

**Tax Map/Block/Parcel**  
**No. 31-13-303**  
**Case 5746**

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

**APPLICANT:** JMDL Associates, LLC  
Joseph Lee and Dan Lee  
1731 Littlestown Pike  
Westminster, MD 21157

**ATTORNEY:** N/A

**REQUEST:** Request for a modification of the conditional use for a contractors equipment storage yard previously approved in BZA Case 5609 to allow placement and construction of 2 pole buildings to be used for storage as shown on the attached plan, together with a variance from the 1 acre area requirement for a contractors equipment storage yard from 1 acre, more or less, to 5.75 acres, more or less, and a variance from the distance requirements from 400' to 45', more or less OR in the alternative, a request for a conditional use for a storage lot for commercial vehicles and related accessory uses.

**LOCATION:** The site is located at 1731 Littlestown Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-16, 223-71 A(5)(23), 223-75, and 223-191.

**HEARING HELD:** March 25, 2014

**FINDINGS AND CONCLUSION**

On March 25, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for a modification of the conditional use for a contractors equipment storage yard previously approved in BZA Case 5609 to allow placement and construction of 2 pole buildings to be used for storage as shown on the attached plan, together with a variance from the 1 acre area requirement for a contractors equipment storage yard from 1 acre, more or less, to 5.75 acres, more or less, and a variance from the distance requirements from 400' to 45', more or less OR in the alternative, a request for a conditional use for a storage lot for commercial vehicles

and related accessory uses. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The Board previously granted a conditional use for a contractor's equipment storage yard in 2011 in case No. 5609. The instant request involves the construction of two pole buildings for the indoor storage of equipment. The business is growing. The land is appropriate for the business and has indeed allowed the business to flourish since 2011. The business has had county approval for a conditional use for a nursery and then a contractor's equipment storage yard.

Joseph Lee and Dan Lee testified on behalf of the applicant. The business is known as Piney Creek Management. The company performs various work for shopping centers such as landscaping and snow removal. There is currently one or more buildings used to keep the equipment. However, the remainder of the equipment is kept outside. One pole building would be built in 2014 and the second would be built a few years later. The pole buildings would be used to store the contractor's equipment inside. The applicant has been using more than one acre for the business since the original Board approval in 2011. The approval by the Board later included a site plan process. No county officials objected to the current use of the property as a contractor's equipment storage yard.

Douglas A. Barmoy testified as an expert in land use design and development. He has over twenty-five years of experience in Civil Engineering design and Land Use Planning. His company, Hanover Land Services, Inc., prepared a plan for the applicant to accompany the zoning application. He stated that the property was unique and unusual. One side of the property was approximately 400 feet wide. Therefore, a variance of 400 feet, the total width of the property, would be impossible to meet in this existing contractor's equipment storage yard. He also stated that a sixteen foot right of way owned by AT&T also ran through the property. No building could occur on this right of way, and this factor limits the area where a building could be placed. There are also wells in place that would need to be avoided.

Based on a February 20, 2014 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and a February 18, 2014 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 Carroll County Master Plan for Water & Sewerage, and other functional plans. The Planning staff did "not believe that adding the storage buildings to an existing contractor's equipment storage yard would have an adverse impact on the immediate neighborhood." The Board accepted and agreed with these findings.

The Board found that the original Board decision was decided correctly. The Board found that the AT&T right of way disproportionately affected the ability of the property owner to compress his use on the site. The Board found the property was unique and unusual. The Board also considered that the applicant wanted the pole barns to keep the equipment stored inside and out of the sight of his neighbors.

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. The Board approved the conditional use requested and the variance from the distance requirements.

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Date

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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.