

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Schaeffer Lumber Company
27 Liberty Street
Westminster, Maryland 21157

ATTORNEY: Robert Parker, Esq.
Dulany, Parker & Scott
127 East Main Street
Westminster, Maryland 21157

REQUEST: A request to allow construction of two pole buildings to store lumber and building materials as an expansion of an existing nonconforming use on property.

LOCATION: On the southeast side of 48th Street about 250 feet southwest of George Street intersection adjacent to the City of Westminster in Election District 7.

BASES: Article 4, Section 4.3(a)1; Ordinance 1E

HEARING HELD: March 31, 1989

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes the request, subject to the condition noted below. The pertinent findings justifying the authorization include the following facts:

Use of the property, including the two existing pole barns, to store lumber and building materials in conjunction with operation of a sales office located nearby was established prior to adoption of the Carroll County Zoning Ordinance in 1965. The use has been continuous since that time.

Although the application and site plan identified as Applicant's Exhibit 1 indicate that the property is zoned "R-20,000" Residence District, the zoning district is actually "R-10,000"

Residence District as shown on Zoning Map 46A. The error is of no significance in this case.

The site plan, Applicant's Exhibit 1, shows that vehicular access to the property is from a single entrance located at the northwest corner of the property. The entrance connects to an existing alley opened to the public and designated 48th Street. A chain link fence located on, or adjacent to, the property line encloses the line. The existing pole barns, each 32 feet in width by 125 feet in length, are located in the northerly portion of the property. The two proposed buildings are located within the southerly portion of the property. The pole barn, 60 feet in width by 100 in length, will be located about 25 feet from the two existing pole barns. The proposed pole shed, 20 feet in width by 200 feet in length, will be located about 10 feet inside of the chain link fence adjacent to 48th Street and the southerly property line identified as South 68 degrees 15 minutes East on Applicant's Exhibit 1. The pole shed will be enclosed in three sides of the building. The fourth side, facing the inside of the storage yard, will remain open. That portion of 48th Street providing vehicular access to the property will be paved. Accordingly, the Board finds that construction of the two buildings as generally proposed will improve the appearance of the site, and will facilitate operation of the business without detrimentally affecting residents of adjacent properties, or the values of adjacent residential properties.

In order to promote the intent and purpose of the Zoning Ordinance, the Board hereby imposes the following condition of authorization:

1. One row of Leyland cypress trees, at least four feet tall, shall be planted not more than ten feet on centers starting approximately ten feet from the inside of the existing chain link fence adjacent to 48th Street and

extending between the proposed pole shed and the chain link fence adjacent to the southerly property line identified as South 67 degrees 15 minutes East on Applicant's Exhibit 1 to a point not less than ten feet past the east end of the proposed pole shed. The trees shall be maintained as necessary to promote health and growth. Any trees that become diseased or die shall be replaced before the close of the next planting season. The trees shall be planted by May 31, 1990. If circumstances do not permit the trees to be planted timely, the Zoning Administrator may authorize an extension of not more than one year to comply with the requirement upon good cause shown. The applicant shall, in writing, notify the Bureau of Zoning Administration and the Board of Zoning Appeals upon completion of the planting of the row of trees.

April 17, 1989

Date

John Totura
John Totura, Chairman