

Tax Map/Block/Parcel
No. 61-24-64

Building Permit/Zoning
Certificate No. 92-1327

Case 3730

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

APPLICANT: Robert Bruce Witte, Sr.
6419 Davis Road
Mount Airy, Maryland 21771

ATTORNEY: David E. Kartalia, Esquire
2 North Court Street, P.O. Box 850
Westminster, Maryland 21157

REQUEST: An appeal of the Zoning Administrator's ruling of May 1, 1992 that auction sales of farm machinery and farm equipment may not be conducted under an existing conditional use authorization; or in the alternative, without prejudice to the contention that no additional authority is required, the conditional use for sales, including auction sales, of farm machinery and farm equipment, including but not limited to a conditional use pursuant to Section 6.3(e)2 and variances reducing the minimum distance requirements of 400 feet pertaining thereto

LOCATION: 2040 West Liberty Road (Md. Rt. 26) in Election District 9

BASES: Article 17, Section 17.4; Article 6, Section 6.3(e)2; Article 4, Section 4.12; Article 15, Section 15.5; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: May 27, 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 request for sales, including auction sales, of farm machinery and farm equipment, and variances reducing the minimum distance requirements of 400 feet pertaining thereto. The authorizations are not intended to prejudice the appeal of the Zoning Administrator's ruling of May 1, 1992. Accordingly, for purposes of this decision, the appeal is considered to be moot.

The pertinent findings determining the Board's decision include the facts that on September 11, 1985, in Case 2356 the Board conditionally authorized a conditional use for a farm machinery sales and service facility, and a variance reducing the minimum distance requirements pertaining to the facility. In that case it was determined that the use would not generate significant vehicular traffic, and that the firm sold, installed, and serviced silos, unloaders, manure holding tanks, pumps, and automated conveying and feeding equipment.

In this case, the agricultural equipment offered for sale will usually be on a consignment basis, and auctioned for sale. Auctions are planned for every other Saturday, with the exceptions of January, July and August, or during inclement weather. The actual number of auctions will probably vary between ten and twenty a year. The auctions will start at 9 or 10 a.m. and may extend to 3 or 4 p.m. The items offered for sale will be stored temporarily on the premises prior to the auction and removed afterward. As depicted on the plot plan submitted with the application, the preferred area for the auction is located east of the existing building, with a second area located to the rear of the building. A refreshment stand, to be located within an existing building, is planned in conjunction with the auctions. Vehicular parking is proposed on-site in front of the building, and on the basis of demand. As the number of auctions will be limited, and attendance to each auction variable, the proposed on-site parking will be sufficient to satisfy the need and comply with the intent and purpose of the requirements of the zoning ordinance.

From the record of this case, there is no indication that establishment and operation of the auction sales, as proposed, will unduly affect the adjacent properties or public interests. However, if any adverse effects to residents of adjacent properties or visitors to such properties occur, Mr. Witte indicated that he would attempt to remedy the problem.

The plot plan submitted with the application is considered to be sufficient for purposes of issuing the required zoning certificate. The provisions of Article 6, Section 6.3(e)2 do not require a commercial site development plan, nor will the Board require such a plan as a condition of authorization in this decision.

June 4, 1992
Date

John Totura
John Totura, Chairman