

**Tax Map/Block/Parcel
No. 74-14-417**

Case 5486

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

APPLICANT: John Serra
6123 Emerald Lane
Sykesville, Maryland 21784

ATTORNEY: n/a

REQUEST: An appeal of a Notice of Violation concerning a storage module.

LOCATION: The site is located at 2021 Liberty Road, Sykesville, MD 21784 on property zoned "B-NR" Neighborhood Retail Business District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Section 223-188 B

HEARING HELD: May 21, 2009

FINDINGS AND CONCLUSION

On May 21, 2009, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation concerning a storage module. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

On February 25, 2009, the Appellant was issued a Notice of Violation from the Carroll County Zoning Administrator alleging that he was operating a vehicle sales lot, storing unlicensed vehicles and keeping an illegal storage module at his business on 2021 Liberty Road. By the time of the hearing, all other violations were abated, and the sole question for the Board was whether the Appellant's storage module constituted a violation.

The subject property is the rear parking lot of a strip shopping center in the "B-NR" zone. The Appellant placed a storage module at this location 12 years ago in lieu of a shed. The module houses lawn equipment and other items used to maintain the grounds of the shopping center. The storage module is well screened from adjoining properties.

According to the testimony of the Zoning Administrator, a storage shed which met the applicable setbacks would be an accessory use at this location. The Zoning Administrator

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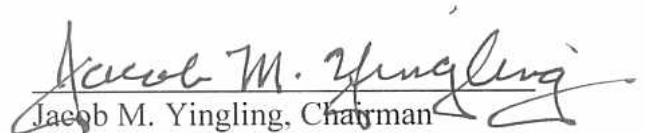
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further testified that if the module was converted to a shed (ie, with roof and siding) it could be considered accessory.

There are no accessory uses listed in the "B-NR" zone (Section 223-101). However, the Board respectfully disagreed with the Zoning Administrator in this case and concluded that storage modules are accessory uses to shopping centers. Shopping centers routinely require additional storage and need a place to store grounds maintenance equipment. There is no practical difference between a shed and a storage module as used in this case. Accordingly, the Board overturned the Zoning Administrator and concluded that the storage module was a valid accessory use. However, the Appellant is limited to one (1) storage module unless additional modules are approved by the Zoning Administrator and they must meet the criteria for storage modules set forth in Section 223-72 (L) and the setback provisions of Section 223-178 (B).

6/17/09
Date


Jacob M. Yingling, Chairman