

Tax Map/Block/Parcel
No. 38-4-420

Building Permit/Zoning
Certificate No. 97-2895

Case 4277

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: David A. Siderchuk
1212 Pinch Valley Road
Westminster, Maryland 21158

REQUEST: A conditional use request for a contractor's equipment storage with variances as required and to allow parking of commercial vehicles

LOCATION: 1212 Pinch Valley Road on property zoned "A" Agricultural District in Election District 7

BASES: Article 6, Sections 6.3(e)(1) and 6.3(x), Article 15, Section 15.5.4; Ordinance 1E

On December 3, 1997, the Board of Zoning Appeals (the "Board"), convened to hear the application of David A. Siderchuk for a conditional use request for a contractor's equipment storage yard with variances or for the parking of commercial vehicles at 1212 Pinch Valley Road on property zoned "A" Agricultural. The subject property consists of 9.683 acres and is the residence of Mr. Siderchuk. The following are the Board's findings and conclusions.

Mr. Siderchuk is a self employed private contractor for the installation of cable for various utilities. He has four or five trucks, a large tree spade, several trenchers and other equipment which he uses in his business.¹ He has operated the business from his house for the past two years without Board approval and to the dismay of many of his neighbors.² He seeks permission to store his vehicles and equipment on the property, and to erect a 50 x 100 foot storage building to store some of the equipment. He is requesting variances to the distance requirements to the south and west side of the property. The use contemplated would include arriving between the hours of 7:00 a.m. to 9:00 a.m. to pick up the

¹The complete list of equipment includes 2 (410) trenchers, 1 255 Plow, 2 cherry pickers, 1 tree spade, 6 trucks (diesel), 3 2-axle trailers and 3 cable haulers.

²There were Notices of Zoning Violations issued for the violation. This is not an appeal of the violations, but an attempt to legitimize the use.

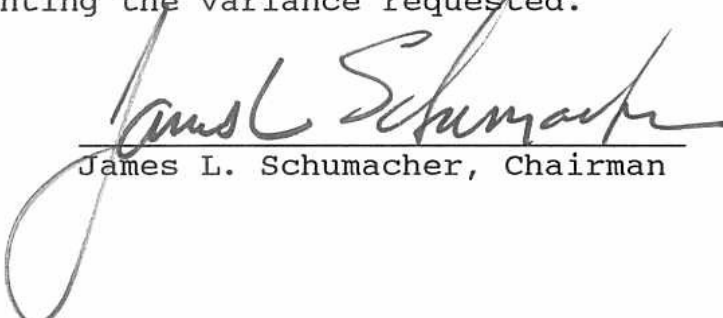
trucks and equipment and return about 6:00 p.m. to 9:00 p.m., seven days a week.

Numerous neighbors appeared in opposition to the applicant's requests. The Board finds the testimony of the neighbors to be very persuasive. The Board finds that the neighborhood is strictly residential, with quiet, peaceful surroundings. The applicant's operation has disturbed the neighbor's quiet enjoyment of their property. Pinch Valley Road cannot safely accommodate the applicant's vehicles arriving and leaving the site. The entrance to the property is inadequate to provide safe site distance of oncoming traffic. The use proposed will adversely affect the surrounding properties above and beyond a similar use located elsewhere in the Agricultural Zone. The evidence is overwhelming that the use of the property as contemplated by the applicant will severely diminish the property values of the surrounding neighborhood; it will disturb the adjoining property owners' use of their property and is the least appropriate use of the land. The Board has never seen a more ill suited site for the proposed use than the present case. The Board denies the requested conditional use and finds no hardship warranting the variance requested.

1/9/98

Date

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James L. Schumacher, Chairman