

Tax Map/Block/Parcel
No. 61-24-461

Building Permit/Zoning
Certificate No. 95-2939

Case 4053

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Charles T. Coon, Sr.
4416 Salem Bottom Road
Westminster, Maryland 21157

REQUEST: A conditional use for parking of commercial vehicles and, as an accessory use thereto, storage of containers

LOCATION: 183x Liberty Road (Md. Rt. 26) in Election District 9; Chattan Acres South subdivision, lot 3, recorded in Carroll County Plat Records in book 23, page 127

BASES: Article 6, Sections 6.3(x), 6.4 and 6.7; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: September 27, 1995

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 and in accordance with the state Open Meetings Act, the Board authorized the request, subject to the conditions of authorization imposed below.

The pertinent findings determining the Board's decision include the facts that Mr. Coon, who is self-employed, plans to construct a dwelling on the 10.8652 acre lot and reside there. He also proposes to operate his business from the premises.

The business consists of hauling waste building materials and horse manure for customers. Mr. Coon presently owns one dumpster truck and may acquire three more. The truck that he drives will be routinely parked on the premises in the parking area designated on the plot plan submitted with the application. When employees are not working, trucks driven by the employees may be parked at their homes. However, this does not preclude the trucks from being parked on the premises. Mr. Coon proposes to construct a shop, 40 feet by 60 feet, as an accessory building, in conjunction with his home and for use in maintaining the trucks. Both the site of the shop and parking area will be graded to facilitate use of the land.

For transportation purposes, waste building materials at building sites are placed in containers, and are hauled to a landfill. Horse manure is also placed in containers for

transportation and hauled elsewhere for composting or disposal.

Mr. Coon present owns 49 containers, which are normally kept at customers' sites. Dimensions of the containers are approximately 8 feet in width by 12 or 16 feet in length by 3 or 4 feet in height. Tarpaulins are used to cover wastes in containers during transportation or temporary storage. If delivery of waste building materials to a landfill or horse manure elsewhere is not possible because of circumstances, trucks and containers may be kept temporarily on the premises until delivery is possible. Some containers will be kept on the premises to facilitate their delivery to sites and operation of the business.

Neither the proposed accessory building or parking area will be readily visible from adjoining properties due to topography, wooded areas to the north and south, and trees and shrubbery forming hedge rows along the west and northeast property lines.

Operation of the business, including servicing the trucks will not result in substantially vehicular traffic to and from the premises, unusually loud noise, or dust, odors, fumes or vibrations. Neither fuel or hazardous materials will be stored on the premises.

Accordingly, the Board is convinced that authorization of the request, subject to the following conditions of authorization, is consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses specified in Section 17.7 of the zoning ordinance, and will not unduly affect the residents of adjacent properties, the values of those properties, or public interests.

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

1. Not more than four dumpster trucks and ten containers shall be kept or stored on the premises. The trucks and containers shall be parked or stored in the shop or parking area adjacent to the shop.
2. Issuance of the requisite zoning certificate is subject to the provisions of Article 4, General Provisions; Section 4.26, Site Plan Requirement, of Ordinance 1E.

10-19-95
Date

Claude R. Rash
Claude R. Rash, Chairman