

Tax Map/Block/Parcel
No. 48-15-155
Case 6037

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Joseph P. Medved, Trustee
4195 St. Paul Road
Hampstead, MD 21074

ATTORNEY: Charles D. Hollman, Esq.
Hollman, Maguire, Korzenewski, & Luzuriaga, Chtd.
189 East Main Street
Westminster, MD 21157

REQUEST: A request for the removal of specific conditions attached to a prior Board of Zoning Appeal's approval of a Contractor's Equipment Storage Yard.

LOCATION: The site is located at 4195 St. Paul Road, Hampstead, Maryland, on property zoned "A" Agricultural District in Election District 8.

BASIS: Code of Public Local Laws and Ordinances, Section 153.133 et. seq.

HEARING HELD: August 29, 2017

FINDINGS AND CONCLUSION

On August 29, 2017, the Board of Zoning Appeals (the Board) convened to hear a request for the removal of specific conditions attached to a prior Board of Zoning Appeal's approval of a Contractor's Equipment Storage Yard. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

A prior Board approved a contractor's equipment storage yard in Case 2937 in 1988. In that case the Board included six conditions in the written decision. At this time the applicant wanted to remove three of the six conditions. There was opposition to the contractor's equipment storage facility at the time of the hearing in 1988. The conditions requested to be removed were as follows:

1. No business authorization sign is authorized for erection in conjunction with establishment of the contractor's equipment storage facility.
2. The contractor's equipment storage facility shall be enclosed with a chain link or similar type fence at least 6 feet in height.
3. The equipment at the contractor's equipment storage facility was limited to the equipment noted on Applicant's Exhibit 5.

Randy Bachtel testified as the president of BPR. He was qualified as an expert witness in the

area of land use, land development, and related planning and zoning matters. BPR prepared the zoning plat. The zoning plat noted in Exhibit 1 fairly depicted the property. He was familiar with the property and its access on St. Paul Road. He stated that business signs are customary in the County. He noted that the building and the contractor's equipment storage facility could not be seen from St. Paul Road. He stated that fencing is not customary today for a contractor's equipment storage facility. He also stated that an equipment list was not customary for a contractor's equipment storage facility today. He disagreed with the Planning staff about the position on having a sign.

Jay Voight, Zoning Administrator, testified in the case. He stated that he was familiar with the application. He noted that the three conditions requested to be removed were not customary in today's society. The three conditions had no direct bearing to the people in the neighborhood. The presence of a sign on the property was consistent with the master plan. According to the zoning code all businesses in any type of zone are entitled to have a sign promoting that business. He had no issue with the contractor's equipment storage facility having a sign as long as it met all other requirements in the Code for signage.

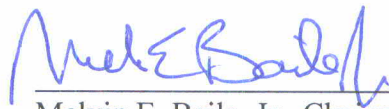
Clare Stewart, Planning Technician, wrote an August 4, 2017 memorandum for the Board. In that memo she wrote that the condition pertaining to the sign "is not consistent with the 2014 Carroll County Master Plan, as commercial uses are not intended for the Agricultural District."

The Board did not see any need for the applicant to construct a fence when the contractor's equipment storage facility had not had a fence in its existence. No fence had been there in over twenty-five years. All of the original equipment in the list had been replaced during the same period of time. The Board accepted the testimony that fences and equipment lists were not customary in current contractor's equipment storage facilities. The Board agreed with Mr. Voight that the Code allowed signs in all zoning districts. In this case a sign made even more sense since the building and facility could not be seen from the road.

The Board was convinced that authorization to remove three conditions from the existing 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 removal of the three conditions approved by the prior Board in 1988 as requested by the applicant.

8-30-2017

Date



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.

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