

**Tax Map/Block/Parcel**  
**No. 10-20-149**  
**Case 5612**

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

**APPLICANT:** Kenneth Ecker

**ATTORNEY:** N/A

**REQUEST:** A request for a conditional use for a contractor's equipment storage yard and variances from 400 ft. to 230 ft. to the Knox property; from 400 ft. to 380 ft. from the Smith property; from the required rear yard setback of 50 ft. to 5 ft. for a structure.

**LOCATION:** The site is located at 3931 Walnut Grove Road, Taneytown, on property zoned "A" Agricultural District in Election District 1.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-71 A (5), 223-75 (A) and 223-16

**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 conditional use for a contractor's equipment storage yard and variances from 400 ft. to 230 ft. to the Knox property; from 400 ft. to 380 ft. from the Smith property; from the required rear yard setback of 50 ft. to 5 ft. for a structure. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant resides on a ¾ acre (+/-) lot in the Agricultural Zone. He operates a landscaping business on the property, and stores equipment for the business at the site, including 2 dump trucks, 2 pickup trucks, commercial lawn mowers and a skid loader. This is a seasonal business with 2-3 full time employees. Landscaping materials are also stored on the property. The business has been operating here for 33 years. The property is improved with a residence, swimming pool, and a 40 ft. x 60 ft. shed, which houses some of the equipment.

The busy season is from March through November. Employees arrive at 7:00 a.m. and return at 5:00 p.m. after their off-site jobs are performed. The lot is a rectangular shape, and is bounded by a farm on one side and a wooded property on the other.

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The Board found that the Applicant's use at this location did not generate any adverse effects above and beyond those normally associated with such a use. Noise, dust, fumes and traffic are not generated by this business in any measurable degree. Accordingly, the conditional use was granted. However, as a condition of approval, the Applicant shall refrain from storing materials and debris on any adjoining properties.

The Board further found that due to the shape of the lot, and the location of the existing buildings and pool, a strict application of the setback provisions to the property would result in practical difficulty and undue hardship. Accordingly, the requested variances were granted.

11/17/2011  
Date

Richard J. Simmons  
Richard J. Simmons, Chairman

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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.