

Tax Map/Block/Parcel  
No. 40-12-381

Building Permit/Zoning  
Certificate No. 04-3997

Case 5007

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

**APPLICANT:** Marion Ford  
1189 Glenside Court  
Hampstead, MD 21074

**ATTORNEY:** Joseph E. Ashley

**REQUEST:** An appeal of a Notice of Violation from the Zoning Administrator concerning the operation of a motorcycle business and maintaining a junkyard by storing miscellaneous parts, tires and barrels.

**LOCATION:** The site is located at 1189 Glenside Court, Hampstead, on property zoned "R-40,000" Residential District in Election District 8.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223, Article VIII and 223-186 A (1)

**HEARING HELD:** January 26 & March 29, 2005

**FINDINGS AND CONCLUSION**

On January 26 & March 29, 2005, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation from the Zoning Administrator concerning the operation of a motorcycle business and maintaining a junkyard by storing miscellaneous parts, tires and barrels. The Board made the following findings and conclusion:

The Appellant lives in a residential neighborhood zoned R-40,000. He is a motorcycle aficionado, and owns several cycles and repairs equipment. He has turned his hobby into a full time business that is run from his home. The company, "FBR"- Ford Brothers Racing, advertises in the phone book and has a website. The website lists the home of the shop is "Hampstead, Maryland". There are "FBR" trailers parked on the property and a large garage which contains motorcycles and repair equipment. The repair and running of motorcycles in the garage generates noise that can be heard by neighbors even when the garage doors are closed.

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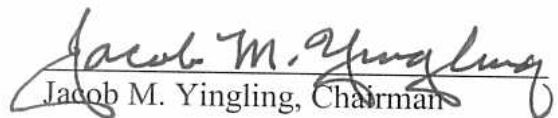
Neighbors testified credibly that gas trucks and UPS/Federal Express trucks visit the Appellant's home or shop several times each week. In addition, they credibly testified that the noise from the shop was adversely affecting the peaceful enjoyment of their homes.

The Appellant admitted operating a motorcycle business from his home. Although the FBR website states that the company assembles and sells motorcycles, the Applicant stated that he now sells only cycle parts and motorcycle clothing. Such sales are made at racetracks only and customers do not come to his home or shop. Much of his business is transacted over the phone, as he orders, sells and ships parts worldwide. He stated that any noise generated from his shop is from his own bikes, although other friends may congregate with him there at times.

The Board finds, based on the testimony of the Zoning Inspector, neighbors, and the Appellant, that a motorcycle business is being operated on the property. Although a "motorcycle business" is undefined in the Ordinance, the plain meaning of the word "business" is a commercial enterprise carried on for profit. Accordingly, the Notice of Violation for operation of an illegal motorcycle business in this zone is upheld. We also find that the junkyard conditions were abated prior to the record hearing and there is no longer a junkyard violation on the property.

Date

4/28/05

  
Jacob M. Yingling, Chairman