

**Tax Map/Block/Parcel
No. 57-19-424 Lot 2
Case 5592**

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

APPLICANT: Rodney and Linda Hidey
3112 Ridge Road
Westminster, MD 21157

ATTORNEY: Clark R. Shaffer
73 E. Main Street
Westminster, MD 21157

REQUEST: An application for a conditional use for the manufacture of mulch and a variance from 600 ft. to 0 ft. from any property line.

LOCATION: The site is located at 3112 Ridge Road, Westminster, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 (32) and 223-71 (32) (a)

HEARING HELD: May 25, 2011

FINDINGS AND CONCLUSION

On May 25, 2011, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for the manufacture of mulch and a variance from 600 ft. to 0 ft. from any property line. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

On March 27, 2001, the Board, in Case 4568, granted the Applicant a conditional use for a contractor's equipment storage yard and garden supply center for the sale of mulch and other garden supplies on 5 acres (+/-) owned by the Applicant at the above address. The Applicant also resides on the property.

The Applicant now wishes to continue to be able to manufacture premium quality mulch at this property in conjunction with his other businesses there. He accepts tree limbs and trunks from other sources. They are ground into wood chips at the property and further ground into a mulch product. The noise generated from the grinder is compatible to a combine or grain dryer. A dust suppression system is used in the process.

OFFICIAL DECISION

Case 5592

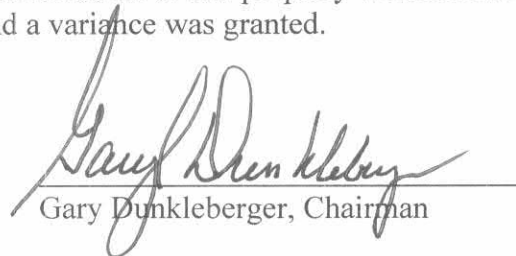
Page Two

The Board heard testimony from a licensed professional engineer that water quality measures would be installed at the site for the mulch operation. Further, the Board heard from a qualified land planner that there is nowhere on this property where mulch grinding could occur absent a variance due to the shape of the lot.

Based on the above, the Board found that the noise generated by a mulch manufacturing operation here would be similar to those made by other agricultural equipment. Traffic, dust, odors, and similar adverse effects would be minimal. This use is consistent with the other approved uses on the site and is compatible with the neighborhood. There was no evidence of any diminution in property values. A mulch manufacturing operation here would not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use was granted.

Turning to the variance request, the Board found that this is not a typical agricultural property. It fronts a major highway and is surrounded by properties owned by members of the same family. The topography of the land will naturally shield the mulch operation. There is nowhere on the site where it could be located absent a variance. Groundwater issues can be addressed adequately. Therefore, a strict application of the setbacks to this property would result in undue hardship not of the Applicants' own making, and a variance was granted.

23 June 2011
Date


Gary Dunkleberger, Chairman

Y:\BZA\Cases\5592\c5592Decision.doc

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void within 1 year from the date of this decision unless the use or variance is implemented. Please contact the Zoning Administrator at (410) 386-2980 to obtain a zoning certificate.