

**Tax Map/Block/Parcel
No. 44-7-290**

Case 5513

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

APPLICANT: Steven Yerger
3600 Becka Drive
New Windsor, Maryland 21776

ATTORNEY: n/a

REQUEST: An appeal of the Zoning Administrator's decision denying the storage of less than 50 lbs. of explosives used as training aids for K-9 detection training.

LOCATION: The site is located at 3600 Becka Drive, New Windsor, MD 21776, on property zoned "A" Agricultural District in Election District 2.

BASIS: Code of Public Local Laws and Ordinances, Section 223-186 A

HEARING HELD: September 23, 2009

FINDINGS AND CONCLUSION

On September 23, 2009, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator's decision denying the storage of less than 50 lbs. of explosives used as training aids for K-9 detection training. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellant resides with his family on 3 acres (+/-) in the "A" Agricultural zone. He is a principal in Centurion, Inc., which is a private security firm that uses a team of dogs to detect weapons or contraband for business clients. The Appellant keeps three (3) dogs on the property.

As part of his business, the Appellant wishes to store up to 50 pounds of explosives in a secure facility on his property. The explosives will be used to train dogs in the detection of bombs and weapons.

There is no provision for the storage of explosives in the "A" Agricultural zone. However, in the "I-G" General Industrial zone, there is a provision for a conditional use at 223-126 (A) (6) for "(e)xplosive manufacturing or storage." The Appellant's proposed use is allowed only in the "I-G" zone in Carroll County.

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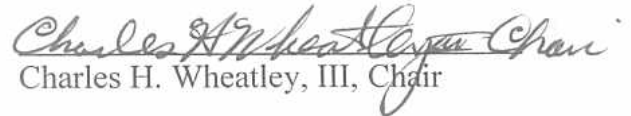
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Appellant argues that the proposed use is an accessory use to his residence. Accessory uses are defined at 223-2 are those uses which are “customarily incidental and secondary to the principal use of property and which...(are) located on the same lot with the principal use.” Appellant presented no evidence and the Board is not aware of any evidence that the storage of explosives at a residence in the Agricultural Zone is customary and incidental. Appellant’s proposal is unique and cannot be said to be a typical use commonly connected with a residence.

The Board found the Zoning Administrator was correct in her determination that the proposed use was not a valid accessory use and that it is only permitted in the “I-G” zone. A text amendment to the Zoning Ordinance would be required for this use to be allowed in the Agricultural Zone.

10/21/09
Date


Charles H. Wheatley, III, Chair