

**Tax Map/Block/Parcel**  
**No. 31-17-300**  
**Case 6025**

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

**APPLICANT:** Westminster Lawn Service, Inc.  
113 John Street  
Westminster, Maryland 21157

**ATTORNEY:** Kelly J. Shaffer, Esq.  
Shaffer and Shaffer, LLP  
73 East Main Street  
Westminster, MD 21157

**REQUEST:** A conditional use for mulch manufacturing on the property and five variances to adjacent properties.

**LOCATION:** The site is located at 1129 Sullivan Road, Westminster, Maryland, on property zoned "A" Agricultural District in Election District 6.

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

**HEARING HELD:** June 28, 2017

**FINDINGS AND CONCLUSION**

On June 28, 2017, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for mulch manufacturing on the property and five variances to adjacent properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Gaven Bullock testified on behalf of the applicant. He and his wife, Laurie, are the owners of Westminster Lawn Service, Inc. Mr. Bullock is the president of the business. He currently operates a mulch manufacturing business. He was recently notified that the lease where his supply yard is presently located would end. He thereafter started looking for an alternative location for the supply yard. The main offices for his business are on John Street in Westminster, Maryland. The business has had about nine employees who live in Carroll County. These employees have worked with him from ten to twenty years. His father started the business more than fifty years ago. Most of the business involves mulch manufacturing, but he also sells stone and gravel. In the winter his business gets involved in snow removal operations.

Mr. Bullock has been operating at 1129 Sullivan Road in Westminster for approximately ten years. One of the owners of that property is Dirk R. Bowman. As reflected in Exhibit 1, Mr.

Bowman is in favor of the application. Mr. Bowman notes that “Mr. Bullock’s business is an economic asset to our County and that the property applied for is an appropriate piece of land on which to manufacture mulch.”

The applicant set forth his traffic estimate and hours of operation throughout the year in Exhibit 2. The peak of the mulch season is April, May, June and July. The traffic estimate at that time is thirty cars a day. The traffic estimate for August, September, October, and November is fifteen vehicles a day. The majority of vehicles that come to pick up the mulch are pickup trucks or small dump trucks.

Presently, the vehicles for the company are parked at the John Street location. No vehicles are parked at the supply yard. No vehicles would be typically stored at the proposed supply yard either. They would remain at the John Street location. His brother Daniel Bullock runs the supply yard.

Mr. Bullock testified that he had no intention of transferring the business to another party. He would be acceptable with the ability to transfer his business to Laurie, his wife, or Daniel, his brother.

Mr. Bullock stated that his business might go out of business without the approval of the Board. There were not any locations that he could afford to move to that would also comply with the zoning ordinance. This application would allow him to stay in business and continue the operation of his current business.

John Lemmerman, with RTF Associates, Inc., a land surveyor, testified for the applicant. He has worked with RTF for about twenty-eight years. He has been qualified as an expert in Board cases and court cases in Maryland. The Board accepted him as an expert in land use and design. Mr. Lemmerman testified about the uniqueness of the property where the mulch manufacturing operation would be located. When he went through Exhibits 4a, 4b, and 4c, he explained that the proposed location was a part of an agricultural subdivision. The property was not established for residential use. The property is surrounded by other properties on three sides with an agricultural easement as reflected in Exhibit 5. The nearest residences are noted in Exhibit 6. There were no other residences near or closer than 600 feet. The variances would be needed if the mulch manufacturing location was located anywhere on the property. He noted that the property was long and narrow. He further stated that it was unusual to have a non-residential characteristic on such a large area of property in the County. The parcel sets off of the road where it is not visible to the public. He noted that it was an ideal site for a mulch manufacturing operation due to its remoteness and topography.


Garnett Y. Clark, Jr. testified in favor of the application. He is an adjacent property owner. He had no problem with Mr. Gaven Bullock’s current operation of the business. His only real concern was that the transferability of the business be limited to Laurie and David Bullock in the future.

A June 14, 2017 memorandum from the Department of Planning, and Clare Stewart, Planning Technician, stated that the request was compatible with the vision and goals for the area. The staff finding was that the applicant’s request was consistent with the *2014 Carroll County Master Plan*.

The Board found that Mr. Bullock’s operation of the Westminster Lawn Service, Inc. was a well respected business in the County. The zoning code set forth the 600’ setback for such a business because it wanted it away from residences. Due to the agricultural subdivision and the agricultural easements, residential use in the area was not permitted. The Board accepted John Lemmerman’s expert conclusion about the uniqueness of the property. The Board found that the placement of a sign would be appropriate for the business. It was in a remote location and customers would need the sign to help them with locating the business.

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 by the applicant. The Board also approved the variances requested by the applicant as a totality of the evidence presented supported the variances. A condition of the approval was that the business could only be transferred to either Laurie or David Bullock in the future.

June 29<sup>th</sup> 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.