

**Tax Map/Block/Parcel  
No. 37-18-379**

**Case 5426**

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

**APPLICANT:** John S. & Kimberly A. Reiter  
2122 Uniontown Road  
Westminster, Maryland 21157

**ATTORNEY:** Danie E. Engles

**REQUEST:** A conditional use for parking facilities for commercial vehicles used in towing business.

**LOCATION:** The site is located at 2122 Uniontown Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 2.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-71 A (23) and 223-191

**HEARING HELD:** June 26, 2008

**FINDINGS AND CONCLUSION**

On June 26, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for parking facilities for commercial vehicles used in towing business. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicants reside at 2122 Uniontown Road. The property is 1.05 acres (+-) and it is zoned "A" Agricultural. The surrounding area is predominantly rural, with scattered residences along Uniontown Road.

The Applicants purchased a towing company with a principal office on Route 140 in Westminster. The company provides 24-hour towing services. As a result, they would like to store 3 trucks associated with the towing business at their residence. They have established a .08 acre (+-) parking area on the property for the trucks. The three trucks at issue are a wrecker truck and two flatbed trucks. Four residents in the home drive the trucks. Wrecked vehicles are not stored at this location.

**OFFICIAL DECISION**

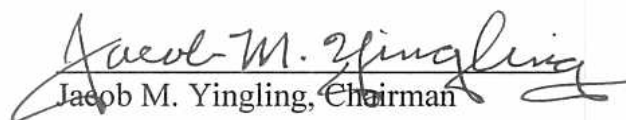
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Under 223-30.3, the Applicant is entitled to keep two commercial vehicles on the property as an accessory use. The Applicants are seeking the conditional use for one additional truck. The Applicants testified that they need to park the trucks at their residence to handle the towing calls coming in late at night. Neighbors testified credibly that the trucks were loud and disturbed their sleep. In addition, neighbors testified the Applicants' property is located at the top of a hill with limited visibility, and that the entering and existing trucks are a driving hazard on Uniontown Road.

The Board considered the factors set forth at Section 223-191 in deciding this matter. In addition, the Board considered the fact that two commercial vehicles are already permitted as an accessory use on this relatively small residential lot. The Board placed particular emphasis on 223-191 (c), and found this particular stretch of Uniontown Road to be well travelled at high rates of speed. The property is located on a hill with compromised driver visibility at the ingress/egress point of the driveway. Even the addition of a single truck would exacerbate the traffic hazards at this location. The Board also considered 223-191 (F), and found the testimony of the neighbors regarding glare and noise from trucks starting, braking, reversing and exiting the site to be credible and persuasive. The Applicants admit that the truck traffic from their home occurs late at night and early in the morning. In short, the Board found that these adverse conditions are having a detrimental effect on the neighborhood. These adverse effects (noise and traffic) at this particular stretch of Uniontown Road are greater here than elsewhere in the "A" Agricultural zone. Accordingly, the Board denied the conditional use.

7/23/08  
Date

  
Jacob M. Yingling, Chairman