

Tax Map/Block/Parcel  
No. 27-15-185

Building Permit/Zoning  
Certificate No. 96-2870

Case 4143

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND

APPLICANT: Keith Warner  
P.O. Box 156  
Bruceville Road  
Keymar, Maryland 21757

REQUEST: A conditional use for a fertilizer plant on  
property zoned "A" Agricultural District

LOCATION: 1809 Francis Scott Key Highway (Md. Rt. 194) in  
Election District 10

BASIS: Article 6, Section 6.3(r); Ordinance 1E (The  
Carroll County Zoning Ordinance)

On September 25, 1996, the Board of Zoning Appeals held a hearing on the above captioned request for a conditional use request for storage and retail sale of fertilizer on agriculturally "A" zoned property located at 1809 Francis Scott Key Highway.

FINDINGS AND CONCLUSION

Mr. Keith Warner, the applicant, appeared and testified on behalf of his application. He recently purchased the subject property which is in excess of 145 acres with the intention of using a portion of the land for the storage and sale of liquid and dry fertilizer. The property is traversed by a railroad. He intends to commission the construction of a railroad spur to be used for the delivery of the fertilizer to his property.

The dry fertilizer will be stored in a building to be constructed, 80 feet by 150 feet, and the wet fertilizer will be stored in tanks. The building will have a concrete floor. The tanks will comply with all Federal and State safety regulations. He anticipates receiving 100 railroad carloads of fertilizer a year. The fertilizer sale is seasonal corresponding with the planting seasons. It will be sold to the local farmers in bulk and in bags. There will be no noise, odor, smoke, dust or any other noticeable adverse effects from the operation. The fertilizer will be off loaded by electronically operated elevators.

The Board finds Mr. Warner's testimony to be credible and accepts his testimony. Several neighbors appeared and voiced

some concerns. Mr. Robert Pfoutz, an adjacent property owner, was concerned about the effect the proposed use would have on the neighborhood, i.e., the increased traffic which may be generated, the potential water pollution, noise, pollution, and diminuation of the value of his property as a result of the operation. The concerns were echoed by other neighbors as well. In addition, one neighbor was concerned with having her view of the adjacent countryside obstructed by the proposed building.

The Board finds that the adverse effects raised by the opponents would not be any different elsewhere in the zone and concludes that the subject property is well suited for the proposed use. Although the structure to be constructed is rather sizable, the property is large enough for this type of operation. In addition, the proximity of the railroad is beneficial to the use proposed. However, the Board does have some concerns regarding this use. The Board is concerned that the large building constructed may obstruct the view of adjoining property owners. This concern is insufficient to deny the use and can be addressed by locating the building a further distance from Francis Scott Key Highway, and across the railroad tracks. The applicant testified that the topography does not lend itself to such a request. Nevertheless, the Board requires that the applicant make a good effort to locate the building across the railroad tracks if it is economical to do so.

The Board is also concerned with the traffic which will be generated from the use. In light of this and the commercial nature of the enterprise, the Board requires that the use be subject to the Carroll County site plan review.

With the concerns addressed, the Board finds that the use proposed to have no greater adverse effects at this location than in any other location in the agricultural zone and approves the request.

11/15/96

Date

Karl V. Reichlin

Karl Reichlin, Chairman

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