

**Tax Map/Block/Parcel  
No. 68-13-470**

**Building Permit/Zoning  
Certificate No. 98-3208**

**Case 4365**

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

**APPLICANTS:** Jems Contracting, Inc., a Maryland Corporation  
P.O. Box 1209  
Sykesville, Maryland 21784

**REQUEST:** A conditional use request for a contractor's equipment storage yard on property zoned "IR" Restricted Industrial District

**LOCATION:** Corner of Enterprise Street and Adam Smith Street, Central Maryland Services and Distribution Center, Section 2C, Lot 21, in Election District 14

**BASIS:** Basis: Article 12, Section 12.2(a); Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** December 29, 1998

**FINDINGS AND CONCLUSION**

On December 29, 1998, the Board of Zoning Appeals (the Board) convened to hear the application of Jems Contracting, Inc. for a conditional use request for a contractor's equipment storage yard on property zoned "IR" Restricted Industrial District located at the corner of Enterprise Street and Adam Smith Street, Central Maryland Services and Distribution Center, Section 2C, Lot 21, in Election District 14.

William T. Naecker, President of Jems Contracting, Inc. and the contract purchaser of the property, requested the conditional use pursuant to Article 12, Section 12.2(a) of the Carroll County Zoning Ordinance. Section 12.2(a) of Ordinance 1E requires Board authorization for contractor's equipment and storage yards and requires the use be subject to three times the distance requirements specified in Section 4.12. In compliance with Section 4.12 of Ordinance 1E, Mr. Naecker testified the site is located over 600 feet away from the nearest residential lot. Additionally, the nearest school is located over 1,000 feet from the site.

Mr. Naecker testified he has been in the excavating contractor business since 1979. During 1990, he began downsizing his business and has since been looking for a smaller location with improved traffic conditions. He has since entered into a contract of sale for Lot No. 21 Adam Smith Street. Mr. Naecker plans to construct a 7,000 square foot building at the location. Jems

Contracting, Inc. will have an office in the building and an area for mechanical repairs of equipment. There are plans to use the remaining interior building space for future office rentals. To the rear of the building, the outside area will be used as a contractor's equipment and storage yard. The parking lot area will be paved. Only two trucks are planned to be parked in this area as most of the equipment remains on job sites. Equipment owned by Jems Contracting, Inc. includes four loaders, two backhoes, one bulldozer, one dump truck, and one tractor trailer. There will be no outside storage of building supplies at the location. In the future, Mr. Naecker may install a fuel tank no larger than 1,000 gallons capacity. Projected traffic flow at the location is two vehicles to and from the building two times a day. Since 1993, the business has consistently held six employees; however, most of the employees drive directly to job sites.

There was no one present during the hearing in opposition to the request.

The Board finds the site to be well suited for the proposed use. The public health, safety, security, morals or general welfare will not be adversely affected, and the use will neither result in dangerous traffic conditions nor will it jeopardize the lives or property of individuals living in the neighborhood. The Board hereby approves the application of Jems Contracting, Inc. for a conditional use request for a contractor's equipment storage yard on property zoned "IR" Restricted Industrial District located at the corner of Enterprise Street and Adam Smith Street, Central Maryland Services and Distribution Center, Section 2C, Lot 21, in Election District 14, as presented on the site plan submitted to the Board with the application. A site plan may be required pursuant to the Zoning Ordinance.

1-14-99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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January 7, 1999