

Case 2909

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Paul Babington
4480 Priestland Road Box V
Union Bridge, Maryland 21791

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

LOCATION: 4480 Priestland Road in Election District 12.

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

HEARING HELD: March 29, 1988

FINDINGS

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. The pertinent findings include the following facts:

The property is a 105.88 acre horse farm, zoned "A" Agricultural District as shown on Zoning Map 43A. The plot plan filed with the application shows that the proposed storage yard adjoins the north side of one of the large barns, and that the proposed location complies with the respective minimum distance requirements specified in Sections 6.3(e) and 4.12 of the zoning ordinance. The applicant testified that the purpose of the request was to relocate his paving business, which specializes in paving private driveways and parking facilities, to the premises. The applicant indicated that there are presently eight employees, and that up to ten pieces of heavy equipment would be stored in the yard at one time. During the paving season which extends from mid March to December the hours of operation would be about 6:30 a.m. to 6:00 p.m., Monday thru Friday. Depending on the nature of the job, the equipment would be stored on the job site rather than being returned to the storage yard each evening. Although the majority of work is conducted in Howard County, it is anticipated that the work performed in Carroll County will increase.

Protestants testifying in opposition to the request, cited concerns regarding substandard conditions of McKinstry's Mill Road, vehicular traffic safety, future

growth of the business that would be incompatible with the agricultural and residential development of the area.

CONCLUSION

Article 17, Section 17.6 of Zoning Ordinance 1E governs the Board in deciding this request, and specifies factors which the Board must consider in reaching its decision. The burden of proof, as in all cases, rests with the applicant. In considering the record of this case and the factors specified in Section 17.6, concludes the following:

Establishment and operation of the contractor's equipment storage yard--actually the asphalt and paving company--including the vehicular traffic generated therefrom will adversely affect the orderly growth of the agricultural and residential community. Vehicular traffic generated by the business will adversely affect existing vehicular traffic and will likely result in dangerous traffic conditions. The property values of adjacent residences are likely to be adversely affected by the establishment and operation of the contractor's equipment storage yard. Agricultural uses, which certainly include horse farms, are the preferred uses within the "A" Agricultural District. Establishment and operation of the contractor's equipment storage yard cannot be considered to be an appropriate use of the existing farm. Accordingly, the Board hereby denies the request.

April 11, 1988
Date

John Totura
John Totura, Chairman