

**Tax Map/Block/Parcel
No. 33-15-288**

**Building Permit/Zoning
Certificate No. 03-4369**

Case 4904

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

APPELLANTS: Larry and Joyce Green
1628 Fairmount Road
Hampstead, MD 21074

ATTORNEY: Elwood E. Swam

REQUEST: An appeal of a Notice of Violation issued by the Zoning Administrator, dated November 20, 2003, regarding the expansion of an existing business and expansion of a non-conforming use.

LOCATION: The site is located at 1628 Fairmount Road, Hampstead, MD 21074, on property zoned "R-20,000" Residential District in Election District 8.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-9 and 223-186 A (1)

HEARING HELD: January 29, 2004

FINDINGS AND CONCLUSION

On January 29, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation issued by the Zoning Administrator, dated November 20, 2003, regarding the expansion of an existing business and expansion of a non-conforming use. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is a nonconforming automobile repair shop with an accessory towing business. However, the business has expanded to the point that the parking of vehicles recovered by the company's tow trucks has actually spilled over to a neighboring lot owned by the Appellant that is not nonconforming. The use of the nonconforming property now resembles an automobile tow pound, as the Appellant has contracts with many others, AAA, Baltimore County and the Maryland State Police. The Appellant does not repair these vehicles. Instead, they are stored and eventually recovered by the owners or lien holders.

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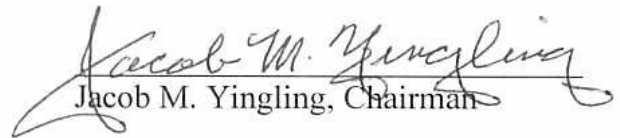
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The Board finds that the non-conforming use has expanded in two ways. First, the property now resembles a commercial "tow pound" for the storage of junk vehicles, rather than an auto repair shop. Secondly, the use has spilled over onto another residentially zoned lot, which is being used for the parking and storage of vehicles. None of these expansions and/or changes was granted Board approval.

Accordingly, the Notice of Violation is upheld and the appeal is denied.

Feb 19, 2004
Date


Jacob M. Yingling, Chairman