

Tax Map/Block/Parcel
No. 68-7-145

Building Permit/Zoning
Certificate No. 96-1575

Case 4110

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Gregory John Coles
5033 Klee Mill Road
Sykesville, Maryland 21784

**APPLICANT'S
ATTORNEY:** Rodger J. Sullivan, Esquire
614 Bosley Avenue
Towson, Maryland 21204

**PROTESTANTS'
ATTORNEY:** Clark R. Shaffer, Esquire
6 North Court Street
Westminster, Maryland 21157

REQUEST: A conditional use for parking of commercial vehicles, consisting of two landscape trucks and trailers

LOCATION: 5033 Klee Mill Road in Election District 14

BASIS: Article 6, Sections 6.3(x) and 6.7; Ordinance 1E
(The Carroll County Zoning Ordinance)

On August 29, 1996, the Board held a hearing on the above captioned case. The applicant, Gregory Coles, was represented by Rodger J. Sullivan, Esquire. Mr. Cole sought approval of a conditional use for parking of commercial vehicles on property he owns located at 5033 Klee Mill Road. The property, 1.2 acres more or less, is zoned "A" Agricultural and serves as his residence. Parking of commercial vehicles is as authorized under Section 6.3(x) of the Zoning Ordinance. The Board may consider sites less than 3 acres for approval. Appearing in opposition were Patricia and Susan Stacy who were represented by Clark Shaffer Esquire.

FINDINGS AND CONCLUSION

Mr. Cole testified that he purchased the subject property with his wife approximately 18 months ago. He is self employed in the lawn maintenance business. He operates his business from his home. He seeks to store 2 pickup trucks, 2 trailers, lawn mowers and other small lawn mowing machinery at the premises. There is a shed or garage under construction 32' x 24' in size which will house all equipment except the pickup trucks.

Mr. Cole uses his private driveway for ingress and egress. The business is operated between 7:00 a.m. and 7:00 p.m. 6 days a

week. An employee arrives in the morning, parks his personal car and loads the day's needed equipment on a trailer, attaches the trailer to the pick up truck and drives the pickup to the job site. Mr. Cole drives the other pick-up truck to the job site.

Mr. Cole also testified that the use proposed does not generate offensive noise, odor or dust, etc. Susan Stacy appeared in opposition. She testified that she drives past the property everyday on her way to work and can see the trailers being loaded in the morning. She finds the use disturbs her quiet enjoyment of her property.

Based on this testimony, the Board finds although the property is less than 3 acres, it is suited for the limited storage of the 2 pickup trucks and 2 trailers. The Board finds that the testimony of the applicant to be credible and concludes that the use proposed will have no greater adverse effects above and beyond those ordinarily associated with such a use irrespective of its location within the agricultural zone.

The Board is concerned about several items based on the testimony presented and therefore will impose conditions in an attempt to address the concerns. Because the lot area is less than 3 acres, the Board will limit the parking of the commercial vehicles to 2 pickup trucks. Except with loading or unloading, any other equipment must be kept inside the garage, construction of which must be completed timely. Furthermore, the permit issued for the construction of the garage must be changed to reflect that the garage is to be used for the storage of the machinery.

The use approved shall also be limited to the present applicant. The Board is imposing this restriction because it was influenced greatly that adverse affects of the use would be significant if persons other than the applicant were storing commercial vehicles on the site. The applicant must apply and secure a home occupation zoning certificate. The Board is aware that home occupation as defined in the Zoning Ordinance requires the use to be conducted solely by the resident, i.e. any business conducted in the residence must be conducted solely by the resident. Any employee of the business may only arrive at the site to load, unload and pick up and return the commercial vehicles.

There was conflicting testimony presented regarding the ownership of the adjacent use-in-common driveway. This matter is not germane to the instant case.

9/25/96

Date

Karl V. Reichlin

Karl V. Reichlin