

Tax Map/Block/Parcel  
No. 33-15-288

Building Permit/Zoning  
Certificate No. 03-4371

Case 4906

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

**APPELLANT:** Larry and Joyce Green  
1628 Fairmount Road  
Hampstead, MD 21074

**ATTORNEY:** Elwood E. Swam

**REQUEST:** An appeal of a Notice of Violation issued by the Zoning Administrator, dated November 20, 2003, regarding failure to meet the terms of a prior decision for all tow and service vehicles to be parked within the garage (Case 3632, dated 10/29/91).

**LOCATION:** The site is located at 1628 Fairmount Road, Hampstead, MD 21074, on property zoned "R-20,000" Residential District in Election District 8.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-186 A (1)

**HEARING HELD:** January 29, 2004

**FINDINGS AND CONCLUSION**

On January 29, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation issued by the Zoning Administrator, dated November 20, 2003, regarding failure to meet the terms of a prior decision for all tow and service vehicles to be parked within the garage (Case 3632, dated 10/29/91). Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The referenced property is a nonconforming auto repair shop in a district zoned R-20,000. In 1991, in Case No. 3632, the Board granted the Applicant permission to enlarge the shop by constructing a detached garage to be located to the rear of the shop. A vehicle towing service at the property was described as an accessory use to the shop. The purpose of the garage was, in the Board's words, "for parking of tow vehicles", which would result in the "appearance of the property (being) improved". The Zoning Inspector testified that during recent

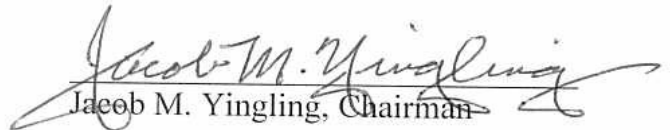
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inspections, he observed tow trucks being parked in front of the building. Prior inspections also revealed that the trucks were being parked outside adjacent to Fairmount Road and at other locations on the property.

The Appellant testified that he has ten tow trucks. The garage will only hold two trucks. He stated that the other trucks are parked elsewhere on the site.

Based on the above, the Board finds no error in the Zoning Administrator's conclusion that a violation of the condition in Case No. 3632 has occurred with regard to parking the tow trucks outside the garage. We believe the purpose of the garage was to house the trucks, the number of which has greatly outgrown the size of the garage. Accordingly, the appeal is denied.

Feb 19, 2004  
Date

  
Jacob M. Yingling, Chairman