

**Tax Map/Block/Parcel
No. 61-4-515**

**Building Permit/Zoning
Certificate No. 05-0859**

Case 5071

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

APPLICANT: Paul T. Morgan III
2713 Sams Creek Road
New Windsor, MD 21776

ATTORNEY: N/A

REQUEST: A conditional use for the parking of commercial vehicles to include six (6) tractor/trailers.

LOCATION: The site is located at 2713 Sams Creek Road, New Windsor, on property zoned "A" Agricultural District in Election District 9.

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

HEARING HELD: May 26, 2005

FINDINGS AND CONCLUSION

On May 26, 2005, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for the parking of commercial vehicles to include six (6) tractor/trailers. The Board made the following findings and conclusion:

The Applicant operates a trucking business from the property where he resides, which consists of 8 acres (+-). He currently has 6 vehicles titled in his name. In addition, he employs five employee drivers, and he drives himself. He performs light routine maintenance on the trucks in a building he erected on the property. There is no washing of trucks at this site. Trucks are empty when they park at the site.

The Applicant operates an office for the business in the basement of his residence. The drivers work principally for nurseries and garden centers in the area. He has in fact been operating at this location without benefit of Board approval for 17 years. Neighbors who appeared in opposition testified that they were unaware of the current scope of the business. Three drivers and the Applicant leave the site at approximately 6:00 a.m. and return between 3:00 to 6:00 p.m., Monday through Friday. There are occasional Saturday hours.

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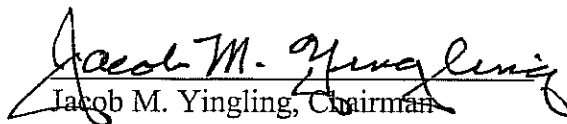
We respectfully disagree with the Zoning Administrator's contention that the Applicant is operating a truck terminal at the site. We find a truck terminal to be an operation where trucks meet and transfer goods to each other for shipment to other places. The Applicant is merely storing empty trucks on the property. While we do not countenance the commencement of the operation 17 years ago without our approval, we find that the parking of commercial vehicles at this location will not generate adverse effects here above and beyond those normally associated with such a use. There apparently has been no undue noise, dust, traffic or depletion of real estate values as a result of this use.

The approval is conditioned upon the following:

1. Hours of operation are limited to between 6:00 a.m. to 6:00 p.m. Monday through Saturday.
2. There shall be no more than six (6) trucks stored there, and no additional buildings associated with the business shall be erected.
3. A site plan must be submitted to the County.
4. The use is non-transferable.
5. No repairs other than routine maintenance shall be conducted on site and no unloaded trailers.
6. No sign shall be erected on the site.

Date

6/23/05


Jacob M. Yingling, Chairman