

**Tax Map/Block/Parcel
No. 67-14-40 & 387**

Case 5425

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

APPLICANT: Peter Sorge, III
5433 Woodbine Road
Woodbine, Maryland 21797

ATTORNEY: n/a

REQUEST: A conditional use for a contractor's equipment storage yard for landscaping equipment and two 30 ft. x 60 ft. pole type buildings and a variance from the required 400 ft. setback to 30 ft.

LOCATION: The site is located at 5433 Woodbine Road, Woodbine, MD 21797, on property zoned "A" Agricultural District in Election District 14.

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

HEARING HELD: June 24, 2008

FINDINGS AND CONCLUSION

On June 24, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage yard for landscaping equipment and two 30 ft. x 60 ft. pole type buildings and a variance from the required 400 ft. setback to 30 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant operates a landscaping company. He wishes to park vehicles and equipment associated with the business, which focuses on landscaping and deck construction at this site. The property is zoned "A" agricultural and consists of 33.53 acres.

The Applicant will construct two 30 ft. x 60 ft. buildings on the site. He will store the equipment in and around the buildings. The equipment consists of 1 dump truck, 1 bobcat, 1 pickup truck, 1 backhoe and 1 trailer. No work is performed at the site. Two employees will visit the site each day to pick up and return the equipment. The business is seasonal and drops off during the winter months. Traffic will be limited to employee trips.

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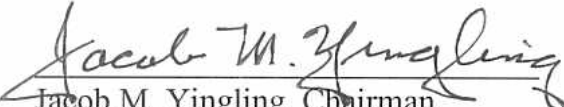
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The lot, while large, is an odd, narrow shape. It is primarily wooded, with a cleared area towards the front of the property. The property slopes considerably beyond the cleared area. In addition, a cable line runs through a ravine in the wooded portion, which cannot be obstructed or disturbed. There is nowhere in the cleared area where the buildings are proposed which would not require the grant of a variance.

Based on the above, the Board found that the proposed use at this location will not generate adverse effects above and beyond such a use. The buildings and use are compatible with the agricultural uses in the area. Noise, traffic and dust will be minimal. Property values will not be affected and the property is naturally screened. Accordingly, the request for a conditional use was granted, with a condition that, during the county's site plan process under Carroll County Public Local Laws and Ordinances §103-19, a non-deciduous tree screen be placed around the buildings to screen them from the neighbors.

Turning to the variance, the Board found that, although the lot is large, most of it is not useable for the requested contractor's storage yard. The lot is steeply sloped, heavily wooded, and is encumbered by a pipeline. In addition, the lot is long and narrow. The only feasible location on the lot for the proposed use is the cleared area. These conditions render the property to be unique, such that a strict application of the 400 foot setback would result in undue hardship and practical difficulty to the Applicant. Accordingly, the requested variance to 30 feet was granted.

7/23/08
Date


Jacob M. Yingling, Chairman