

Tax Map/Block/Parcel
No. 15-24-58
Case 6004

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Lance Keil
5020 Hoffmanville Road
Manchester, MD 21102

ATTORNEY: N/A

REQUEST: A request for a Contractor's Equipment Storage yard and sawmill and a variance request to use timber grown off-premises instead of the required on-premises grown timber.

LOCATION: The site is located at 5020 Hoffmanville Road, Manchester, MD 21102, on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Section 158.070(D)(8) and 158.070(E)(c).

HEARING HELD: February 28, 2017

FINDINGS AND CONCLUSION

On February 28, 2017, the Board of Zoning Appeals (the Board) convened to hear the request for a Contractor's Equipment Storage yard and sawmill and a variance request to use timber grown off-premises instead of the required on-premises grown timber. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Lance Keil testified as the applicant. He is a veterinarian. He owns a farm of approximately 146 acres. Most of the farm is used for cattle. The grey area in Exhibit 1 represents the contractor's equipment storage yard and the cutting of timber into firewood operation. His son works for Covington Tree Experts, a tree service that also sells firewood. Although years ago much of the wood to be used came from on the premises, most of the wood now cut into firewood comes from off the premises. At one point he testified that twenty percent of the wood cut into firewood came from his farm. He stated that no structure would be built for the contractor's equipment storage yard. Some of the equipment to be stored in the one acre yard would include: a chipper, a chipper truck, a conveyor type equipment, and a dump truck.

Gordon Covington is the owner of Covington Tree Experts. He works with Ben Keil, Lance Keil's son, in that operation. He stated that he sold firewood during the winter months. He wanted his operation to be a legal one for the business he has been conducting for the last two

years. He stated that eighty percent of the wood to be cut into firewood would come from off the premises. Most of the logs that would be brought in would come from his tree service business. There would be no sawing of boards in his operation.

Ben Keil testified in favor of the application. He stated that the sawing did not happen on his property. The only cutting of wood involved the firewood operation.

John Stickles was the closest neighbor to the contractor's equipment storage yard and the cutting of timber into firewood operation. He has lived there since 1972. He had no complaints about the timber cutting operation.

Richard Nash was concerned about an expansion of the sawmill operation. He was concerned about the noise and the traffic which might come out of an expansion.

Jay Voight testified about the definitions of a sawmill operation. He stated that there was no definition for a sawmill in the zoning ordinance. The definition included sawing logs with machines. The definition also included an operation where lumber was cut into boards. One definition was a large machine for sawing timber. Another definition was trees cut into pieces with machines. He stated that it was legal to cut firewood that came from the timber on your property. An issue would occur if the cutting of firewood became a commercial business.

A February 9, 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 *Carroll County Master Plan, the Carroll County Water & Sewer Master Plan*, and other plans. The staff finding was that the applicant's request is consistent with the *2014 Carroll County Master Plan* and would not have an adverse effect on the current use of the property or its environs.

The Board found that the cutting of timber for the purposes of creating firewood was not a sawmill operation. The cutting of wood with chain saws into firewood should not be considered a sawmill operation.

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 of a contractor's equipment storage yard and the allowance of the cutting of timber (grown both on and off premises) into firewood.

March 2, 2017

Date

Melvin E. Baile, Jr.
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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