

Tax Map/Block/Parcel
No. 24-19-72

Case 5508A

**AMENDED ORDER
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: James C. & Preston N. Wilhelm
3740 Maple Grove Road
Manchester, Maryland 21102

ATTORNEY: Elwood E. Swam

REQUEST: A conditional use for a parking facility of commercial vehicles (school buses) to include maintenance and servicing of buses; or, in the alternative, a change of the existing non-conforming use to a parking facility for commercial vehicles (school buses) to include maintenance and servicing of buses.

LOCATION: The site is located at 3750 Maple Grove Road, Manchester, MD 21102, on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 (23) and 223-9B

HEARING HELD: August 25, 2009

AMENDED: October 29, 2010


AMENDED ORDER

Condition #2 in the Official Decision of the Board entered on September 16, 2009, is amended to read as follows:

2. The Applicant shall have one (1) year from the date of site plan approval to close the sawmill operation at the property.

All other terms and conditions remain unchanged.

29 October 2010
Date


Howard B. Kramer, Chairman

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**OFFICIAL DECISION
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CARROLL COUNTY, MARYLAND**

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LOCATION: The site is located at 3750 Maple Grove Road, Manchester, MD 21102, on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 (23) and 223-9B

HEARING HELD: August 25, 2009

FINDINGS AND CONCLUSION

On August 25, 2009, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a parking facility of commercial vehicles (school buses) to include maintenance and servicing of buses; or, in the alternative, a change of the existing non-conforming sawmill to a parking facility for commercial vehicles (school buses) to include maintenance and servicing of buses. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property at 3752 Maple Grove Road in Manchester is zoned "A" Agricultural. The property is improved with a saw mill operation. It includes a saw mill building, wood shop building, 2 lumber storage buildings and an office building. The sawmill was confirmed as a non-conforming use in BZA Case No. 2814. The use began in 1957 as a firewood business, then became a sawmill for fence posts. At its peak, the sawmill generated 100 vehicular trips per day, including many tractor trailer deliveries and departures. Applicant James Wilhelm resides in a house at a corner of the property. The Applicant hopes to wind down the sawmill operation and sell 5 acres (+/-) to F & S Transportation, a bus company.

OFFICIAL DECISION

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F & S Transportation currently operates a bus storage yard on the east side of Maryland Route 30, with 33 buses. They would like to relocate this operation to 5 acres at 3752 Maple Grove Road, and use the existing sawmill buildings and office space for their bus facility. They would store up to 50 buses at the new location. They will install above-ground fuel tanks and renovate the interior of the existing buildings to house most of the buses. There will be 4 employees on site during the day.

Maintenance will be performed on the buses in the buildings. One mechanic will work on the site. Work will be performed from 6:30 a.m. to 3:00 p.m. during the week and at other times during emergencies. Noise from the maintenance and washing of the buses will be minimal, as it will occur in the buildings.

A traffic engineer accepted as an expert in the field by the Board testified that the proposed relocation of the bus company to the subject property will have a minimal impact on traffic operations at the intersection of Route 30 and Maple Grove Road. In addition, a real estate appraiser accepted as an expert in the field by the Board testified that this proposed use is well screened from other properties and has natural topographical buffers, and that this type of use will not have any adverse effects on neighboring property values. In addition, she opined that this proposed use will generate fewer adverse effects than the sawmill.

Based on the above, the Board found that the proposed use will generate less noise, traffic, dust, fumes and other adverse effects than the existing sawmill. The bus yard will be a much less intense use at this site. Furthermore, the Board found that based on the appraiser's testimony, there will be no affect on neighboring property values and the Board accepted the traffic expert's conclusion that there will be no adverse impacts on traffic. Any noise, dust, fumes or adverse impacts generated by the proposed use will be less here than elsewhere in the zone. Accordingly, the conditional use was granted, with the following conditions, which were imposed to alleviate any adverse affects.

1. There will be a maximum of 50 buses stored at this property.
2. The Applicant shall have one (1) year from the date of this Decision to close the sawmill operation at the site.

September 16, 2009
Date

Charles H. Wheatley, III
Charles H. Wheatley, III, Chair