

Tax Map/Block/Parcel
No. 68-22-41

Building Permit/Zoning
Certificate No. 00-3338

Case 4551

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

APPELLANT: Benjamin E. Grubbs
6117 Emerald Lane
Sykesville, Maryland 21784

ATTORNEY: Elwood E. Swam

REQUEST: An appeal of the Zoning Administrator's Notice of Violation regarding ServPro trucks being parked on a non-conforming site that is approved as a contractor's equipment storage yard. Or, in the alternative, to amend the non-conforming use to allow the premises to be used for a Serv-Pro business, including the parking of vehicles used in the Serv-Pro business.

LOCATION: The site is located at 5652 Bartholow Road, Sykesville, MD 21784, on Property zoned "R-20,000" Residential District in Election District 5.

BASIS: Article 17, Section 17.4.2; Article 4, Section 4.3(a); Zoning Ordinance 1E

HEARING HELD: January 4, 2001

FINDINGS AND CONCLUSION

On January 4, 2001, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation from the Zoning Administrator regarding the parking of commercial vehicles (mainly "ServPro" trucks) on property owned by Benjamin E. Grubbs, (the Appellant) at 5652 Bartholow Road in Sykesville. In the alternative, the Appellant requested an amendment of their existing non-conforming use to allow for the storage of ServPro trucks. Based upon the testimony presented, the Board makes the following findings and conclusions of law.

The Property is zoned "R-20" and is located within an established residential neighborhood. However, with the advent of zoning in Carroll County, the Appellant's existing contractor's equipment and storage yard became a non-conforming use. As such, it was then, as it is now, a lawful use. A complaint was received by the Bureau of Permits and Inspections that

the Appellant was now using the Property to park five (5) trucks and one (1) automobile to support Appellant's "ServPro" business. "ServPro" is a commercial franchise offering fire and water damage restoration services and complete residential cleaning services. The Appellant has virtually abandoned his home building and improvement business, which was previously based on the Property.

The Board finds that the Zoning Administrator's conclusion that the Appellant's storage of "ServPro" vehicles on the Property does not equate to the operation of a contractor's equipment storage yard under our Ordinance. The definition of contractor's equipment under the Ordinance refers to, as examples, "machinery used in excavating, earthmoving, paving on in the hauling of earth and building materials". Although the Appellant may provide some incidental home improvement services in his business, the vehicles cited are not contractor's equipment as we understand the term. That said, we find that the Appellant's current operation will not result in any structural alterations, and the storage of Appellant's current fleet of vehicles is a less intense use than the storage of the heavy construction equipment listed above. Accordingly, we find this use to be a more appropriate use and classification, and we therefore approve this change in use in accordance with Article 4, Section 4.3 of our Ordinance. The approval is conditioned upon the following:

1. No storage of any of the Appellant's vehicles shall be permitted outside the existing fenced area.
2. The Property shall be kept in a clean and orderly condition, and the track loader shall be moved to the rear of the Property.
3. The existing fence shall be repaired to improve the appearance of the Property.
4. The gates to the Property shall be closed and secured when the business is not in operation.

In addition, the Appellant is urged to exert efforts to ensure that truck traffic to and from the Property does not block Gibbons Road for extended periods, as this activity greatly disrupts the surrounding neighborhood.

2/2/01
Date

Karl V. Reichlin
Karl V. Reichlin, Chairman