

**MINUTES  
BOARD OF ZONING APPEALS  
CASE A-222**

Mrs. Vickie Watts, Chair of the Board, called the hearing to order at 6:45 p.m. The following Board Members heard this case: Ms. Carol Irvin, Mr. Michael Joseck and Mrs. Vickie Watts. Staff members present were: Tammi Ledley, Zoning Administrator and Lorena Vaccare, Assistant Zoning Administrator. Town Attorney Michelle Ostrander was also present.

Guests present: Elizabeth Dell, James W. Dell IV, James W. Dell III, John Maguire, Jack Haden, Oliver Scholtes.

**CASE A-222**

On April 3, 2018, the Board of Zoning Appeals heard testimony and received evidence concerning the appeal Case A-222, a request by JJE2018, LLC and 591 Hanover Road, LLC for a change in non-conforming use at 591 Hanover Pike.

The Board heard a statement by the Zoning Administrator regarding the rezoning of the property in 2010 and its subsequent categorization as a non-conforming use, the current use of the property and the consistency of the proposed use, the site plan previously approved in 1995, the affirmation that the prospective buyer will not be making any changes to said site plan, conveyed Carroll County Department of Planning's comments regarding the case, and confirmed that there is nothing in Town Code to prohibit approval of the change in non-conforming use.

John Maguire, Esq., on behalf of the Appellant, gave a brief presentation and explained the reason for the request for approval of the change in non-conforming use, as well as a summary of what information would be conveyed at the hearing. Mr. Maguire introduced Mrs. Elizabeth Dell, Mr. James W. Dell III, and Mr. James W. Dell IV as owners of the J.W. Dell Co., Inc. and owners of the entity JJE2018, LLC. Mr. Maguire called upon the current owner of the property, Mr. Jack Haden of J&J Trash Removal, to testify as to the background and nature of his company (including number of employees) and the use of the property at 591 Hanover Pike, the history of the property's zoning, and the equipment used and stored at the property. Mr. Maguire introduced Exhibit 1, an aerial photograph of the property depicting equipment on the property and the location of buildings. Mr. Haden confirmed that he was still in occupation of the property and using the office space in the building. Mrs. Vaccare inquired about the time frame for vacating the premises should the sale contract go through to settlement. Mr. Maguire replied it would be within the normal sixty to ninety day time frame. There were no further questions for Mr. Haden.

Mr. Maguire then called upon Mr. James W. Dell III of J.W. Dell Co., Inc. to testify as to his professional background, the history and nature of his company, the company's current location in Finksburg, and the areas of the company's service. There were no questions for Mr. Dell.

Mr. Maguire introduced Exhibit 2, a boundary survey of the site at 591 Hanover Pike dated March 1, 2018.

Mr. Maguire then called upon Mr. James W. Dell IV to testify as to the operations of J.W. Dell Company, the history and nature of his company, and the need for the property at 591 Hanover

Pike for the company to use for administrative offices, maintenance of equipment and storage of materials and equipment. Mr. Dell elaborated on the types of equipment and stated that the majority of the equipment is stored on their job site locations, not at their operations base. Mr. Maguire introduced Exhibits 3, 4, 5 and 6: pictures of dumptrucks, service trucks, pieces of maintenance equipment and storage containers stored at J.W. Dell's current location in Finksburg. Mr. Dell stated the service trucks are driven by their foremen to the job sites and then to the foremen's homes. Mr. Dell stated J.W. Dell employs twenty two personnel, with an average of sixteen personnel reporting to the office on a daily basis. Mr. Maguire inquired about proposed usage of the property to which Mr. Dell replied that the trucks would be coming and going to job assignments (except those being serviced for maintenance), the building would be used for offices and storage of materials: in actuality, identical to the current use of the property by Mr. Haden. Mr. Maguire inquired about deliveries, to which Mr. Dell replied that only office supplies and documents would be delivered, that their construction materials are all delivered directly to the job sites. Mr. Dell confirmed the location and ownership of neighboring properties. Mr. Maguire asked for confirmation that Mr. Dell would be able to operate the business at 591 Hanover Pike without making any changes to the previously approved site plan; Mr. Dell confirmed J.W. Dell Co. would be able to fully operate at 591 Hanover Pike without making any changes to the previously approved site plan. Mr. Maguire asked Mr. Dell if he was aware that if he did want to make changes to said site plan he would have to request approval from the Town; Mr. Dell confirmed he did understand the process. Mr. Dell confirmed that the operations of J.W. Dell Co. would not interfere with neighboring property owners' peaceful enjoyment of their own properties, and he does not believe there would be an impact on property value due to their business. Mr. Dell stated the topography of the property is very suitable for their needs as it is very flat; their company has had difficulty in the past with uneven and hilled lots. Mrs. Vaccare requested confirmation from previous conversations that there would only be cosmetic changes to the building (paint), that no residential solicitation or advertising would occur, to which Mr. Dell replied in the affirmative, and added that they may increase the lighting at the location. Mrs. Vaccare inquired whether or not J.W. Dell Co. would require signage, to which Mr. Dell replied that eventually they may wish to install a sign on the building just to identify the location for deliveries. There were no further questions.

Mr. Maguire stated that the proposed use and activity for the property would actually decrease the traffic volume to and from the property, the number of employees will be less than the current company utilizing the property and reiterated that there will be no changes to the previously approved site plans. He reiterated that the proposed use of the property is consistent with the current use and then requested approval for the change in non-conforming use.

No protestants presented.

There were no public comments.

No rebuttals were required.

The Board deliberated on the case. Mrs. Watts initiated discussion and asked if the Board had any questions. Mr. Joseck asked how many sea containers J.W. Dell Co. would be storing on site, to which Mr. Dell replied that there are five 8' x 20' containers which would be stored side by side on the rear of the property on the asphalt near the railroad tracks. There was no further discussion.

Mr. Joseck made **a motion to approve the change in non-conforming use, that the current use is ongoing and there is no cessation of use and that there is no requirement for an amended site plan.** Mrs. Watts seconded the motion. The motion passed with three votes for, no votes against, and no abstentions.

Mr. Maguire inquired if they could have a decision notification letter with a couple of days; Mrs. Vaccare and Mrs. Ostrander stated they would indeed send said letter within that time frame.

Mrs. Watts made **a motion to adjourn the hearing.** Ms. Irvin seconded the motion. The motion passed with three votes for, no votes against and no abstentions.

Submitted by:

Approved by:

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Lorena Vaccare  
Assistant Zoning Administrator

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Vickie Watts  
Chair