

Tax Map/Block/Parcel
No. 72-22-568
Case 5684

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Ruben Herrera
6959 Eden Mill Road
Woodbine, Maryland 21797

ATTORNEY: N/A

REQUEST: An application for a conditional use for a contractor's equipment storage yard and a variance from the 3 acre requirement to 1.01 acre; and a variance from the required 400 ft. setback to 8 ft.

LOCATION: The site is located at 6959 Eden Mill Road, Woodbine, MD 21791, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 (5) and 223-16

HEARING HELD: December 28, 2012

FINDINGS AND CONCLUSION

On December 28, 2012 the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a contractor's equipment storage yard and a variance from the 3 acre requirement to 1.01 acre; and a variance from the required 400 ft. setback to 8 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The applicant filed an application with the Board as a result of violations found by the zoning inspector after a complaint had been filed. Testimony was provided by Armando Herrera, the son of Ruben Herrera, father and applicant. The Herreras run a landscaping business from the home in the name of Herrera Landscaping, LLC. The property is on 1.1 acres of land. Typically vehicles would leave the site in the morning and return in the evening. Most of the company work is as a subcontractor at various Washington, DC sites.

The request of the contractor's equipment storage yard would include storage of snow plows, a salt spreader, a chipper, one enclosed trailer, five pick up trucks, two dump trucks, two trailers, and miscellaneous building supplies.

Mr. Anthony Pezza was a neighbor who testified in opposition to the conditional use. He has lived in his home for approximately nineteen years. He mentioned that there was commercial equipment all over the yard. He mentioned that sometimes vehicles were driven off the property by way of the front yard. Photos were taken that demonstrate tracks in the grass. He testified about an easement to the right and left of the driveway. He provided information from a state website that showed an alert driver in good driving conditions can stop a car travelling 40mph in 119 feet. He noted that use of the driveway with a 24' long car/trailer in the early morning when it is dark poses a serious potential for an accident. He noted that the trailers owned by Mr. Herrera were 16 feet long. Those trailers are backed up on the grass before coming out the driveway. He also stated that million dollar homes were located across the street from the location in question.

The Board was concerned about the traffic hazard as set forth in Opposition Exhibit 1 on page 1. The Board was also concerned about the traffic when entering and exiting the driveway in general. The equipment was placed helter skelter in the driveway.

The Board found that the traffic hazards identified would affect neighboring residents and the driving public. The Board further found that the values of adjacent properties would be affected based on the layout of the outdoor storage yard. The Board found that the request for all of the equipment and vehicles was excessive for the 1.1 acre parcel of property at this site. The Board also had a concern about how the trailers and vehicles being operated on grassy areas would fair in muddy or wet areas. Therefore, the Board denied the request for a conditional use.

11/4/2013
Date


Richard J. Simmons, Chairman

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 unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.

Y:\BZA\Cases\5684\Decision.doc