

Tax Map/Block/Parcel
No. 13-22-367

Building Permit/Zoning
Certificate No. 93-4102

Case 3897

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

APPLICANT: Mark Bixler
4061 Rinehart Road
Westminster, Maryland 21158

ATTORNEY: Clark R. Shaffer, Esquire
6 North Court Street
Westminster, Maryland 21157

REQUEST: An appeal of a Notice of Violation dated November 15, 1993,
regarding storage of unlicensed vehicles, as defined in
Article 20 of the zoning ordinance

LOCATION: 4061 Rinehart Road in Election District 6

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

HEARING HELD: February 24, 1994

This case came on for hearing before the Board on February 24, 1994. A full hearing was held at which testimony was heard from George Beisser of the Bureau of Zoning Enforcement and from Mark Bixler and certain witnesses on Bixler's behalf. At the conclusion of all the evidence, the hearing was recessed for the Board to consider its decision. Prior to the Board making a decision, the parties entered into negotiations off the record and then appeared on the record before the Board to place an agreement on the record. That agreement was later put into written form in a consent agreement and an addendum thereto, copies of which are attached hereto. The Board approves the consent agreement and has attached the signature of its chairman to the written consent agreement to indicate its approval thereof.

6-2-94
Date

Claude R. Rash
Claude R. Rash, Chairman

JDN/bmh/c3897dec.bmh

CONSENT AGREEMENT

THIS CONSENT AGREEMENT made this 1st day of June, 1994 by and between CARROLL OFFICE OF ZONING ENFORCEMENT (hereinafter "Zoning") and J. MARK BIXLER (hereinafter "Bixler").

WHEREAS, Bixler was served with Notices of Violation dated 13 July 1992 and 15 November 1993 both of which dealt with the same subject matter, that is the storage of unlicensed vehicles and/or the maintenance of a junk yard on property owned by Bixler at 4061 Rinehart Road, Tax Map 13, Block 22, parcel 367, in the Third (3rd) Election District of Carroll County, Maryland (hereinafter the "Property"); and

WHEREAS, Bixler appealed the Notice of Violation dated 15 November 1993 to the Carroll County Board of Zoning Appeals (hereinafter "Board") and a hearing was held before said Board on 24 February 1994 (Case No. 3897); and

WHEREAS, under Section 6.4(n) of the Carroll County Zoning Ordinance, the storage of unlicensed motor vehicles is declared to be an accessory use under certain circumstances; and

WHEREAS, at the conclusion of the presentation of all the evidence in said case, and prior to the Board rendering its final Decision, the Bixler and Zoning entered into discussions and reached the following agreement, the substance of which agreement was put on the record in Case No. 3897 with the permission and approval of the Board.

NOW THEREFORE, in consideration of the mutual promises and covenants, the receipt and adequacy of which are hereby acknowledged, Bixler and Zoning hereby agree as follows:

1. Bixler may store a total of Eight (8) untagged or unlicensed vehicles on the Property, divided into the following categories:

a) up to five (5) vehicles being actively restored and identified as follows:

1. 1971 Buick Station Wagon
2. 1964 Oldsmobile
3. 1960 Chevrolet Pick-Up
4. 1969 Chevrolet Impala
5. 1964 Chevrolet Impala SS

b) up to two (2) vehicles being stock cars which are in current use for racing, identified as follows:

1. 1971 Chevrolet "Chevelle" Malibu
2. 1963 Chevrolet Impala

c) up to one (1) vehicle used strictly on the Property for general maintenance of the Property, identified as follows:

1. 1968 Ford Pick-Up Truck

2. Bixler shall have the right to substitute for said vehicles after giving written notice of said substitution to Zoning.

3. Bixler promises and agrees to keep said vehicles in a location behind the existing residence on the Property, except that the vehicle used for general maintenance of the Property may be stored in the Bixler's normal parking spaces in front of the Property.

4. Bixler promises and agrees to remove all other unlicensed or untagged vehicles from the Property on or before September 30, 1994, unless said vehicles are stored in compliance with the Carroll County Zoning Ordinance on or before said date.

5. This Agreement shall constitute the entire agreement between the parties and neither they nor their agents shall be bound by any terms and conditions not herein written.

6. This Agreement shall bind the parties and their respective successors, personal representatives, and assigns.

WITNESS the hands and seals of the parties.

BUREAU OF ZONING ENFORCEMENT

Paul Jutz 5-6-94
WITNESS DATE

BY: George L. Beisser (seal)
GEORGE L. BEISSER, CHIEF

Jessie Stephan 4-11-94
WITNESS DATE

J. Mark Bixler (seal)
J. MARK BIXLER

APPROVED BY:
CARROLL COUNTY BOARD OF ZONING APPEALS

Bonnie M. Nann 5/23/94
WITNESS DATE

Claude R. Rash (seal)
CLAUDE R. RASH, CHAIRMAN

approved for legal sufficiency
James [unclear]

ADDENDUM TO CONSENT AGREEMENT

It is expressly understood and agreed that J. MARK BIXLER has entered into this Agreement as a resolution of the appeal filed on the Notice of Violation dated November 15, 1993, and from which no further appeal will lie. Any infraction of this Agreement authorizes the Bureau of Zoning Enforcement to file suit in the Circuit Court of Carroll County to obtain compliance with this Agreement. The Bureau of Zoning Enforcement shall be allowed to inspect the property during normal working hours.

July 11 - 1994
Date:

J. Mark Bixler (SEAL)
J. Mark Bixler

May 6, 1994
Date:

BUREAU OF ZONING ENFORCEMENT,
George L. Beisser (SEAL)
BY: George L. Beisser, Chief

May 23 - 1994
Date:

CARROLL COUNTY BOARD OF
ZONING APPEALS,
Claude R. Rash (SEAL)
BY: Claude R. Rash, Chairman

Our File No. 7865-ZV
IM\wmm\home\wanda\bixler.zon
April 29, 1994

*Gracehand
approved
Legal sufficient*