

**Tax Map/Block/Parcel**  
**No. 24-19-320**  
**Case 5892**

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

**APPLICANT:** Carroll Tree Service, Inc.  
74 Gwynns Mill Court  
Owings Mills, MD 21117

**ATTORNEY:** Daniel Murphy, Esq.  
237 East Main Street  
Westminster, MD 21157

**REQUEST:** Request for a Conditional Use for the manufacturing, processing, storage, and retail and wholesale sale of mulch with a variance to allow a setback of 50 feet instead of the required 600 feet from any property line.

**LOCATION:** The site is located as parcel 320, 5.60 acres on Maple Grove Road, Hampstead, Maryland on property zoned "A" Agricultural in Election District 6.

**BASIS:** Code of Public Local Laws and Ordinances, Section 158.070(E)(1)(w)1.

**HEARING HELD:** October 29, 2015

**FINDINGS AND CONCLUSION**

On October 29, 2015, the Board of Zoning Appeals (the Board) convened to hear a request for a Conditional Use for the manufacturing, processing, storage, and retail and wholesale sale of mulch with a variance to allow a setback of 50 feet instead of the required 600 feet from any property line. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Preston Wilhelm testified as the landlord for Carroll Tree Service, Inc., because he is the owner of the property in question. He operated a saw mill business from the same location for many years. In fact, a saw mill was on the property prior to the adoption of the zoning ordinance in 1965. Two buildings were constructed at the saw mill as a result of a Board case in 1987 and reflected in Exhibit 1. His sawmill business stopped operations in 2009, but at its peak it generated 100 vehicular trips per day according to Exhibit 2. While he was in business he would use a grinder at least three times a week for eight to ten hours a day. The grinder was rented and he had to get his money's worth out of it before returning it.

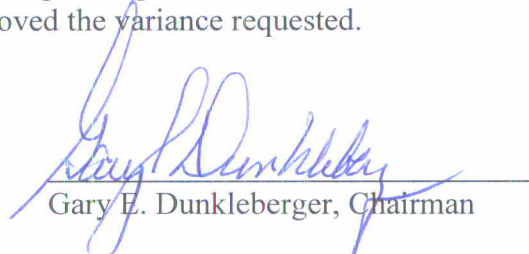
Steve Mays testified as the owner of Carroll Tree Service, Inc. His primary business is caring for trees. The company started in the 1950s. He has numerous family members working with him in the business. At the height of the season he has as many as fifty employees. At other parts of the year he might have as few as forty-five employees working for the company. Although he presently has a decent storage area, he needs more storage space. Part of his business now includes land clearing. When land is cleared, wood chips and stumps need to be processed. He stated that only two to four employees would work at the site on a regular basis. There might be about twelve vehicular trips to the site a week. He would probably have a spot a pot at the site for his employees. When he rented a grinder, he would use it about eight hours a day. The site would be open from Monday to Friday and maybe some Saturdays. It would be closed on Sundays. He stated that it took from eight to twelve months for grindings to become mulch. He did not intend to produce mulch. He stated that the wood chips and stumps barely dried out enough before he moved it on to another location. Although he would grind up trees, stumps, wooden materials and chips, he would not process them to the extent necessary for them to become mulch.

The October 8, 2015 memorandum from the Bureau of Comprehensive Planning stated that the case had been reviewed for consistency. The memo stated that the request is compatible with the vision and goals for the area as expressed in the law and regulations. The property falls within the Rural Village of Maple Grove. The character of the businesses in Maple Grove include milling, dairy farming, saw milling and mulching. There is currently a saw mill on the property. The staff finding is that this request is consistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property.

There was also a request for a variance of a setback. The zoning code would have required a 600' setback. The widest part of the property in question was only from 600' to 800' wide. The part of the property with the saw mill operation would be the furthest away from the property line.

The property in question had been used in the saw mill business for more than fifty years. 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 conditional use 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 requested conditional use requested by the applicant for the processing, storage and wholesale sale of grindings, chips and tree products. The Board also approved the variance requested.

6 November 2015  
Date

  
Gary E. Dunkleberger, 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 Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) 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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