

Tax Map/Block/Parcel
No. 67-18-101,411 & 438

Building Permit/Zoning
Certificate No. 05-3239

Case 5137

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

APPLICANT: Charles L. Bopst
239 W. Old Liberty Road
Sykesville, MD 21784

ATTORNEY: David K. Bowersox

REQUEST: An expansion/modification of an existing non-conforming use for parking and incidental maintenance of trucks, etc.; and incidental accessory uses; alternatively, conditional use request for parking of commercial vehicles and incidental maintenance and accessory uses or, for a contractor's equipment storage facility with incidental uses, and variances from the minimum distance requirements of 400 ft. to approximately 54 ft.

LOCATION: The site is located at 239 W. Old Liberty Road, Sykesville, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (5 & 23), 223-9, 223-16, 223-188, 223-119, 223-190 and 223-191

HEARING HELD: October 27, November 30, 2005 & January 25, 2006

FINDINGS AND CONCLUSION

On October 27, November 30, 2005 & January 25, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion/modification of an existing non-conforming use for parking and incidental maintenance of trucks, etc.; and incidental accessory uses; alternatively, conditional use request for parking of commercial vehicles and incidental maintenance and accessory uses or, for a contractor's equipment storage facility with incidental uses, and variances from the minimum distance requirements of 400 ft. to approximately 54 ft. The Board made the following findings and conclusion:

The subject property includes 3 parcels which, in the aggregate, constitute 3.6 acres. The property is zoned "A" Agricultural and is located in a predominantly residential neighborhood.

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The Applicant has requested Board approval to store dump trucks at the property where the Applicant resides. First, he argues that he has a lawful non-conforming use to utilize the property to store trucks. Specifically, the Applicant argues that the property was used to store school buses and trucks prior to the adoption of the County's Zoning Ordinance. The Board finds the evidence of such activity to be sketchy and inconclusive at best. The occasional storage of farm vehicles and school buses at the property does not constitute a non-conforming use to store dump trucks at the site. Accordingly, we uphold the Zoning Administrator's determination that a non-conforming use to store dump trucks at the site was not established.

Turning to the conditional use request, it is clear that the property has long been used to store various pieces of equipment and large vehicles. Currently, the property is used by the Applicant's trucking company. Of the 12 dump trucks owned by the Applicant's company, typically 3 to 4 are stored at the property. They are parked in the interior of the property, and picked up and returned by employees of the company. The Applicant also has an office in his residence and employs a part-time bookkeeper. Light maintenance of the trucks is performed at the property. No customers visit the site and no retail sales are made. There is another residential lot approximately 4 feet from the property line.

The Board finds that, with certain conditions, the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. In addition, the Board finds that the Applicant's use constitutes the parking of commercial vehicles, rather than a contractor's equipment storage yard. The property is clearly being used primarily only for the parking of vehicles and it is a much less intense use than a contractor's yard. The conditions imposed are as follows:

1. The use is non-transferable and is granted to Applicant only.
2. The Applicant shall, in accordance with Carroll County Public Local Laws and Ordinances, Chapter 103-19, submit a site plan to the County, which shall require:
 - a. Appropriate screening of the property to reduce impact on the neighbors.
 - b. The paving and widening of the access drive from West Old Liberty Road to the parking area designated for commercial vehicles.
 - c. The parking of vehicles must be confined to the parking area designated in Applicant's Exhibit 2.

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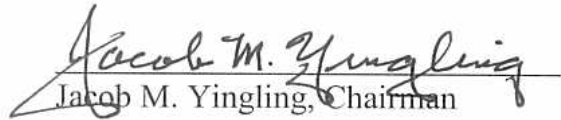
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3. A total of three (3) dump trucks may be stored on the property in the designated parking area set forth in Applicant's Exhibit 2. In addition, the incidental storage of snow blades in this area is permitted.

2/22/06

Date


Jacob M. Yingling, Chairman