

**Tax Map/Block/Parcel
No. 52-19-26**

**Building Permit/Zoning
Certificate No. 05-0316**

Case 5044

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

APPLICANT: William Dale Lauterbach
1901 Old Washington Road
Westminster, MD 21157

REQUEST: An appeal of a Notice of Violation* concerning the operation of an auto/truck repair business, conditional use for parking of commercial vehicles, and a variance regarding parking for accessory use.

LOCATION: The site is located at 1901 Old Washington Road, Westminster, on property zoned "A" Agricultural District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 A, 223-188 B, 223-71A (23), 223-191 and 223-30 3 (B)

HEARING HELD: July 28, 2005

FINDINGS AND CONCLUSION

On July 28, 2005, the Board of Zoning Appeals (the Board) convened to hear a combined appeal of a Notice of Violation* concerning the operation of an auto/truck repair business, conditional use for parking of commercial vehicles, and a variance regarding parking for accessory use. The Board made the following findings and conclusion:

The Applicant lives on the subject property, which is owned by his father. It is a 40 acre farm with attendant outbuildings and a residence. He operates a business which requires him to store trucks and commercial vehicles. He has requested the Board's permission to park these types of vehicles at the property. Approximately 2 acres of the farm will be used for parking of the vehicles. The area is fairly remote, but located close to the City of Westminster. There is an existing pole barn on the property (40 ft. x 75 ft.) to serve the parking facility. He occasionally parked the trucks along Short Lane, but will cease doing so. He has 2 employees.

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The Code of Public Local Laws and Ordinances, Chapter 223072 (M) allows the Applicant as a matter of right to park no more than five (5) of his own commercial vehicles on site. Based on the evidence presented, the Board finds that the parking of an addition ten (10) commercial vehicles at this location would not generate adverse effects above and beyond those normally associated with such a use. Accordingly, a conditional use for the parking of up to 10 vehicles (in addition to the 5 allowed as of right in Chapter 223-72 (M)) is granted. Also, the Board finds that the grant of variance from Section 223-30.4 (D) is appropriate, since it would likely be impossible to store the vehicles in a manner that screens them totally from the nearest public road. However, these approvals are conditioned on the following:

1. The conditional use approval for the parking of commercial vehicles is limited to 10 vehicles (in addition to the 5 allowed by 223-72 (M).)
2. The parking of vehicles shall occur only in the area around the existing pole barn as set forth in a site plan.
3. All vehicles must be owned by the Applicant or his business (Max Transport).
4. The use approval and variance are non-transferable.

*The appeal was dropped by the Applicant, who will not longer repair trucks or cars belonging to other parties at the property.

8/25/05
Date

Jacob M. Yingling
Jacob M. Yingling, Chairman