

Tax Map/Block/Parcel
No. 53-4-48

Case 5411

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

APPLICANT: Betty H. Shamer, et al
c/o Carlton Shamer, Jr.
2710 Patapsco Road
Finksburg, MD 21048

ATTORNEY: Clark R. Shaffer

REQUEST: An appeal of the Zoning Administrator's decision concerning the parking of commercial vehicles and maintaining a junkyard by storing unlicensed vehicles, a dumpster and tires.

LOCATION: The site is located at 2710 Patapsco Road, Finksburg, on property zoned "C" Conservation District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-9

HEARING HELD: May 28 & August 21, 2008

FINDINGS AND CONCLUSION

On May 28 & August 21, 2008, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator's decision concerning the parking of commercial vehicles and maintaining a junkyard by storing unlicensed vehicles, a dumpster and tires. The Board made the following findings and conclusion. The Board incorporated into evidence the testimony and evidence presented in Cases 5411 and 5410.

This case concerns the residence and 7.08 acre yard located at 2710 Patapsco Road (the residence). Betty H. Shamer resides in the home. The property is zoned "C" Conservation.

A County zoning inspector testified that he visited the residence in January of 2008. He noted the property was strewn with rusty inoperable lawn mowers, old tires, a dumpster, 4 unlicensed vehicles, an inoperable air compressor, an old welding machine and assorted junk. In addition, commercial vehicles were parked on the property.

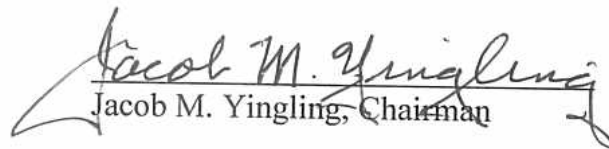
Mrs. Shamer serves as bookkeeper for the junkyard operation run by her son. However, she admits she hasn't driven a truck for the company for over 2 years.

The Board concluded that the residence was being used as a junk yard, in violation of the "C" Conservation Zoning. The items strewn about the yard as set forth in the Zoning Inspector's report were scrapped metals and tires or inoperable machines which constitutes Junk as defined in the Zoning Ordinance. In addition, the Board concluded that the parking of any commercial vehicles at this property was a violation of the "C" Conservation Zoning. They were not actively being used by the resident, and are merely being stored there for use by someone else.

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Based on the above, the Board upheld the Notice of Violation issued by the Zoning Administrator.

9/17/08
Date


Jacob M. Yingling
Jacob M. Yingling, Chairman