

**Tax Map/Block/Parcel
No. 65-18-11**

Case 5497

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

APPLICANT: Randall J. Biss
3825 Old West Falls Road
Mt. Airy, Maryland 21771

ATTORNEY: Alexander Crow

REQUEST: A conditional use for a contractor's equipment storage area in an 80 ft. by 45 ft. enclosure and required variances to include the required 400 ft. setback to 5ft.* from Parcel 42.

LOCATION: The site is located at 3825 Old West Falls Road, Mount Airy, on property zoned "A" Agricultural District in Election District 13.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (5), 223-75, 223-15 and 223-181C (3)

HEARING HELD: July 29, 2009

FINDINGS AND CONCLUSION

On July 29, 2009, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage area in an 80 ft. by 45 ft. enclosure and required variances to include the required 400 ft. setback to 5 ft.* from Parcel 42. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant resides on this 4.09 acre (+-) property in the Agricultural zone. He is employed as a masonry contractor and hopes to be able to continue storing equipment associated with this business at his residence. There is no storage of oil or chemicals on the property. The equipment and materials stored includes cement mixers, pipes, scaffolding, wire, concrete blankets, columns, barrels and a construction trailer. One employee visits the property sporadically to remove some of the equipment.

The property is served by private well and septic system. The shape of the lot is narrow and long. The equipment and materials are stored in a wooded area to the rear of the property to reduce its visibility to most of the neighbors. The storage yard

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will be 80' x 45' and will be enclosed with a fence to screen it from the adjoining neighbors. The neighborhood is quiet and rural in nature.

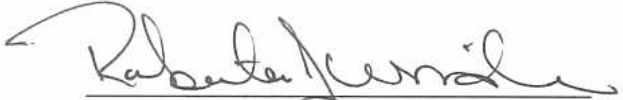
Based on the testimony and evidence presented, the Board found that, with certain conditions, the contractor's equipment yard in this location will not generate traffic, noise, fumes, dust or gases. It can be properly screened from the adjoining neighbors and is already well screened by trees. There was no evidence of any potential decrease in property value from the Applicant's use. A contractor's equipment yard at this location does not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use for an 80' x 45' storage yard was granted, with the following conditions:

1. The Applicant shall enclose the 80' x 45' contractor's equipment storage yard on 3 sides with an 8 foot privacy fence to screen this use from Parcel 42. All equipment and vehicles associated with the business shall be kept inside this area.
2. The construction trailer may not be kept at this property

Turning to the variance, the Board found that due to the shape of the lot (long and narrow), and the location of the well and septic system, there is no location on the property where a variance would not be required for a contractor's equipment storage yard. The selected location is logical and well screened from most of the neighbors. A strict application of the setbacks in this case would therefore result in practical difficulty and undue hardship. Accordingly, the variance was granted.

*Amended by the Board at the hearing.

24 Aug 2009
Date


Roberta J. Windham, Chair