

Case 5232

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

**APPLICANT:** Michael Wright  
247 West Old Liberty Road  
Sykesville, MD 21784

**ATTORNEY:** N/A

**REQUEST:** An expansion of a non-conforming use, namely a contractor's equipment and material storage yard and service garage, with an expansion of a 6 ft. x 25 ft. addition to the existing building on original parcel and the additional land (0.1721 acre) with a 50 ft. x 30 ft. pole building and variances from the required 30 ft. side yard setback to 10 ft. (left side) and 22 ft. (right side) and from the required 50 ft. rear yard setback to 21 ft. for the pole building.

**LOCATION:** The site is located at 2737 Old Washington Road, Westminster, on property zoned "A" Agricultural District in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-9 and 223-186 A (3)

**HEARING HELD:** June 27, 2006

**FINDINGS AND CONCLUSION**

On June 27, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion of a non-conforming use, namely a contractor's equipment and material storage yard and service garage, with an expansion of a 6 ft. x 25 ft. addition to the existing building on original parcel and additional land (0.1721 acre) with a 50 ft. x 30 ft. pole building and variances from the required 30 ft. side yard setback to 10 ft. (left side) and 22 ft. (right side) and from the required 50 ft. rear yard setback to 21 ft. for a pole building. The Board made the following Findings and Conclusion:

The subject property is zoned "A" Agricultural. However, it has been certified as non-conforming, and in 1983, a change of the use from a contractor's equipment storage yard to an automobile repair facility was approved by the Board in Case No. 1922. The neighborhood is largely rural, with some nearby residences.

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The Applicant purchased the property in May of 2005. On May 18, 2005, the Zoning Administrator in Case ZA-899, confirmed the non-conforming status of the service garage. In addition, in that case, the Applicant was permitted to park up to ten (10) pieces of construction equipment and vehicles on the rear portion of the property.

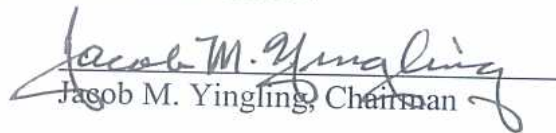
The Applicant in April 2005 purchased the neighboring 2.07 acre parcel ("the residential lot"). The Applicant obtained a building permit to build a 50 x 25 foot pole storage building, which was constructed very close to the property line between the non-conforming property and the residential lot. In September 2005, the Applicant prepared and recorded a boundary adjustment deed, which carved .1721 of an acre from the residential lot (including the pole building) and consolidated it with the non-conforming property. He then built a home on and sold the residential lot. The Applicant is now seeking Board approval and variances to allow for the expansion and enlargement of the non-conforming service garage and the contractor's equipment storage yard to utilize the additional .1721 of an acre and the pole building.

By virtue of the Zoning Administrator's determination in Case ZA-899, there are now 2 uses on the property; namely the non-conforming service garage and a contractor's equipment storage yard for 10 pieces of equipment. The industrial style pole building, built in close proximity to the property line appears to have been constructed with an eye toward using it for the garage and contractor's yard.

The Board finds that this non-conforming lot is too small to (slightly over ½ acre) support an expansion of the automobile service facility and the contractor's equipment yard. The surrounding area includes nearby residences which are already adversely impacted by the uses on the property. The expansion of both businesses on this small property would necessarily result in more noise, traffic and would be even more inconsistent with the character of neighborhood. The Board further finds that there was no evidence of hardship or unique circumstances presented with regard to the service garage, and that a grant of the requested side yard variances would be unwarranted. As for the expansion of the contractor's equipment yard into the additional .17 acre piece, the Board finds that, with certain conditions, the request could be granted without further harm to the neighborhood. Storage of equipment in the pole building will actually help the aesthetics of the property. However, the expansion of the contractor's yard into the additional acreage, and the grant of rear yard variance are expressly conditioned upon the Applicant ceasing the use of the automobile service garage. Should the Applicant not cease the use of the service garage, the requests for expansion of the contractor's equipment storage yard onto the additional .17 acres and the rear yard variance are denied.

Date

7/19/06

  
Jacob M. Yingling, Chairman

Tax Map/Block/Parcel  
No. 58-7-169

Building Permit/Zoning  
Certificate No. 06-1981

Case 5232R

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

**APPLICANT:** Michael Wright  
247 West Old Liberty Road  
Sykesville, MD 21784

**ATTORNEY:** N/A

**REQUEST:** An expansion of a non-conforming use, namely a contractor's equipment and material storage yard on additional land (0.1721 acre) with a 50 ft. x 30 ft. pole building<sup>1</sup>. ***REMANDED BY CIRCUIT COURT***

**LOCATION:** The site is located at 2737 Old Washington Road, Westminster, on property zoned "A" Agricultural District in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-9 and 223-186 A (3)

**HEARING HELD:** June 27, 2006  
***Remand: July 26, 2007***

**FINDINGS AND CONCLUSION**

On July 26, 2007, the Board of Zoning Appeals (the Board) convened to hear a Court ordered remand of a request for an expansion of a non-conforming use for, namely a contractor's equipment and material storage yard. The Board made the following Findings and Conclusion:

The Applicant owns .3806 acres at 2737 Old Washington Road. The property includes an automobile repair facility and it is zoned "A" Agricultural. Previously, the Applicant obtained a determination from the Zoning Administrator that the automobile repair facility on the property was a lawful nonconforming use. In addition, the Zoning Administrator determined that the Applicant was entitled to park up to ten pieces of contractors' equipment on the site.

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<sup>1</sup> No variances were required in this matter, as it involved the expansion of a non-conforming use under § 223-9 (A).

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The Applicant acquired a neighboring 2-acre parcel, upon which he constructed a residence and a 30 x 50 foot pole building. The residence was sold, and the Applicant carved off .1721 of an acre including the pole barn, and combined it with the .3806 acres. The Applicant then sought the Board's approval to expand the nonconforming uses (the garage and/or the contractor's equipment storage) onto the additional .1721 of an acre, including the pole building. The Board, in a decision dated July 19, 2006, granted the expansion of the contractor's equipment storage onto the .1721 acre so long as the Applicant abandoned the automobile repair garage. The Applicant filed an appeal of the Board's decision to the Circuit Court. The Honorable Thomas F. Stansfield, in a Decision and Order dated February 28, 2007, reversed the Board's decision and remanded the case for further proceedings. In remanding the case, the Judge instructed the Board to start with the following premises:

- (1) A nonconforming garage exists on the .3806 acre piece; and
- (2) The Applicant is authorized to keep up to ten pieces of equipment on the .3806 acre site.

The sole question on remand for the Board is to consider whether to allow the storage of contractor's equipment in the new .1721 of an acre piece, including the pole building.

The Board revisited the matter, keeping in mind the Judge's admonitions set forth in the Remand Order. The Board heard no credible evidence to support the notion that allowing the Applicant to use the pole building to store some of the ten permitted pieces of equipment would result in any harm whatsoever to the neighborhood. Noise, traffic, dust, fumes, vibrations and glare would not increase if the expansion were granted. The contractor's equipment will be stored on the original .3806 acre piece, even if the Board did not allow the use of the pole barn and additional property. Accordingly, the requested expansion was granted, subject to the following:

1. A site plan must be submitted to the Bureau of Development Review which includes landscape screening for the neighbors as required by regulation.
2. No more than ten (10) pieces of contractor's equipment may be stored in or on the added on .1721 of an acre, including the pole building.

8/23/07

Date

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Jacob M. Yingling  
Jacob M. Yingling, Chairman