

Tax Map/Block/Parcel
No. 39-9/15-268

Building Permit/Zoning
Certificate No. 92-1108

Case 3724

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANTS: Robert F. Kohl, Inc. and
Robert F. Kohl and Christine A. Kohl
814 Lucabaugh Mill Road
Westminster, Maryland 21157

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

REQUEST: An Appeal of Notices of Violation dated March 18, 1992,
regarding operating a business, and use of a farm building;
and, to confirm that a livery stable includes by definition a
horse transportation business, or that the business or
parking of commercial vehicles is either a principal
permitted use, a nonconforming use, or an accessory use to
the principal permitted use of agriculture as presently
existing

LOCATION: 814 Lucabaugh Mill Road in Election District 7

BASIS: Article 17, Section 17.4; Ordinance 1E. (The Carroll County
Zoning Ordinance)

HEARING HELD: May 28, 1992

FINDINGS AND ORDER

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board hereby confirms the horse transportation business to be an accessory use to the boarding stable which is classified as a nonconforming use, affirms the appeal and dismisses the Notices of Violation dated March 18, 1992, regarding operating an illegal business and illegal use of a farm building on the premises. The pertinent findings determining the Board's decision include the facts that use of the 11.82 acre farm was established in 1976, including the horse transportation business, when property was zoned "A" Agricultural District; operation of the business has been continuous since then, and has intensified, including use of an office established within an agricultural building erected in 1987; as livery (boarding) stables are not listed as a principal permitted use in the "R-40,000" Residence District, the use is a lawful nonconforming use.

June 9, 1992
Date

John Totura
John Totura, Chairman

JDN/bdc/C3724DEC
June 8, 1992