

**Tax Map/Block/Parcel  
No. 53-14-404**

**Building Permit/Zoning  
Certificate No. 06-0129**

Case 5182

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

**APPLICANT:** James (Brett) Cochran  
7477 McKaig Road  
Frederick, MD 21701

**ATTORNEY:** Clark R. Shaffer

**REQUEST:** Conditional use for a landscaping service in conjunction with a nursery operation and variances from the minimum tract size of 20 acres to about 9.8 acres and from the required yard setbacks and distance requirements of 400 ft. to about 200 ft.

**LOCATION:** The site is located on the E/S of MD Rt. 140, N/E of Sandymount Road, Finksburg, on property zoned "C" Conservation District in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-16, 223-34 E and 223-186 A (2 & 3)

**HEARING HELD:** February 23, 2006

**FINDINGS AND CONCLUSION**

On February 23, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a landscaping service in conjunction with a nursery operation and variances from the minimum tract size of 20 acres to about 9.8 acres and from the required yard setbacks and distance requirements of 400 ft. to about 200 ft. The Board made the following findings and conclusion:

The Applicant wishes to relocate a business specializing in outdoor buildings, play equipment, gazebos and garages to the subject parcel, which is 9.8 acres in the "C" Conservation District. The property fronts Maryland Route 140. The topography is rolling in the front, flat in the center and sloping in the rear. There is also a stream running through the rear of the property. The property is currently vacant.

In addition to the outdoor buildings and play equipment, the Applicant will sell mulch, gravel and stone for landscaping. Also, the Applicant will sell nursery stock. Customer traffic will be minimal during the week and increase on weekends. Trucks delivering outdoor equipment and buildings will arrive and depart during "non-peak" traffic hours. During busy periods, there will be 2-3 cars going in and out per hour. There will be a 12 ft. x 24 ft. office on the site. Little or no noise will be generated on the site.

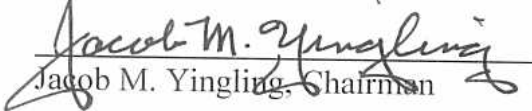
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The subject property is unique, in that it is a fairly small "Conservation" zoned parcel that fronts a very busy highway. Its size and applicable setbacks would make it unusable for the requested purpose. In addition, there are no steep slopes or other environmental features associated with "Conservation" zoned land, and the property is located in the vicinity of other business/commercial uses.

The Board finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use is granted.

In addition, the Board finds that the property is unique for the reasons listed above, such that a strict application of the size and setback requirements of the Ordinance would result in undue hardship and practical difficulty. Accordingly, a variance from the requirement of 20 acres to 9.8 acres and a variance from the yard setbacks from 600 ft. to 250 ft. is granted.

3/20/06  
Date

  
Jacob M. Yingling, Chairman