

**Tax Map/Block/Parcel  
No. 27-21-50**

**Case 5499**

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

**APPLICANT:** Charles Carter  
1610 Francis Scott Key Highway  
Keymar, Maryland 21757

**ATTORNEY:** Isaac Menasche

**REQUEST:** A conditional use for a contractor's equipment storage and variances as needed including distance variances from the required 400 ft. to 245 ft., 221 ft., 251 ft., 171 ft., and 30 ft.\* and a bulk area variance from 3 acres to 2.68 acres (+/-).

**LOCATION:** The site is located at 1610 Francis Scott Key Highway, Keymar, on property zoned "A" Agricultural District in Election District 10.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-71 A (5), 223-75, 223-16, 223-186 and 223-2

**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 and variances as needed including distance variances from the required 400 ft. to 245 ft., 221 ft., 251 ft., 171 ft., and 30 ft.\* and a bulk area variance from 3 acres to 2.68 acres (+/-). Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is a residence and lot owned by Christina Altig. It fronts Francis Scott Key Highway. The neighborhood is primarily agricultural, the property backs up to a working farm. The property was recently improved with trees for screening and landscaping.

The Applicant leases a portion of the property from Ms. Altig for his landscaping business. The business consists of 4 employees and the Applicant. Typically, one employee arrives at the property in the morning and leaves with equipment. There is no customer traffic to or from the property. The business is seasonal, with some snow plowing in the winter. Hours of operation are Monday through Friday from 7:00 a.m. to 8:00 p.m.

**OFFICIAL DECISION**

**Case 5499**

**Page 2**

There are some weekend jobs in the spring. The Applicant stores equipment associated with the landscaping business on the side rear portion of the lot. The equipment includes dump trucks, trailers, skid loaders, lawn mowers, a snow plow, trucks, and landscaping supplies. The equipment and vehicles are not visible from Francis Scott Key Highway. The total area of the storage yard is .62 of an acre (+-).


The lot has an odd triangular shape, and a stream runs through it. Due to the shape of the lot and location of the stream and the house, there is no place on the lot where the contractor's equipment could be stored absent a variance.

Based on the above, the Board found that this contractor's equipment storage yard does not result in dust, fumes, odor or gases. No discernible traffic is generated by this use. The use is consistent with the surrounding neighborhood and the Applicant has taken steps to buffer any adverse effects. There was no evidence of any decreased property values from this use. The Board concluded that the contractor's equipment yard here does not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use was granted. The approval is granted to Applicant only and is non-transferable, due to the unique circumstances of this use.

As for the variances, the Board found that because of the shape of the lot and location of a stream and the residence, there is nowhere that a contractor's equipment yard could be granted absent a variance. A strict enforcement of the setbacks and lot area requirements would result in undue hardship and practical difficulty. Thus, the requested variances were granted.

\*Amended by the Applicant at the hearing to 30 feet

24 Aug 2009  
Date

  
Roberta J. Windham, Chair