

Case 5344

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Kimberly Klein and Ronald Brooks
1895 Old Taneytown Road
Westminster, MD 21157

ATTORNEY: Clark R. Shaffer

REQUEST: Conditional use for parking of commercial vehicles (limousine service), with a mobile disc jockey operation as an accessory use, and a variance from the required 3 acres to 1.056, more or less.

LOCATION: The site is located at 1895 Old Taneytown Road, Westminster, on property zoned "A" Agricultural District in Election District 2.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (23) and 223-75 (A).

HEARING HELD: September 27, 2007

FINDINGS AND CONCLUSION

On September 27, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for parking of commercial vehicles (limousine service), with a mobile disc jockey operation as an accessory use, and a variance from the required 3 acres to 1.056, more or less. The Board made the following findings and conclusion:

The Applicants have owned and operated a limousine service out of their home since June of 2002. They also store mobile equipment for a disc jockey service at the site. Approximately 95% of the Applicants' business is conducted over the telephone. No customers visit the property and no mechanical work is performed there on the vehicles.

The Applicants employ up to 20 part time drivers for their 18 limousines, and a part time employee who performs office work in the home. In addition, two others are employed part time for cleaning the cars. Most business is conducted on Saturdays, including weddings, parties and similar events. This disc jockey business is run solely by the Applicants with no employees.

The subject property is slightly over one (1) acre. It is surrounded on three (3) sides by other single family homes and also abuts a commercial property. The topography is fairly even.

Based on the above evidence, the Board found that any noise, dust, fumes, traffic, vibrations and glare that is generated by the limousine and disc jockey service is no greater here

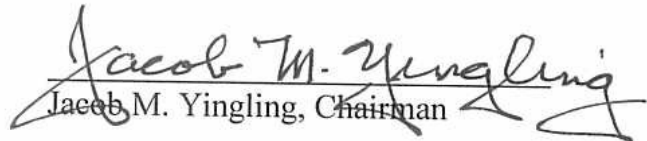
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than elsewhere in the "A" Agricultural zone. In addition, the Board found the disc jockey service to be a valid accessory use in the nature of a home occupation. Accordingly, the conditional use was granted. In addition, the Board found that certain aspects of the property are unique. It abuts a commercial property although it is in a primarily residential area. In addition, the lot is irregularly shaped. Accordingly, the requested variances were granted. The approval was conditioned on the following:

1. No more than 20 vehicles associated with the limousines may be stored on the site.
2. The use is non-transferrable.

Date

10/24/07


Jacob M. Yingling, Chairman