

**Tax Map/Block/Parcel  
No. 56-14-15-351**

**Building Permit/Zoning  
Certificate No. 02-3998**

**Case 4746**

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

**APPLICANT:** Daniel W. and Susan M. Muth  
2980 Sam's Creek Road  
New Windsor, Maryland 21776

**ATTORNEY:** Clark R. Shaffer

**REQUEST:** An application for a conditional use for a parking facility for commercial vehicles.

**LOCATION:** The site is located at 2980 Sam's Creek Road, New Windsor, MD 21776, on property zoned "A" Agricultural District in Election District 9.

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

**HEARING HELD:** December 3, 2002

**FINDINGS AND CONCLUSION**

On December 3, 2002, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a parking facility for commercial vehicles. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant purchased this property approximately 9 years ago and has opened a hauling business. Recently, the Applicant was made aware by the Zoning Office that in order to continue operating the facility, that an application needed to be made for commercial parking.

This property is located in a neighborhood consisting of open land with scattered residences. The Applicant has erected fencing and a 30 x 40 Ft. building was constructed for storage at their home. The Applicant has been involved in the trash and construction debris hauling business for 5 years. The truck is a roll-off, which means the beds roll on and off in order to haul several different types of construction equipment to a job site. Currently, the Applicant is doing general hauling of small roll off dumpsters. The Applicant has two different trucks that will handle two different sized dumpsters. When a job is completed, there are times the Applicant needs to store dumpsters on his property. The Applicant also provides a personal trash pick up service for 55 residential customers. The Applicant purchased 5, 16 Ft. cube vans

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that were housed on the Applicants' property for storage. The Applicant was notified by the County's Zoning Office that he was in violation of the County Zoning Ordinance. The site has been reconfigured and the Applicant will not be doing any type of recycling on the property. There are two commercial trucks and two dumpsters for a total of 4 vehicles; however there could be times when 8 or 9 dumpsters on the property. The Applicant owns a total of 23 dumpsters, a flatbed, and two mid size tractors. The Applicant has plans in place for landscaping with Leland cypress trees for screening the property. The closest residential property is approximately 100 yards from the property and the adjoining land is a wooded and open field.

The Board finds that the proposed use at this location does not generate adverse effects here above and beyond those normally associated with such a use. Therefore, the conditional use request is granted. The approval is subject to the following conditions:

1. All trash and related items must be secured and contained.
2. A screen of single row trees must be planted on the upper southwest side of the property parallel with Sam's Creek Road.

12-23-02  
Date

Karl V. Reichlin  
Karl V. Reichlin, Chairman