

Tax Map/Block/Parcel
No. 58-12-217
Case 5725

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: A Quality Heating & Air
c/o Les Dietz
1824 Ridge Road
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: A request for a conditional use for light sheet metal fabrication for HVAC installations.

LOCATION: The site is located at 1584 Deer Park Road, Finksburg, MD 21048, on property zoned “BNR” Neighborhood Retail Business District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-100 (E)

HEARING HELD: September 26, 2013

FINDINGS AND CONCLUSION

On September 26, 2013, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for light sheet metal fabrication for HVAC installations. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Les Dietz testified as one of the owners of the business. He purchased A Quality Heating & Air approximately three years ago. The company wants to move out of its present site to a bigger building that is unoccupied and has been vacant for some time. The business primarily works with residential installation but does some light commercial installation too. The proposed site is about double the size of his current location. The current site has residential houses within fifty yards of the business. He also has apartments above his current location. At both the old and the new location all of the machine work would be performed inside of the building. The building was a former beer distribution operation. At his current location his offices are in the same area as the shop area. There has not been any problem with hearing the telephones or conducting business over the phones due to the noises from the machines. He expects the same situation at the new location.

Mr. Dietz would have about eight employees that would primarily work at the new location. Other employees perform most of their work in the field. His service technicians are typically dispatched through emails on their phones. These employees usually leave the company by seven in the morning. These technicians take their work vehicles home with them. There are four vehicles that would remain on the company parking lot.

Walter Music testified in the case. He believed that there should be a noise abatement document for the business. He lives about fifty yards across the street from the building. He was concerned about the potential for noise from the machinery in the future. Over a period of time the noise level would increase. The sawing of metal would create noises, the cutting of metal would create noises, and the shaking of metal would create noises.

Based on a September 9, 2013 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and a September 5, 2013 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the 1981 Finksburg Area and Environs Comprehensive Plan, the Carroll County Master Plan for Water & Sewerage, and other functional plans. The plan was compatible with the vision and goals for the area as expressed in the plan. The Board accepted and agreed with this finding.

Although Mr. Music had a concern about noise, the Board did not find that concern a problem with a business in the Neighborhood Retail Business District. Noise did not seem to be a factor for the people that lived near the current site of the business. There was an operational office right next to the machine shop. There were also residents that lived above the machine shop area and there were no problems with that fact either.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. Since the existing property had been and was currently vacant, the proposed use would contribute to the community. For all of the above reasons the Board granted the conditional use.

9-30-13
Date


Harvey Tegeler, 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.

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