

**Tax Map/Block/Parcel
No. 57-16-340
Case 5615**

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

APPLICANT: My Elysium, LLC, c/o Charles Coon

ATTORNEY: Isaac Menasche

REQUEST: A request for a substitution of a non-conforming use to park not more than 25 pieces of equipment; space for employee parking; area for temporary storage of millings, top soil and broken concrete; and perform maintenance on equipment inside of buildings.

LOCATION: The site is located at 3030 Salem Bottom Road, Westminster, MD 21157, on property zoned "A & C" Agricultural & Conservation Districts in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-9 B

HEARING HELD: October 25, 2011

FINDINGS AND CONCLUSION

On October 25, 2011, the Board of Zoning Appeals (the Board) convened to hear the request for a substitution of a non-conforming use to park not more than 25 pieces of equipment; space for employee parking; area for temporary storage of millings, top soil and broken concrete; and perform maintenance on equipment inside of buildings. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is 11.3 acres (+/-) and was operated as a non-conforming sawmill until 2005. In that year, in Case No. 5073, the Board granted approval for a commercial non-conforming mulch operation at the site as a change in the non-conforming use. Later, another substitution of the non-conforming use was approved for a facility for the keeping of storage containers and the parking of vehicles in Case No. 5834.

Now, the Applicant wishes to change the previously approved non-conforming uses to a lot for the storage of 25 (or fewer) pieces of industrial equipment, employee parking, the storage of materials and for equipment maintenance. If approved, the lot will be used as a satellite location for a paving company.

During the week, up to 5 employees will work on the site. The paving company is open year round. No customers will visit the site. The property will be cleaned up and no new

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buildings will be erected at the site. The yard will be open from 6:00 a.m. to 6:00 p.m. on Monday through Friday. Crushed stone, millings and top soil will also be stored there.

The property is well hidden from the street and screened by trees and slopes. Two protestants appeared at the hearing. They live at least a mile away from the site. Vehicle traffic in and out of the site will be sporadic and infrequent.

The Board found the proposed use, with certain conditions, to be a cleaner and much quieter operation than the previously approved uses (especially the non-conforming sawmill operation, which featured 25 – 30 trucks loaded with wood pallets entering and exiting the site per day). Only 5 employees will work there and the property is not visible to the public from the street. The proposed use will also improve the appearance of the site and generate minimal traffic and noise. Therefore, the proposed substitution of use was approved with the following conditions:

1. No more than 25 pieces of equipment may be stored on the site.
2. Parking facilities on the site shall accommodate no more than 10 employees.
3. The storage of individual batches of materials shall be limited to:
 - (a) 50 yards (+/-) per batch (i.e., stone, millings, etc.)
 - (b) for a period of no longer than 30 days per batch.
4. No washing of vehicles shall occur on site.
5. Hours of operation shall be from 5:00 a.m. to 6:00 p.m.

11/17/2011
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.