

Tax Map/Block/Parcel
No. 36-17-129
Case 5755

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Jerry Stambaugh
2145 Jasontown Road
Westminster, MD 21158

ATTORNEY: Clark Shaffer

REQUEST: Request for a modification and enlargement of the Conditional use previously approved in BZA Case No. 2666 for a contractor's equipment storage yard and modifications of certain conditions relating to authorized equipment and storage thereof and including variances as to size of the storage yard and various setback reductions.

LOCATION: The site is located directly adjacent to 4121 Bark Hill Road, Union Bridge, MD, on property zoned "A" Agricultural District in Election District 02.

BASIS: Code of Public Local Laws and Ordinances, Section 158.040 (A), 158.070 (E)(c), and 158.133(D)(2).

HEARING HELD: June 26, 2014

FINDINGS AND CONCLUSION

On June 26, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for a modification and enlargement of the Conditional use previously approved in BZA Case No. 2666 for a contractor's equipment storage yard and modifications of certain conditions relating to authorized equipment and storage thereof and including variances as to size of the storage yard and various setback reductions. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jerry Stambaugh, the owner of Magstone, LLC, testified as the applicant. Magstone, LLC has been a leader in sediment control, project management, gabion basket installation, conduit and duct bank installation, as well as many other facets of the construction industry. His business is a family run operation. The company employs approximately twenty-five employees, which include Mr. Stambaugh's daughter and son-in-law. His company has been renting the property from Joanne Coleman Rowe (now Joanne Hillary) since approximately 2004. Her

former husband, Mr. William Rowe, operated a contractor's equipment storage yard from the same property, and he was the applicant in the 1987 Case No. 2666 before the Board.

Mr. Stambaugh requests to be able to build a new storage building (120' X 60') pursuant to the plans in evidence. He currently owns about thirty pieces of equipment. The company also owned ten pickup trucks and five larger trucks. Larger pieces of equipment are serviced or repaired on the job. The hours of operation of the business are from 5:30am to as late as 7:00pm during the week. There is also work on some Saturdays and rarely is there work on Sundays.

John E. Lemmerman, a registered professional land surveyor since 2001, was accepted by the Board as an expert in land use design. Mr. Lemmerman testified about the uniqueness of the "L" shaped property. He testified about the drainage issues on the property with regard to the new storage building. He also testified about the need for the requested variances as set forth in Exhibit A of the application.

Joanne Hillary testified in favor of the request by the applicant. She is the owner of the property and found Mr. Stambaugh to be a good tenant. She believed that it was important to maintain the type of business that her former husband started on Bark Hill Road.

The Board did not want to place the restrictions placed by the Board in Case 2666 on Magstone, LLC. Therefore, there were no restrictions on the amount of equipment or the ability to include signage for the business. The company would merely need to comply with county sign regulations.

Based on a June 26, 2014 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and a June 25, 2014 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the Carroll County Master Plan for Water & Sewerage, and other functional plans. The Planning staff stated that the requested conditional use was consistent with this designation in the Code. Planning staff did not believe that the expansion of the existing use would have an adverse impact on the immediate neighborhood. The staff further found that the request was compatible with the vision and goals for the area. The Board accepted and agreed with these findings.

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 and the variances requested in Exhibit A. The Board placed no conditions on the use requested by the applicant.

Date

Brian DiMaggio, 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 Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

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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