

Tax Map/Block/Parcel
No. 68-13-470

Building Permit/Zoning
Certificate No. 98-0706

Case 4316

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANTS: Melvin T. and Carol A. Laney
6297 White Rock Road
Eldersburg, Maryland 21784

REQUEST: A conditional use request for a contractor's
equipment storage yard and a variance for the
distance requirement

LOCATION: Enterprise Street, Section 2A, lot 8, located
northeast of Maryland Route 26 in the Central
Maryland Service and Distribution Center
subdivision on property zoned "I-R" Restricted
Industrial District in Election District 14

BASES: Article 12, Section 12.2(a) and Article 4, Section
4.12; Ordinance 1E

On May 27, 1998, the Board of Zoning Appeals (the Board), convened to hear the application of Melvin T. and Carol A. Laney for a conditional use for a contractor's equipment storage yard and a variance to the distance requirement of Section 4.12 on property zoned "I-R" Restricted Industrial. The property is located east of Md. Rt. 26 and is identified as lot 8 of the Central Maryland Service and Distribution Center. The applicants were represented by Brian Bowersox, Esquire. The following are the Board's findings and conclusions.

Lot 8 is 2.133 acres and is owned by the applicants who own and operate an asphalt company known as M. T. Laney Asphalt Contractors. The applicants seek a conditional use approval for a contractor's equipment storage facility. They propose to construct a 9,000 foot warehouse building for the equipment with 1,800 square feet of office space as Phase I of the use. The building would be metal and masonry construction intended to accommodate most of the equipment. Phase II is planned for the future and is a 12,000 square foot building. The buildings would be approximately 16 feet high. The applicants equipment is generally kept on the different job sites and would not be at the facility on a regular basis. The employees generally report directly to the different job sites and do not visit the site. The applicants own approximately 18 pieces of equipment such as rollers and pavers, graders, as well as pickup trucks and other small pieces of equipment such as compressors. Most of the equipment would be stored inside the building. The pickup trucks would be stored outside.

The site is part of a larger industrial park whose tenants include a lumber yard, a gun club, a metal refinishing business, another paving contractor, a concrete company and a pet store. The lot is 150 feet from the nearest residential lot. Section 12.1(a) of the ordinance establishes the distance requirement for a principal use in the "I-R" Restricted Industrial District to be, among other things, at least 200 feet from any lot in the "R" District. Absent a variance, no principal use listed in the above section could be established. As such, practical difficulty as required by the ordinance is established. In light therefore, the applicants request for a variance for the establishment of the conditional use is reasonable. The Board hereby grants the variances needed to establish the conditional use.

The Board finds the site to be well suited for the conditional use subject to the following conditions:

1. The applicant shall be required to exit the site by use of Enterprise Road and Klees Mill Road rather than Maryland Route 26.
2. The applicant is prohibited from using any release agent on the bodies of the trucks on the site.
3. The applicant may store no more than 8 pieces of equipment outside the building.
4. No equipment may be stored on site which exceeds 18 feet in height.
5. The northern area of the lot must be screened to minimize the visibility of the trucks outside by neighboring properties.
6. The use is subject to site plan review.
7. The site will be paved (hardsurfaced) to reduce dust.

June 30, 1998
Date

James L. Schumacher
James L. Schumacher, Chairman

IM/bmh/c4316dec.bmh
June 24, 1998