

Tax Map/Block/Parcel
No. 24-20-102
Case 5677

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Rhinehart Enterprises, c/o Richard Rhinehart, Jr.
1600 Angleside Road
Fallston, MD 21047

ATTORNEY: N/A

REQUEST: An application for a conditional use for the storage of construction equipment and railroad track supplies and various variances to surrounding properties of less than three (3) acres from 400 ft. to 35 ft., 32 ft., and 0 ft.

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

BASIS: Code of Public Local Laws and Ordinances, 223-71 A (5) and 223-16

HEARING HELD: November 29, 2012

FINDINGS AND CONCLUSION

On November 29, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for the storage of construction equipment and railroad track supplies and various variances to surrounding properties of less than three (3) acres from 400 ft. to 35 ft., 32 ft., and 0 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion: Rhinehart Enterprises ("Rhinehart") has owned property for thirteen years next to the property in question where the conditional use is being requested. On the existing property Rhinehart currently has a contractor's equipment storage area and railroad track supplies including rails and ties. The company builds and maintains railroad tracks and for that reason has railroad track equipment and supplies. More specifically, it replaces railroad parts, welds them, and fixes broken parts. There is a certified collection pit at the existing site. There is generally one employee, a mechanic, who performs his work at the site on a regular basis. Richard Rhinehart, Jr. testified on behalf of Rhinehart Enterprises. The existing site and the new site would not have many deliveries to the property. A typical week would have twenty to thirty trips to the property. Rhinehart wants to have the same use of the approximate four acres at the new site that it has on its current property. If given Board approval Rhinehart would erect a fence around a portion of the property. It would also likely have a second employee dedicated to the location. At a later point more employees may be added. Rhinehart also regularly makes purchases in Carroll County for its business.

OFFICIAL DECISION – Case 5677

Page 2

Four neighbors testified about the storage of construction equipment and railroad track supplies at the new four acre site. They were Ray Chronister, Margaret Fitzpatrick, Joan Wissman, and Crystal Hickey.

Mr. Chronister testified that he had to look down at the site every day. He noted that the new site would bring additional dust. He was concerned about his well and leakage from the site going into the ground water, a nearby creek and/or his well.

Margaret Fitzpatrick testified that she lives in a development that has sixteen custom built homes. She has lived there for approximately eleven years. She believes that the proposed site would be detrimental to a residential neighborhood. She believed that there was more commuter traffic and was concerned about the low visibility in an area around a curve and near a telephone pole on Maple Grove Road.

Joan Wissman testified that she was concerned about her well and the stream. She lived at her house for about thirty-six years. She also noted that over the winter months there is about one accident per month on Maple Grove Road. She noted that the stream reached 70 feet wide over its banks this spring.

Crystal Hickey testified that she lived next to Mr. Chronister, where she has lived for the last seven years. She addressed safety concerns on Maple Grove Road. Two oncoming sports utility vehicles would have to slow down before passing each other at certain portions on the road. She also believed that her home value would decrease due to the proposed site. She would not have purchased her house if an active storage yard was there at the time and does not like looking at it.

In considering the testimony and evidence comprising the record, the Board finds no indication that establishment of the storage of construction equipment and railroad track supplies at the proposed site as requested, and in compliance with the conditions of authorization imposed below, will unduly affect residents of adjoining properties, the values of those properties, or public interests. The Board was concerned about whether there would be one or two entrances to the property. That would depend on the ground since it was clear that a stream ran through the property. The Board also approved the requested variances.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. That there be fencing and screening of trees that would be erected around the perimeter of the property.
2. That special consideration would be given to how a tractor trailer would obtain access to the property.
3. That entrance/access issues would be further addressed during the site plan development.

OFFICIAL DECISION – Case 5677

Page 3

12/6/2012
Date


Richard J. Simmons, 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 223-192C 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.