

**Tax Map/Block/Parcel  
No. 35-9-106 & 275  
Case 6013**

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

**APPLICANT:** Rose B. Redden and James M. Tressler, Jr.  
13111 Good Intent Road  
Union Bridge, MD 21791

**ATTORNEY:** N/A

**REQUEST:** An application for the expansion of a non-conforming use to demolish an existing building and build a new 4,807.50 square foot shop.

**LOCATION:** The site is located at 6451 Middleburg Road, Keymar, Maryland, on property zoned "A" Agricultural District in Election District 10.

**BASIS:** Code of Public Local Laws and Ordinances, Section 158.033(B).

**HEARING HELD:** April 26, 2017

**FINDINGS AND CONCLUSION**

On April 26, 2017, the Board of Zoning Appeals (the Board) convened to hear the application for the expansion of a non-conforming use to demolish an existing building and build a new 4,807.50 square foot shop. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

As noted in BZA case number 3074 from April 26, 1989, Maurice Zent had owned and operated a bulk milk trucking business from the premises since prior to the adoption of the Carroll County Zoning ordinance in 1965. The Zoning Administrator acknowledged in the 1989 case that the trucking business was a lawful nonconforming use.

Jay Voight testified as the Zoning Administrator for Carroll County. He stated that the actual use of the facility as a milk trucking business was not allowed in the Agricultural Zone. However, it is lawful because it has been established as a nonconforming use. It has been recognized as a legal nonconforming use since before the Zoning Code. Since the business has been in existence for so long, Mr. Voight could not imagine what the adverse effects would be for the expansion of the business in the same place.

Rose Redden testified for the applicants. She stated that she and her brother, James Tressler, owned the milk trucking business. They bought it from Mr. Zent about twenty years ago. She stated that milk companies have gotten larger because farms have gotten larger. The business needs a larger structure to accommodate the larger equipment used now. The existing

building will only hold the cab of a tractor trailer as opposed to the entire tractor trailer. The new building will be able to enclose a whole tractor trailer. The square footage is presently 3783.32. The expansion would increase the square footage to 4807.50. The increase is less than 1/3 of an increase. The width would be the same but the structure would be longer and higher.

An April 18, 2017 memorandum by Lynda Eisenberg, Chief, and Clare Stewart, Planning Technician, stated that the matter had been reviewed for consistency with the policies and recommendations contained in the *2014 Carroll County Master Plan, the Carroll County Water & Sewer Master Plan*, and other plans. The staff finding was that the applicant's request is not consistent with the *2014 Carroll County Master Plan*, but would have an adverse effect on the current use of the property or its environs.

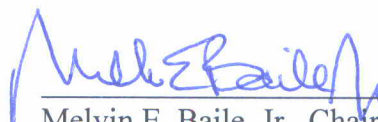
In an April 17, 2017 letter from Philip R. Hager to the Board, he wrote that "the proposed use is a commercial use in an area designated as an agriculture land use. Commercial uses are not supported by the nature, purpose, scope or intent of the agricultural land use."

No one came to the hearing to object to the requested expansion. In addition, there was no indication in the file that anyone objected to the expansion being granted.

The Board found that an expansion of the structure to accommodate larger equipment was reasonable. The milk trucking business has been in continuous operation since before the zoning code was adopted. There has been a commercial operation on the property for the duration of the milk trucking business. The current neighbors have been living with the milk trucking business for more than fifty years. Therefore, the Board agreed with Mr. Voight that it could not imagine what the adverse effect would be to the expansion of the structure. The nature of the adverse effect was not set forth, and the Board could not determine how it might occur. The Board found that the expansion of the nonconforming use would not change the approved use for the milk trucking business. The increase in the expanded nonconforming use is less than 1/3 of an increase. The zoning code allows expansions to be limited to 50% of the gross floor area. Therefore, the expansion is allowed in the zoning ordinance.

4-28-2017

\_\_\_\_\_  
Date



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Melvin E. Baile, Jr., 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.