

**Tax Map/Block/Parcel
No. 67-8-536**

Case 5337

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

APPLICANT: Matthew Sabine
Mark M. Miller
1430 Buckhorn Road
Sykesville, MD 21784

ATTORNEY: John T. Maguire

REQUEST: Conditional use for a contractor's equipment storage facility associated with a landscape business and variances from the required 400 ft. front yard setback to 25 ft., from the required 400 ft. side yard setback to 100 ft. to the east and from the required 400 ft. side yard setback to 40 ft. to the west.

LOCATION: The site is located at 1430 Buckhorn Road, Sykesville, on property zoned "A" Agricultural District in Election District 14.

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

HEARING HELD: June 27, 2007

FINDINGS AND CONCLUSION

On June 27, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a contractor's equipment storage facility associated with a landscape business and variances from the required 400 ft. front yard setback to 25 ft., from the required 400 ft. side yard setback to 100 ft. to the east and from the required 400 ft. side yard setback to 40 ft. to the west. The Board made the following findings and conclusion:

The Applicants run a landscaping business. They recently purchased the subject 18 ± acre site, which is improved with a residence and a 60 ft. x 30 ft. pole building. They wish to use the pole building and one acre of the property to store landscaping equipment, including a large tractor, small earth mover, lawn mowers, weed-eaters and similar types of equipment. In addition, they wish to store mulch and landscape stone. There will be no additional construction. There is a small office for the business located in the residence.

The property has an unusual shape, which can be described as a "hockey stick." Access to the property will be from an existing driveway connecting to Buckhorn Road. There is no

feasible location for the contractor's equipment yard on this property that would meet the setback requirements. The selected location on the property will lessen its exposure to the neighbors.

The business is a 5 or 6 day seasonal operation, with its peak volume of business between the months of April and June. Hours are from 7:00 a.m. to 3:30 p.m. Typically, up to 15 employees arrive at the site at 7:00 a.m., pick up their assignments and equipment, and depart the site. There is no customer traffic to and from the property, and there are very infrequent deliveries of supplies.

The Board found that the contractor's equipment storage yard at this location will not generate adverse effects (noise, dust, fumes, gas, traffic) greater here than elsewhere in the zone. The property is large, buffered, and ideally suited for this use. Accordingly, the conditional use was granted

In addition, the Board found that the lot has an unusual "L" shape. Despite the large size of the property, the contractor's equipment storage yard could not feasibly be located to meet the required setbacks. Accordingly, the denial of a variance would result in unreasonable hardship and practical difficulty. The requested variances were therefore granted.

7/18/07
Date


Jacob M. Yingling, Chairman