CARROLL COUNTY GOVERNMENT
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Office of Zoning Administration
Neil M. Ridgely
Zoning Administrator

Notice of Decision

Case # ZA-898
Permit # 05-0483

Variance Request: For a variance from the minimum yard setback from 400 feet to 300 feet for a facility to sell farm equipment (fencing) at 5201 Ridge Road, Mt. Airy, MD inElection District 09 by William and Sally Barnes. The Barnes' were represented by Mr. Charles M. Preston Esq.

Basis for Variance: § 223-71 A(6), 223-16 and § 223-181 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Approved.

Basis for Decision:
It is the opinion of the Zoning Administrator that approval of the variance request will not:

- Adversely affect the public health, safety, security, morals, or general welfare.
- Result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood.

In making this determination, the Zoning Administrator cannot answer in the affirmative to the criteria provided in Section 223-191 of the Carroll County Code that:

- There would be a detrimental effect on the people working or residing in the area
- There would a negative impact on the orderly growth of the community
- There would be a detrimental effect on the peaceful enjoyment of people in their homes.
- That the use would have a negative effect on the conservation of property values.
- That there would be any effect from odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon surrounding property values.

Mr. Preston entered the decision of the recent Board of Zoning Appeals Case number 5001 into the record. This decision granted Mr. Barnes a conditional use for the sale of fencing materials from his property with conditions. The BZA made it clear in that decisionit wanted the materials stored and sold at the area referred to as "Proposed Storage Site 1"; however this location requires a variance. Evidence and testimony was presented at the variance hearing which substantiates the need to locate the sales yard at the requested location Specifically, to locate the materials in an area which would not require a variance would require considerable grading and consume usable crop land on the farm. Not only is the farm unique in its sale of fencing over several years but the direction provided by the Board in their decision is unique in and of itself. To require the location of the sales yard elsewhere on the property would be a practical hardship in that it would run contrary to the BZA's decision and necessitate another hearing. Accordingly, the variance is granted.

18 April 2005

Neil M. Ridgely
Zoning Administrator

Per Section 223-182 or the Carroll County Code of Public Local Laws and Ordinances, appeals of this decision must be made within 30 days of the date of the decision to the Board of Zoning Appeals pursuant to Section 223-188 of the Carroll County Code. Unless timely appealed, parties may not thereafter contest the Zoning Administrator's decision.