

Tax Map/Block/Parcel
No. 58-23-493
Case 5920

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Domenico Amodei
3409 Pine Circle South
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: A request for a Conditional Use for a Contractor's Equipment Storage Yard with a maximum storage area of 43,560 sq. ft., a variance for the required lot size of three acres, and distance variances to adjoining properties.

LOCATION: The site is 2.87 acres located on the East side of the 3000 block of Sykesville Road, Westminster, Maryland, on property zoned "A" Agricultural in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(E)(1)(c) and 158.040

HEARING HELD: March 2, 2016

FINDINGS AND CONCLUSION

On March 2, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a Conditional Use for a Contractor's Equipment Storage Yard with a maximum storage area of 43,560 sq. ft., a variance for the required lot size of three acres, and distance variances to adjoining properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The applicant is Domenico Amodei. He operates a business known as Domenico Enterprise. It is a general contracting business that also conducts snow removal operations. He needs the proposed site to build a commercial storage lot. The proposed building would be 60' by 60'. He has four full time employees. In his general contracting business, his work would include grading, siding, painting, drywall, roofing work, windows, decks, and exterior maintenance. He would not construct a house from beginning to end.

He would not be at the site on a daily basis. The equipment and vehicles that he would keep inside for storage include one ton F-250 and F-350 pickup trucks, bobcats, a mini excavator, backhoes, tools, plows, snow equipment, a salt spreader, and a skid loader. He would not keep his trailers inside the building. At the present time his vehicles and equipment are

located at various locations. His business is generated by word of mouth. He does not use advertising.

He did not expect much maintenance to occur at the site. He subcontracts maintenance to BMF in Eldersburg, Maryland. He has a small garage at another location where he also does some maintenance.

The yellow portion of the document in the file represents stone/pavement. Mr. Amodei stated that it would be used for parking or turning vehicles around. The storage building would be located at the back of the lot.

Norman Herbert and Kathy Herbert testified in opposition to the conditional use requested. Their concerns were public safety, residential neighborhood concerns, and environmental concerns. Mr. Herbert stated that the site is near an unexpectedly perilous section of road. The road is dangerous and he has seen several vehicular accidents around the road where the site is located. He explained that the site is directly in the center of a wicked curve. Mrs. Herbert stated that there was an established community around the proposed site. A commercial business would detract from the neighborhood. The commercial building is inappropriate in a residential location. Mr. Herbert stated that salt would fall off of equipment and eventually make its way to his faucet. The same water under Mr. Amodei's property is also under his property. They live off of a state highway, Sykesville Road (Maryland Route 32).

Suzanne Radcliff testified in opposition to the application. She also wrote a January 15, 2016 typewritten letter which is a part of the file. She stated that her family owned ninety to one hundred acres behind the proposed site. They invested a significant amount of money and labor into their working farm, Cedar Bend Farm. She is concerned about property values since Mr. Amodei said he wanted to grow his business.

In her letter Mrs. Radcliff wrote that the request affects property owned and farmed by her family since 1987. The 90 acres is used for raising and pasturing beef cattle, and the production of hay. The subject property is uphill from the farm. Any leaking fuel or other contaminants would make their way onto her property and possibly into the nearby flowing stream. Her cattle would graze immediately next to the shared property line. She believed that the storage site would certainly be a large and unattractive open air business operated in an area of established homes and her farm. She felt that the proposed business was incompatible with the surrounding residential and agricultural property around it.

Mary Richards testified with regard to the application. She was more concerned about the application before attending the hearing and participating in the proceeding. She was concerned about a decrease in her property value. She liked the fact that the building would not be visible from the street. The building would be on a concrete slab. She acknowledged that it was a small business and it was still a free country.

Herbert Ridgley testified in opposition to the application. He had lived at his house for approximately thirty-one years. He had been in the construction industry for some time. He stated that wash bays would be needed. He believed that the approval of this application would be a disservice to the County.

Vicky Moran testified in opposition to the application. She lives on Sykesville Road, where she has lived for thirty-seven years. She was concerned about who would monitor whether Mr. Amodei kept his promises. She suffers from anxiety disorders. She stated that she would have to move if the application was approved.

Tami Moore testified in opposition to the application. She is a small business owner with a dance studio. She stated that she had the same fears as others. She stated that she could not

find Mr. Amodei's business on the internet. She did not believe that there was full disclosure in this matter.

Steve Davis testified in opposition to the application. He lives directly across from the site. His main concern was the decrease of property values. He moved to the county in 2009. He mentioned that there were a number of foreclosures on the road.

Billy Moore testified in opposition to the application. He stated that it was a residential neighborhood. He did not want to change the country, the County, nor the rural landscape. The neighborhood was a safe haven and not a commercial site. Nearby homes are valued at \$400,000 and up. It made no sense to put a construction site in their back yards. He mentioned leaks into the water system. He noted that water flowed into the Liberty Reservoir. He stated that the speed limit was 40 mph but everyone drives 50 mph on the road. The view that he had looked at for thirty years was farm equipment.

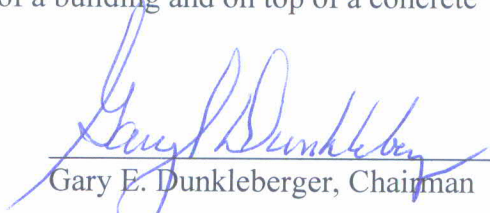
Jo Ann Walton testified that she was in favor of the application. She stated that the intent of Mr. Amodei was to repair the house located on the property because the house was in disrepair. If this application was not approved, then the owner of the property may need to reduce the price in order to obtain a sale. The property owner was a motivated seller and intended to sell the property. That situation also may decrease neighboring property values.

Philicia McCauley testified in opposition to the application. She felt that the application would negatively affect neighboring properties. She would rather have the property go back on the market and sell for a little less. She did not have a problem with the Kiblers former business. It was a small operation with two pickups trucks, a few pieces of equipment and a few trailers.

In a January 8, 2016 letter, Nokomis Ford, Planning Technician, and Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, sent a memorandum to the Board. The memo stated that the request is compatible with the vision and goals for the area as expressed in the Carroll County Master Plan. The staff finding was that the 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 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 as outlined in 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 as requested by the applicant as a totality of the evidence presented supported the variances. One condition of the approval was that the storage be inside of a building and on top of a concrete pad.

7 March 2016
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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