

Tax Map/Block/Parcel
No. 59-12-649

Building Permit/Zoning
Certificate No. 92-0882

Case 3713

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Carroll County Terminals
2601 Emory Road
Finksburg, Maryland 21048

REQUEST: A conditional use for a contractors' equipment and storage yard, and a variance reducing the minimum distance requirements of 600 feet pertaining thereto

LOCATION: 2601 Emory Road in Election District 4

BASES: Article 13, Section 13.2(c); Article 12, Sections 12.2(a) and 12.5; Article 15, Section 15.5; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: May 1, 1992

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 approves the conditional use and variance as requested. The pertinent findings determining the Board's decision include the following facts:

The 12.661 acre property is zoned " I-G" General Industrial District, which is the least restrictive zoning district of the zoning ordinance. As indicated by the third amended site development plan of Carroll County Terminals, Inc., identified as Applicant's Exhibit 1, most of the space within the existing buildings is occupied.

The issue in this case involves the applicant's requests for authorization of two yards, identified as 8 and 9, for purposes of parking contractor's vehicles and storage of contractor's equipment and materials. The area of the yard identified as 8 on the plan is approximately 3,325 square feet. Three parking spaces are proposed in conjunction with that yard. The area of the yard identified as 9 is approximately 15,000 square feet. Three parking spaces are also depicted in conjunction with the yard.

Each of the proposed contractors' equipment storage yards comply with the minimum yard requirements of the district.

However, from inspection of the site plan and comparison of the location of the proposed yards with the site location map used in this case, it appears that residential lots in Section 3 of Emory Hills subdivision, which is located on the northerly side of Emory Road (Md. Rt. 91), are within 600 feet of the contractor's equipment storage yard identified as 9.

For purposes of information and clarification, contractors' equipment and storage yards are listed as conditional uses in Section 12.2(a), subject to 3 times the minimum distance requirements, or 600 feet, as specified in Section 4.12 of the zoning ordinance. Section 13.2(c) specifies that conditional uses allowed in the "I-R" Restricted Industrial District are also conditional uses in the "I-G" General Industrial District as regulated in the "I-R" District.

Due to the topography of the site, neither of the proposed yards appear to be visible from the residential properties located in Emory Hills subdivision. Although two adjoining residential lots in excess of three acres, indicated on the site location map as Parcels 41 and 619, abut the northerly and easterly property lines of the premises, the proposed contractors' equipment and storage yards will have no greater adverse affects on those lots, which are zoned "C" Conservation District, than the existing truck terminal which is allowed as a principal permitted use in the "I-G" General Industrial District.

In accordance with the provisions of Article 4, Section 4.26 of the zoning ordinance, the site development plan is subject to the review and approval of the Carroll County Planning and Zoning Commission. In addition, the conditional use for the contractors' equipment and storage yards is subject to the requirements of the Landscape Manual of Carroll County, Maryland.

Accordingly, the Board is convinced that establishment of the contractors' equipment and storage yards, and variance to the minimum distance requirements pertaining thereto are consistent with the provisions of the zoning ordinance, and will not unduly affect the residents of adjacent properties, the values of those properties, or the public interests.

May 8, 1992
Date

John Totura
John Totura, Chairman