

Tax Map/Block/Parcel
No. 35-8-303

Building Permit/Zoning
Certificate No. 97-1298

Case 4228

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: The Potomac Edison Company
d/b/a Allegheny Power
800 Cabin Hill Drive
Greensburg, Pa. 15601-1689

ATTORNEY: John T. Maguire, Esquire
189 East Main Street
Westminster, Maryland 21157

REQUEST: A conditional use request for a contractor's equipment storage yard and office in the existing building and a variance for minimum lot size and setbacks from the property lines

LOCATION: 901 Francis Scott Key Highway (Md. Rt. 194) on property zoned "A" Agricultural District in Election District 10

BASES: Article 4, Section 4.12; Article 6, Sections 6.3(e)(1) and 6.7; Ordinance 1E (The Carroll County Zoning Ordinance)

On June 30, 1997, The Board held a hearing regarding case 4228. The Potomac Edison Company (applicant), requested a conditional use for a contractor's equipment storage facility on the existing lot and to establish an office in the existing building. A variance was also requested to reduce the minimum distance requirements in Section 4.12 of the Carroll County Zoning Ordinance and to reduce the minimum lot size as established in the Ordinance. The property is at 901 Francis Scott Highway (Maryland Route 194), in Election District 10.

The zoning designation for the property is "A" Agricultural District. The basis for which the Board will consider the application is found in the Carroll County Ordinance, Article 4, Section 4.12; Article 6, Sections 6.3 (e) (1) and 6.7.

Mr. George Beisser, County Zoning Administrator, testified that this property was the subject of a case in 1976 (BZA Case 1108). The current use is an approved non-conforming use and is not in conformance with setback requirements. To establish the proposed conditional use for an equipment storage facility, the applicant must meet setback and lot size requirements of the zoning ordinance

(400 feet and 3 acres respectively) or obtain a variance.

The applicant testified that the property has a long standing history of commercial/business use, including being part of a feed mill operation. The property is currently used by the Potomac Edison company. Since 1976, it has been used to store equipment and park utility and construction vehicles. The interior of the existing building was used for storage. The applicant also contacted most of the adjoining property owners to gauge their concerns. The applicant reported receiving no negative comments or concerns. It was the testimony of the applicant to be a good neighbor and to do nothing that would create a negative impact on the neighbors, including excessive noise, dust, traffic, glare, odors, gas or vibrations.

Several exhibits were distributed to the Board, such as a site plan, pictures and an aerial photograph. Mr. Robert Sheets, Real Estate Broker, testified that the proposed use will have no negative impact on the surrounding property values and the requested use is the most appropriate use for the land.

The Board finds the testimony presented to be credible and concludes that the proposed use would not adversely affect the public health, safety, security, morals or general welfare, or would jeopardize the lives or property of people living in the neighborhood. The Board considered the items listed in Section 17.7 of the Zoning Ordinance.

The Board finds that the use proposed is a more appropriate use than the use the property was previously dedicated. The applicant could lawfully have applied for a change of a nonconforming use without obtaining the requisite variances. The Board, under these circumstances, finds the variance request would not violate the spirit and intent of the regulation, or cause or be likely cause substantial injury to the public health, safety and general welfare.

On motion by Mr. Hoff and seconded by Mr. Wolfe, the Board voted unanimously to approve the conditional use request for a contractor's equipment storage yard and office in the existing building and a variance for minimum lot size and setbacks from the property lines, as established by the existing lot size as shown on the plat and site plan submitted by the applicant, as Exhibit 5.

August 5, 1997

Date



James L. Schumacher, Chairman

IM/bmh/c4228dec.bmh
August 4, 1997