for delivery of the firewood.

In addition to the provisions of Article 17, Section 17.6 which govern this Board in consideration of conditional uses, Section 6.3(x) states, in part:

"Parking facilities for commercial vehicles, not to include truck or motor freight terminals, provided the Board shall have the authority to limit the number of vehicles based on the considerations enumerated in Section 17.6 and provided the Board determines sufficient space is available to park the vehicles without disturbance to the neighboring properties...."

This request is in conjunction with Case 2884 for a conditional use for a garden supply center specializing in firewood. The trucks, in addition to being parked on the premises, would deliver the branches and wood to the premises as noted above, and deliver the firewood, after being cut and split to purchasers.

Protestants presented testimony in opposition to the requests citing substantial vehicular traffic carrying wood to and from the premises; vehicular noise; vehicular fuel combustion odors; and, unsafe vehicular turning maneuvers at the driveway connection to Louisville Road. These factors adversely affect the adjacent residents of the immediate area, the orderly growth of the community, vehicular traffic safety at the driveway connection on Louisville, the peaceful enjoyment of people in their homes, and conservation of residential property values.

Accordingly, the Board finds that the applicants have failed to meet the burden of proof in their requests for the establishment of the parking facilities for commercial vehicles, and hereby denies the request.

Feb. 17, 1988
Date

John Totura
John Totura, Chairman