

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

**Building Permit/Zoning
Certificate No. 03-3409**

Case 4872

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

APPELLANT: Charles T. Coon, Sr.
1828 West Liberty Road
Westminster, Maryland 21157

ATTORNEY: Charles O. Fisher, Jr. and Isaac Menasche

REQUEST: An appeal of a Notice of Violation from the Zoning Administrator regarding expansion of business use beyond conditions of the previous approval granted in Case 4053 (October 19, 1995) to include a wood mulch manufacturing and distribution operation.

LOCATION: The site is located at 1828 West Liberty Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-188 B

HEARINGS HELD: October 31, & November 4, 2003

FINDINGS AND CONCLUSION

On October 31, & November 4, 2003, the Board of Zoning Appeals (the Board) convened to hear the appeal of a Notice of Violation from the Zoning Administrator regarding expansion of business use beyond conditions of the previous approval granted in Case 4053, (October 19, 1995) to include a wood mulch manufacturing and distribution operation. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

On October 19, 1995, in Case No. 4053, the Appellant was granted conditional use approval for the parking of commercial vehicles, and, as an accessory use thereto, the storage of containers, at the referenced address in connection with his waste hauling business. The property is zoned "A" Agricultural.

From the testimony of the Zoning Inspector, our site visit, and the testimony of the Appellant, it is clear that a large-scale mulch operation is being conducted at the above address. Incoming raw wood is sorted, ground and formed into large piles called windrows. The purpose of forming windrows is to let the ground material partially compost, generating heat.

OFFICIAL DECISION

C4872

Page Two

Windrows require maintenance including turning of the material. The product is then sold in large quantities, and is transported from the site to customers.

We find that the mulch manufacturing operation at the site far exceeds the conditional use approval granted in Case No. 4053. We are not persuaded that this operation, in which raw wood is shipped in and a finished product is shipped out, constitutes agriculture, and is therefore not a principle permitted use in this zone. It is a manufacturing operation, and if it is occurring elsewhere in the zone, it is not being conducted legally.

Accordingly, the Notice of Violation issued August 11, 2003, is upheld and the Appeal is denied.

11/19/03

Date


Jacob M. Yingling, Chairman