

Tax Map/Block/Parcel
No. 12/20/513

Building Permit/Zoning
Certificate No. 90-0615

Case 3346

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: B & B General Contractors, Inc.
230 North Tannery Road
Westminster, Maryland 21157

ATTORNEY: Daniel Murphy, Esquire
237 E. Main Street
Westminster, Maryland 21157

REQUEST: A conditional use for a contractor's equipment storage facility, and variances to the minimum distance requirements of 600 feet to about 350 feet

LOCATION: Property located about 400 feet to the east of Littlestown Pike (Md. Rt. 97) in Election District 3 (North Carroll Industrial Park)

BASES: Article 13, Section 13.2(c); Article 12, Section 12.2(a); Article 4, Section 4.12; Article 15, Section 15.5; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: April 23, 1990

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, the Board hereby authorizes the conditional use and variance requests, subject to the conditions noted below. The pertinent findings of the Board determining the decision include the following facts.

The 6.709 acre lot is zoned "I-G" General Industrial District, the least restrictive zoning district included in Ordinance 1E. Contractor's equipment storage facilities are allowed as conditional uses, requiring Board authorization, within more restrictive zoning districts, which underscores their compatibility with land uses first permitted within the "I-G" General Industrial District. Although the land to the north and east is zoned "A" Agricultural District, contractor's equipment storage facilities are also allowed within that district as conditional uses.

As permitted within the "A" Agricultural District, at least two of the properties to the north and east are improved with single

family dwellings. While visibility of the proposed facility from adjacent residences was expressed, the Board is convinced that establishment of the facility, as depicted by the plot plan identified as Applicant's Exhibit 1, and in accordance with the conditions of authorization imposed by the Board, will not unduly affect the adjoining properties, the values of those properties, or future growth of the area.

In authorizing the variance the Board recognizes that the principal permitted uses specified for the "I-G" General Industrial District in Article 13 of the zoning ordinance are also subject to the same minimum distance requirements. Such uses are not subject to Board authorization, but their land use characteristics are more intense than those of the proposed facility. The landscape screening, as proposed and required below, will substantially reduce visibility of the facility so that it will have less impact than a principal permitted use, and will not unduly affect the residents of the adjacent properties or the values of their properties.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. Establishment of the contractor's equipment storage facility shall be as depicted by the plot plan identified as Applicant's Exhibit 1, which shall be used as the basis for the site development plan required by Article 13, Section 13.6 of Ordinance 1E.
2. In addition to the landscape screening depicted on Applicant's Exhibit 1 along the northerly and southerly property lines, white pines, 4 feet to 6 feet tall, shall be planted 10 feet on centers adjacent to the east side of the improved area of the facility, extending from the easterly end of the screening along the northerly property line to a point opposite the southeasterly corner of the area (shaded on Applicant's Exhibit 1) to be improved. If such screening conflicts with the area to be used for the sewerage disposal system, the screening shall be relocated to resolve any conflict.

April 27, 1990
Date


John Totura, Chairman