

Tax Map/Block/Parcel
No. 38-6-197

Building Permit/Zoning
Certificate No. 00-1355

Case 4505

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

APPELLANT: Triple M, LLC
390 Vision Way
Westminster, Maryland 21158

ATTORNEY: Charles D. Hollman, Esquire

REQUEST: A request for structural alterations and enlargement of non-conforming uses of a bituminous concrete mixing plant; contractor's equipment and storage facilities; and accessory uses

LOCATION: Located at 390 Vision Way (formerly 1200 Meadow Branch Road), Westminster, MD 21157 on property zoned "A" Agricultural in Election District 7

BASIS: Article 4, Section 4.3 and 4.12, Zoning Ordinance IE

HEARING HELD: June 27, 2000

FINDINGS AND CONCLUSION

On June 27, 2000, the Board of Zoning Appeals (the Board) convened to hear the application of Triple M, LLC for structural alterations and enlargement of non-conforming uses of a bituminous concrete mixing plant; contractor's equipment and storage facilities; and accessory uses located at 390 Vision Way (formerly 1200 Meadow Branch Road), in Election District 7. The property was the subject of prior Board Appeals dated October 13, 1978 and January 30, 1991 which are incorporated herein by reference.

The subject site contains a bituminous concrete (blacktop) mixing plant known as Miller Asphalt Products, Westminster Plant. The plant, which was built in 1950, is a batch system with an open fired burner. It is undisputed that the plant existed and operated continuously prior to the enactment of the Carroll County Zoning Ordinance in 1965. Hence, the plant is a non-conforming use that predates the Zoning Ordinance. The mixing plant, hoppers, storage silos and office trailer are located on the northeastern quadrant of the site. The plant is constructed at an elevation of 770-780 feet. The elevation of the top of the plant is 815 feet. A metal building is located along the northern boundary and a series of hoppers extends west to the plant.

The Applicant proposes to dismantle the old plant and replace it with a “state of the art” closed burner asphalt plant. The new facility will be a cleaner operation and will generate less noise than the existing plant. Ninety-nine percent of dust particles will be recovered rather than discharged. The Applicant will construct a landscaped berm approximately 25 feet high along all property boundaries as shown on plans submitted at the hearing.

Based on the testimony and evidence presented, the Board makes the following findings. A bituminous concrete mixing plant, with its attendant accessory uses, including a maintenance shop, silos, conveyors, hoppers, mixers, contractors’ equipment storage and bag house have lawfully existed as non-conforming uses since the time of the adoption of the Zoning Ordinance. The proposed modernization of the plant and the landscaped berm to be constructed by the Applicant along the property line will improve the existing site and will have no negative impact on neighboring property values. In fact, noise and dust will be greatly reduced. The upgraded facility will not over burden the adjoining roads. The new facility will not affect the nearby Carroll County Regional Airport in any way, and will not adversely affect the public health, safety and welfare.

Accordingly, the Applicant’s request for approval for structural alterations of the existing concrete mixing plant and contractors equipment and storage facilities is granted.

7/26/00
Date

Karl V. Reichlin
Karl V. Reichlin, Chairman