

Tax Map/Block/Parcel
No. 63-12-112

Case 5427

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

APPLICANT: 3860 Sykesville Road, LLC
Chesapeake Conservation Services, Inc.
c/o Gary W. Shaffer
P.O. Box 1429
Sykesville, Maryland 21784-1429

ATTORNEY: John T. Maguire

REQUEST: Conditional use for a contractor's equipment storage yard and variances from the required 400 ft. to 180 ft. to the lot occupied by Mechanicsville Elementary School and to 0 ft. to the lot to the east (also owned by the Applicant) and any other lot to the east beyond the Shaffer lot. In the alternative, Applicants seek approval to use the subject site as an expansion of the existing non-conforming use (as authorized in Case 1461, dated 8/22/79) in which case the variances would not be necessary.

LOCATION: The site is located at 3860 Sykesville Road, Gamber, MD 21784, on property zoned "A" Agricultural District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (5), 223-16, 223-186 and 223-9

HEARING HELD: July 23, 2008

FINDINGS AND CONCLUSION

On July 23, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage yard and variances from the required 400 ft. to 180 ft. to the lot occupied by Mechanicsville Elementary School and to 0 ft. to the lot to the east (also owned by the Applicant) and any other lot to the east beyond the Shaffer lot. In the alternative, Applicant sought approval to use the subject site as an expansion of the existing non-conforming use (as authorized in Case 1461, dated 8/22/79) in which case the variances would not be necessary. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

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The Applicant is a self employed contractor specializing in environmental contracting. Representative jobs include forestation projects and the installation of silt control measures. He opened a contractor's equipment storage yard for his business equipment at 3872 Sykesville Road in 1979, which is nonconforming. The subject property is 2.7321 acres (+-) at 3860 Sykesville Road, which is adjacent to the Applicant's existing yard. The Applicant will use ½ acre (+-) of this property to expand the contractor's equipment storage yard. The ½ acre area is already cordoned off with a stockade fence. The surrounding uses include a fire department, a carnival grounds and a school.

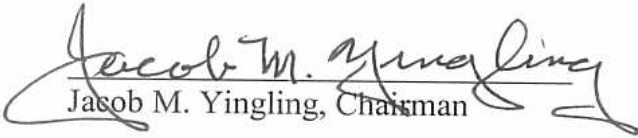
There will be no signage or intense lighting for the expanded area. The Applicant's work force of 20 employees uses 5 vehicles which are parked off of the site. The crews arrive between 5:00 a.m.-6:00 a.m. and return between 2:00 p.m. and 6:00 p.m. No customers will visit the site. Deliveries are made to the property approximately twice a week. The business is seasonal, with little activity during the winter months. No further grading or construction is needed for the expansion.

Based on the above, the Board found that the use is consistent with other uses in the neighborhood. Traffic, noise, dust, fumes and any other adverse effects will be minimal if the expansion is granted. Accordingly, the expansion of the existing non-conforming contractor's equipment storage yard to include this adjoined ½ acre was approved, with the following conditions:

1. In accordance with Carroll County Public Local Laws and Ordinances 203-19 (E), a site plan shall be submitted.
2. The expansion is limited to ½ acre as depicted in Exhibit 4 submitted by the Applicant.

Date

8/20/08


Jacob M. Yingling, Chairman