

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND

APPLICANT: Mason Dixon Vault Company  
Donald E. Graf, President  
4033 Lineboro Road, P. O. Box 46  
Lineboro, Maryland 21088

ATTORNEY: Michael M. Galloway, Esq.  
24 North Court Street  
Westminster, Maryland 21157

REQUEST: Confirmation of the contractor's equipment storage yard authorized in Cases 1323, 1531 and 1633; confirmation of accessory uses including casting of concrete products; and, a conditional use for a garden supply center.

LOCATION: 4033 Lineboro Road (Md. Rt. 86) in Election District 6.

BASES: Article 17, Section 17.2; Article 6, Sections 6.3(q) and 6.7; Ordinance 1E.

HEARING HELD: June 27, 1989

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record of this case, the requests are authorized, subject to the conditions of authorization imposed and specified below.

The pertinent findings include the facts that the contractor's equipment storage yard and buildings, as previously authorized, are in effect a contractor's equipment storage facility as now defined in Article 20, Section 20.10 of Ordinance 1E. The conditions of authorization imposed in Case 1323 and which have been complied with, remain in effect. Accessory uses to such facilities now include, "the storage of building materials which are to be used by the contractor and which are not otherwise for sale." The driveway connection providing vehicular access from Lineboro Road (Md. Rt. 86) was constructed in accordance with the requirements of the State Highway Administration, Engineering Access Permits Division, and Condition 7 of the Board's decision in Case 1323. As the facility exceeds the maximum area of one acre now specified in Article 6, Section 6.3(e) of Ordinance 1E., the area of the facility is lawfully nonconforming.

Article 6, Section 6.3(q) of Ordinance 1E specifies as a conditional use, requiring Board authorization:

"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)"

The development plan for the garden supply center, which will occupy land between the frontage on Lineboro Road and the contractor's equipment storage facility, depicts parking areas on each side of the access driveway, an apparent display and sales area to the north of the driveway extending from not closer than 20 feet from the front property line to near the berm constructed to screen the contractor's equipment storage facility. Flowers and small shrubs are shown in the first and second display rows. Lawn edgers, patio blocks and parking blocks (concrete products) are noted in the third display row, and storage sheds are shown in the fourth and last row adjacent to the berm. The plan notes that trees and large shrubs will be planted in the area to the south of the driveway, between the front and side fence lines, and the berm. The casting of concrete products is accessory to the contractor's business, and to the garden supply center, now conditionally authorized.

In considering the record, the Board finds that there is no indication that the continued operation of the duly authorized contractor's equipment storage facility, including accessory uses, and the garden supply center as proposed and conditioned below will unduly affect the adjoining properties or public interest. However, in order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization.

1. Authorization of the garden supply center is based on the development plan, identified as Applicant's Exhibit 1. A revised development plan will be required to be submitted as noted below.
2. For purposes of traffic safety, the minimum required front yard setback for display or sales areas, and vehicular parking facilities shall be not less than 40 feet from the front property line, or 70 feet from the center line of Lineboro Road (Md. Rt. 86).

In accordance with the provisions of Article 14, Division I, Section 14.1(b) of Ordinance 1E, the parking spaces shall be a minimum of 9 feet in width by 20 feet in length, or 18 feet with 2 feet

overhang. The individual parking spaces shall be identified and maintained. Maneuvering areas to the rear of the parking spaces shall be a minimum of 25 feet. The parking spaces and maneuvering areas shall either be surfaced with stone or paved in accordance with Section 14.1(b)6 of Ordinance 1E.

To control vehicular traffic congestion, the entrances to and exits from the parking areas shall be located at the extreme easterly ends of the parking areas, those being farthest from Lineboro Road, and appropriate barriers, fences, or wheel bumpers shall be erected or installed not less than 5 feet from, and extending parallel to, the paved access driveway to prohibit vehicular access except at the easterly entrances to and exits from the parking areas.

3. In accordance with Mr. Graf's testimony, the equipment, materials, and debris, including tractor-trailers, not lawfully stored on the premises of the contractor's equipment storage facility shall be removed on or before January 1, 1990.
4. The minimum required side yard setbacks of 30 feet shall apply to the garden supply center, including display and sales areas.
5. Upon application for the requisite zoning certificate, the applicant, Mr. Graf, shall file a revised development plan with the Zoning Administrator and the Board of Zoning Appeals depicting the above conditions of authorization.

July 17, 1989  
Date

John Totura  
John Totura, Chairman