

Case 2985

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY MARYLAND

APPLICANT: DeWayne C. Grimes  
122 E. Nicodemus Road  
Westminster, Maryland 21157

ATTORNEY: Susan H. Fisher, Esq.  
22 West Pennsylvania Avenue  
Westminster, Maryland 21157

REQUEST: Conditional use for parking facilities for commercial vehicles.

LOCATION: 122 East Nicodemus Road in Election District 14; Nicodemus Heights subdivision, Section 1, lots 3 and 3a recorded in Carroll County Plat Records in Book 5, page 53.

BASES: Article 6, Section 6.3(x); Zoning Ordinance 1E.

HEARING HELD: August 31, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes the request, subject to the conditions noted below. The pertinent findings justifying the conditional authorization include the following facts:

The proposed site and surrounding properties are zoned "A" Agricultural District as shown on zoning map 58A. The property, consisting of lots 3 and 3A, is part of a residential subdivision originally recorded as Nicodemus Heights, lots 1 through 5, in Plat Book 5, page 53. The plat was subsequently amended providing extensions to lots 1 through 4. The extensions are identified as lot 1A through 4A as recorded in Plat Book 6, page 18. Lots 1 through 5 front on Nicodemus Road and are improved with dwellings. The extensions, lots 1A through 4A, were not approved for purposes of residential development.

The proposed parking area for the commercial vehicles is next to an existing shed located on lot 3A, adjacent to the rear property line of lot 3, and is in excess of 150 feet from either of the dwellings located on lots 2 or 3. Due to the slope of lots 3 and 3A, the shed and proposed parking area are visible only from the rear of the adjacent homes located on the northerly side of Nicodemus

Road. The site is not visible from Nicodemus Road, or from the dwellings located on the southerly side of Nicodemus Road. Vehicular access to lot 3A is provided by an extension of the driveway serving lot 3.

The applicant, DeWayne C. Grimes, son of Mr. and Mrs. Edwin W. Grimes, Jr., resides in the dwelling and is self-employed performing plumbing and landscaping work. The commercial vehicles are used by the applicant in conducting his businesses from the premises. The vehicles are:

- a. One 3/4 ton step-van used in conjunction with plumbing work
- b. One 1 ton dump truck used to haul stone, mulch and debris.
- c. One 3/4 ton flatbed truck used primarily to haul plumbing and landscaping materials

Routine servicing of the vehicles will be done on the premises. No other vehicles, including those of employees or co-workers are proposed to be parked on the premises in conjunction with this request. Although a previous request to authorize use of the premises for a contractor's equipment storage yard and variances for reduction of the minimum required lot area, lot width and minimum distance requirements for the yard were denied in Case 2132 on June 28, 1984, this request differs substantially from that case. In addition to the variances pertaining to the contractor's equipment storage yard, similar variances were requested pertaining to an agricultural barn. Those variances were authorized subject to the conditions that no more than five cattle be on lot 3A at one time.

In considering the provisions of Article 17, Section 17.7 of Ordinance 1E which governs this case, the Board concludes that establishment of the parking area as proposed and conditioned below will not unduly affect either the residents of the adjacent dwellings, or the property values of those lots.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. The parking area of approximately 20 feet by 30 feet for the three commercial vehicles shall be adjacent to the northeast side of the shed located on lot 3A and as now shown on applicant's plot plan attached to this decision.
2. The commercial vehicles authorized to be parked within the designated parking area shall be limited to the following, or the same type of vehicle replacing an original vehicle:
  - a. One 3/4 ton step-van
  - b. One 1 ton dump truck
  - c. One 3/4 ton flatbed truck

Of the above commercial vehicles, only the step-van may be parked temporarily in the driveway adjacent to the dwelling. The flatbed truck and dump truck must be parked in the parking area designated on the plot plan attached to this decision.

3. No employee parking shall be permitted on the premises or within the right-of-way of Nicodemus Road.
4. The commercial vehicles shall not be parked within the right-of-way of Nicodemus Road.
5. No business identification sign is authorized in conjunction with the establishment of the parking area for commercial vehicles.
6. Due to the particular circumstances of this case, the conditional authorization is limited solely to the applicant.

Oct. 11, 1988

Date

John Totura

John Totura, Chairman