

Tax Map/Block/Parcel
No. 36-14-317

Case 5322 & 5323

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

APPLICANT/: Barry L. and Melissa M. Grimes
APPELLANT 4881 Middleburg Road
Taneytown, Maryland 21787

ATTORNEY: Charles M. Preston

REQUEST: An appeal of the Zoning Manager's decision regarding the parking of commercial vehicles and an application for conditional use request for a parking facility for up to five (5) commercial vehicles (three (3) dump trucks and one (2) tractor trailers), a variance from the side yard setback from 30 ft. to 20 ft., and a variance of the lot width from 200 ft. to 145 ft.

LOCATION: The site is located at 4881 Middleburg Road, Taneytown, MD 21787 on property zoned "A" Agricultural District in Election District 12.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (23), 223-75 A, 223-186 A (2) & (3) and 223-186 A (1)

HEARING HELD: May 1, 2007

FINDINGS AND CONCLUSION

On May 1, 2007, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Manager's decision regarding the parking of commercial vehicles and an application for conditional use request for a parking facility for up to five (5) commercial vehicles (three (3) dump trucks and one (2) tractor trailers), a variance from the side yard setback from 30 ft. to 20 ft., and a variance of the lot width from 200 ft. to 145 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellants own and operate Grimes Trucking, a commercial operation with 3 dump trucks and 2 tractor trailers. The business is run from their residence, and the vehicles are stored in a large building on the property. At times, employees of the company take the vehicles home with them. At other times, all five are stored at the property. Employees report to the property to take the trucks to various work sites. The Appellants are also seeking to erect a 2,000 gallon diesel fuel tank on the property to support the business.

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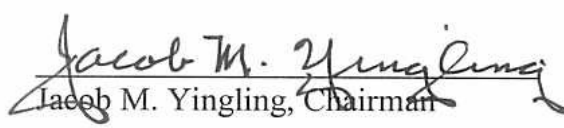
The Board is empowered to hear and decide appeals where it is alleged that there is an error in a determination made by an administrative official with regard to the enforcement of the Zoning Ordinance. In this case, we find no error on the part of the Zoning Manager in her determination that the use constitutes a "parking facility for commercial vehicles". There is a thriving business at this property, with employees going to and from the property. The fact that a large fuel tank is necessary for the business is further indicia that this use goes far beyond the parking of 1 or 2 commercial vehicles operated solely by a resident of the dwelling which could be considered accessory to the residence under Carroll County Public Local Laws and Ordinances §223-30 3 (c). The fact that the trucks are stored in a building is of no help to the Appellants. What is occurring is the parking of commercial vehicles used by non-resident employees of the business. As such, we concur with the determination of the Zoning Manager in this regard.

Turning to the conditional use and variance requests, based on the facts as recited above, the Board finds that this is a clean, well run operation. The business is largely conducted by phone, and traffic is minimal. The trucks are parked out of sight in a large building, which was constructed prior to the Applicants obtaining the property. No customers come to the site. The lot is an irregular "L" shape, which makes it difficult for any structure to meet the requisite setbacks. There is no other feasible location on the property for such a building.

We find that any adverse effects generated by this use (noise, traffic, dust, property value decreases, congestion) would be no greater here than elsewhere in the zone. In addition, we find that denial of a variance would result in undue hardship due to the irregular shape of the lot. Accordingly, the conditional use and all requested variances are granted, subject to the following:

1. No more than 5 commercial vehicles (including the commercial truck driven by the Applicants) may be parked at the property.
2. In accordance with Carroll County Public Local Laws and Ordinances §103-19, a site plan will be submitted to the County.
3. The use is non-transferable.

Date 5/16/07


Jacob M. Yingling, Chairman