

**Tax Map/Block/Parcel
No. 61-21-168**

Case 5377

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

APPLICANT: Harry E. Franklin
4636 Ridge Road
Mt. Airy, MD 21771

ATTORNEY: Clark Shaffer

REQUEST: Request for modification/amendment of approvals and conditions in BZA Case Nos. 2182 and 2987 to allow use of site and entire 42 ft. by 100 ft. building for storage, assembly and sale of sheds or utility buildings, to allow the display area to be expanded and to allow the removal of the existing barn and its replacement with a pole building to be used for the business.

LOCATION: The site is located at 4621 Ridge Road, Mt. Airy, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Section 223-9 and 223-191

HEARING HELD: January 30, 2008

FINDINGS AND CONCLUSION

On January 30, 2008, the Board of Zoning Appeals (the Board) convened to hear a request for modification/amendment of approvals and conditions in BZA Case Nos. 2182 and 2987 to allow use of site and entire 42 ft. by 100 ft. building for storage, assembly and sale of sheds or utility buildings, to allow the display area to be expanded and to allow the removal of the existing barn and its replacement with a pole building to be used for the business. The Board made the following Findings and Conclusion:

The subject property is located on the west side of Ridge Road (Md. Rte. 27). It consists of 37 acres, most of which is farmed. A small portion (1 acre +/-) is being used for a business which involves the sale, storage, and assembly of wooden sheds, utility buildings and gazebos. The property is a valid nonconforming use and has historically been used as a cabinet shop, among other things.

The Applicant requires a modification of previous Board decisions in Case No. 2182 and 2987 to enable him to expand the business. Specifically, the Applicant would like to expand his outdoor storage/display area for his wares. He would also like to demolish a large shed on the property and erect a pole building expansion of the barn for business purposes.

OFFICIAL DECISION

C5377

Page Two

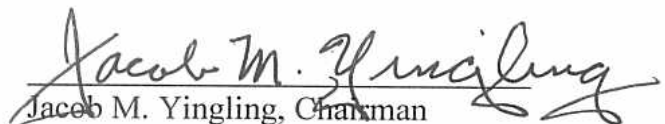
Typically, the buildings which are sold at the site are assembled elsewhere and delivered to the site. The Applicant employs one individual to assist with the farm and business, as well as his daughter and son-in-law. This is a seasonal business with little activity in the winter. Customers usually visit on Saturdays and place their orders at the site. No phone or internet orders are accepted. The Applicant is not seeking any approval for new signage or changes to previously approved hours (9:00 a.m. – 5:00 p.m. Monday thru Friday and 9:00 a.m. – 4:00 p.m. Saturday or by appointment). The purpose of the proposed expansion is for additional storage and display area.

The surrounding area is predominantly agricultural, but it also includes a dental office, church, and commercial nursery. A resident who lives behind the Applicant's business operation did not oppose the Applicant's request; however, he complained about a right-of-way dispute with the Applicant. He further complained that Applicant's customers use this right of way and that there is lack of signage restricting Applicant's traffic on this lane. The Board concluded that the right of way dispute was not germane to the proceeding. However, the Board did consider the protestor's comments in reaching its conclusion and imposed conditions on the Applicant.

Based on the above, the Board found that the modest expansion of the existing business which has been requested will not result in additional significant noise, dust, fumes, vibrations or glare from lighting. There was no evidence that property values would suffer. The expansion will likely improve the appearance of the business. The Board approved the proposed expansion and modification, subject to the following:

1. Applicant must submit a site plan in accordance with §103-19 of the Code of Public Local Laws and Ordinances for review by agencies as determined by the Planning Director, which shall include at a minimum, the State Highway Administration for review of the business entrance points and the possible need for an acceleration/deceleration lane.
2. Applicant shall post the northern driveway entrance with a sign indicating that it is a private drive and Applicant's business traffic is to use the other southern most drive.
3. Applicant's business traffic shall refrain from using the northern driveway entrance to the fullest extent possible.

2/22/08
Date


Jacob M. Yingling, Chairman