

**Tax Map/Block/Parcel
No. 61-24-461**

**Building Permit/Zoning
Certificate No. 03-3411**

Case 4873

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

APPLICANT: Charles T. Coon, Sr.

ATTORNEY: Charles O. Fisher, Jr. and Isaac Menasche

REQUEST: An appeal of a Notice of Violation from the Zoning Administrator regarding expansion of business use beyond conditions of the previous approval granted in Case 4053 (October 19, 1995), namely, to store in excess of ten (10) containers on the property.

LOCATION: The site is located at 1828 West Liberty Road, Westminster, MD, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-188 B

HEARING HELD: November 25, 2003

FINDINGS AND CONCLUSION

On November 25, 2003, the Board of Zoning Appeals (the Board) convened to hear the appeal of a Notice of Violation from the Zoning Administrator regarding expansion of business use beyond conditions of the previous approval granted in Case 4053 (October 19, 1995), namely, storing in excess of ten (10) containers on the property. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

On October 19, 1995, in Case 4053, the Appellant was granted conditional use approval for his 10.8652 acre site to operate a business consisting of hauling waste materials and horse manure for customers. The waste material was placed in containers and hauled to a landfill or agricultural operations as appropriate. It was understood by the Board in 1995 that some storage containers would necessarily be kept on the property to facilitate delivery to work sites and the operation of the business. A condition of the approval was a limit of ten (10) storage containers which were to be stored in a building or a parking area adjacent to the building to minimize visibility to the neighboring property.

OFFICIAL DECISION

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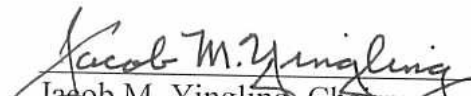
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It is clear from the testimony of Zoning Inspector Brewer and our own site visits on October 15 and November 19, 2003, that there are at least 25 containers on the property. It is unclear to the Board what, if any, utility these types of closed containers would have to Appellant's approved business, which uses "roll off" dumpsters to transport the waste. Therefore, we cannot consider the excess containers to be "necessary" as they are not used to support the approved business.

Accordingly, the Notice of Violation is upheld.

12-19-03

Date


Jacob M. Yingling, Chairman