

Case 5360

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

APPLICANT: Wilfred J. Charbonneau, Jr.
3990 Gamber Road
Finksburg, MD 21048

ATTORNEY: n/a

REQUEST: Conditional use for a home office and parking of commercial (construction) vehicles and a variance from the required 3 acres to lot width of 263.5 ft. and depth of 132 ft.

LOCATION: The site is located at 3990 Gamber Road, Finksburg, on property zoned "A" Agricultural District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (21 & 23) and 223-75

HEARING HELD: October 25, 2007

FINDINGS AND CONCLUSION

On October 25, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a home office and parking of commercial (construction) vehicles and a variance from the required 3 acres to lot width of 263.5 ft. and depth of 132 ft. The Board made the following findings and conclusion:

The Applicant is a self-employed operator of a seal coating business from his home. He has no employees, and runs the office from his kitchen. No customers visit the residence. He stores several trucks and pieces of equipment associated with the business at the residence. The surrounding area includes residential uses and within 2 blocks there are approximately 10 businesses, including a liquor store, hairdresser, service uses, and mechanical shops. The area is a busy crossroads, where Gamber Road meets heavily travelled Route 91.

The .89 acre (+-) lot is trapezoidal shaped with a gently sloping topography. The lot is studded with mature trees, which provide a natural screen between the property and Route 91.

Based on the above, the Board found that the storage of the equipment at this location will not generate noise, dust, fumes, gases or decrease property values. In addition, the Board found that no customer traffic will be generated. It is well screened by trees. The surrounding neighborhood, with its mix of residential and commercial uses, will not be adversely impacted by this use. Accordingly, the Board found that a contractors' equipment storage yard at this location would not generate adverse effects above and beyond those normally associated with such a use, and the conditional use request, with limitations, was granted.

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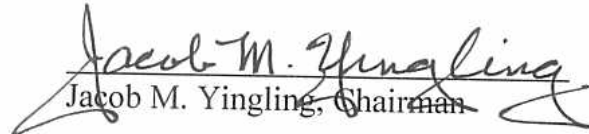
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In addition, the Board found this lot to be a uniquely shaped substandard sized lot in the Agricultural zone. The topography, the existence of the house, the natural tree screen all render this property to be unique such that a strict application of the setbacks to the property would result in unnecessary hardship. Accordingly, the requested variances were granted.

The Board conditioned the approval by limiting the amount of commercial vehicles stored at the property to four (4). The four vehicles includes the one vehicle that the Applicant is entitled to park there as an accessory use under Chapter 223-30.3.

11/14/07
Date


Jacob M. Yingling, Chairman