

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Robert Clifford Logue
4928 Ridge Road
Mount Airy, Maryland 21771

AGENT: Stephen M. Harris, Esquire
1512 Ridgeside Drive
Mount Airy, Maryland 21771

REQUESTS: A conditional use for farm machinery sales and service, and a variance to the minimum distance requirements pertaining thereto.

LOCATION: 4125 Franklinville Road in Election District 9.

BASES: Article 6, Sections 6.3(e) and 6.7; Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: March 28, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes the requests, subject to the conditions noted below. The pertinent findings justifying the authorizations include the facts that the farm welding shop presently being operated on the property, and a variance reducing the minimum distance requirements governing the location were conditionally authorized by the Board in a written decision of Case 1590 dated October 3, 1980. In Case 2834, the Board authorized amendment of a number of conditions in its written decision dated December 31, 1987. For purposes of clarification, the conditions now in effect governing the operation of the welding shop are as follows:

1. The proposed driveway connection to Franklinville Road shall be subject to the approval of the Bureau of Engineering Access Permits of the State Highway Administration and the Carroll County Department of Permits and Inspections.
2. Establishment of the farm welding shop shall be subject to the requirements of the Carroll County Health Department.

3. All exterior lighting of the building, and storage-work yard shall be shaded or shielded so that the light source can only be seen from directly below the light or lights.
4. Establishment of the proposed building shall be in accordance with the applicant's testimony and evidence presented during the public hearing.
5. A chain link fence, at least 6 feet in height, shall be erected in the location shown on the site plan identified as Applicant's Exhibit 1. Screening inserts shall be placed in all sections of the fence to obstruct vision of the storage and work area. The fence and inserts shall be maintained in good repair so long as the farm welding shop is operated on the premises.
6. In addition to the artificial screening inserts in all sections of the fence, two rows, offset five feet, of white pine trees, five feet to six feet in height, shall be planted ten feet on centers along the entire perimeter of the fence, except for the vehicular access gates. The glossy abelia (abelia grandiflora) shown on the site plan adjacent to the fence and building fronting on Franklinville Road shall be located further from the fence to provide space for the white pines required above.
7. Five parking spaces shall be established in front of the proposed building with three (3) spaces for customer use and two (2) spaces for employee use. If additional employee parking becomes necessary, it shall be provided within the building, or storage-work yard.
8. The additional landscaping shown on the site plan, Applicant's Exhibit 1, consisting of pin oak trees at least eight feet to ten feet in height, randomly located between the front of the building and Franklinville Road shall be planted as generally shown on the site plan.

9. All storage and work done on the premises shall be within either the building or the storage-work yard.
10. The applicant is directed to submit a corrected detailed site development plan accurately reflecting the amended conditions of this decision, and the conditions remaining in effect from Case 1590 to the Zoning Administrator, and the Board of Zoning Appeals for the filing with the record of this case, showing but not limited to:
 - a. the shape and dimensions of the property,
 - b. the location and dimensions of the building, fencing, parking spaces, driveways, and specific landscaping plans for the building and parking spaces, including the location and common names of the shrubs and trees.
11. Submission of the corrected site plan to the Zoning Administrator and Board of Zoning Appeals, erection of the fence, installation of the screening inserts, and all landscaping (planting of trees) shall be accomplished not later than June 1, 1988. Any trees that become diseased or die shall be replaced.
12. The three feet by twelve feet business identification sign painted on the south side of the building is hereby authorized. No additional signs are authorized in conjunction with operation of the farm welding shop.

Both the farm welding shop, conditionally authorized in Case 1590, and farm machinery sales and service are considered to be appropriate and compatible agribusiness land uses within the "A" Agricultural District. Even though farming and agribusiness uses are preferred land uses within the district, one of the purposes of the zoning ordinance is to conserve property values. The conditions of authorization imposed in Case 1590 and subsequently amended in Case 2834 were imposed to promote the intent and purpose of the zoning ordinance.

The applicant, Mr. Logue, now requests authorization to use the existing building and storage yard in conjunction with display, sales and servicing of farm machinery. In addition, an area adjoining the front of the building and bounded by the gravel driveways, as shown on the site plan identified as Applicant's Exhibit 1, is proposed for display of new farm machinery. No changes are proposed regarding the three existing parking spaces in that area, or the landscaping shown on Applicant's Exhibit 1 or required by conditions of authorization in Cases 1590 and 2834.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby conditions the authorizations of the conditional use for farm machinery sales and service, and the variance to the minimum distance requirements pertaining thereto as follows:

1. The display area indicated on Applicant's Exhibit 1 in front of the existing building shall be limited solely to new equipment, with not more than seven pieces of equipment displayed in the area at one time. New or used farm machinery may be displayed within the building or storage yard.
2. Storage or display of new or used farm machinery except as noted above shall constitute a violation of this decision.
3. Conditions 1 thru 12, as noted above, are hereby imposed, and shall apply to the conditional authorization for the establishment and operation of the farm machinery sales and service on the premises.
4. No business identification or advertising signs are authorized for erection, or display, in conjunction with the establishment and operation of the farm machinery sales and service facility.

April 18, 1988

Date

Lucy Thomas

Lucy Thomas, Vice Chairman