

Tax Map/Block/Parcel
No. 58-11-71

Building Permit/Zoning
Certificate No. 06-2988

Case 5278

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

APPLICANT: James D. Leppo
3280 Sykesville Rd.
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: Conditional use for a contractor's equipment storage yard for excavating equipment and a variance from the required 400 ft. setback to 100 ft. from the property line.

LOCATION: The site is located at 2808 Birdview Road, Westminster, on property zoned "A" Agricultural District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (5), 223-16 and 223-75

HEARING HELD: November 30, 2006

FINDINGS AND CONCLUSION

On November 30, 2006, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage yard for excavating equipment and a variance from the required 400 ft. setback to 100 ft. from the property line. The Board made the following findings and conclusion:

The Applicant wishes to relocate his contractor's equipment storage yard to his mother's 29-acre farmstead. He will erect a 40 x 60 ft. storage barn to house some of the equipment. There are some additional existing outbuildings on the farm which will be used to store other pieces. The proposed site is a level spot not currently used for crops. The total acreage of the contractor's yard will be .33 acre (+-). The rest of the property includes active farmland and a residence. The Applicant farms the property. The 29 acre parcel was created in 1917.

The equipment proposed to be stored includes 4 track loaders, 1 rubber tire backhoe, 1 skid loader, 1 tractor trailer, 1 dump truck trailer, 1 pick-up truck, and 1 small trailer. The variance is necessitated by the fact that the storage building and yard will be 100 feet from a property line. No business sign is requested, and there will be no customer traffic.

OFFICIAL DECISION
C5278
PAGE TWO

The Board finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. Noise, dust, traffic, and glare will be minimal. The use is subject to the following conditions:

1. In accordance with Carroll County Public Local Laws and Ordinances, §103-19, a site plan shall be submitted to the Bureau of Development Review.
2. The equipment stored at this location shall consist of items listed in this Decision and their replacement pieces.
3. Minor repairs of the listed equipment are permitted.
4. Hours of operation shall be from 6:00 a.m. to dusk.

In addition, the Board finds that the grant of a variance is appropriate, as the strict application of the Zoning Ordinance to this property would result in practical difficulty and undue hardship. Specifically, the Board notes the irregular "flag shape" of this 29-acre parcel, created early in the last century. The topography of the parcel also limits the options for the location of the yard. To meet the required distance, the yard would need to be located on a hillside in the center of valuable farmland, which would necessitate grading, and road construction. In addition, this relocation would make the yard more visible to the neighbors. Accordingly, the requested variance is granted.

12-29-06
Date

Jacob M. Yingling
Jacob M. Yingling, Chairman