

**Tax Map/Block/Parcel
No. 74-3-571**

Case 5403

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

APPLICANT: Scott R. Merkle
2611 Arthur Avenue
Sykesville, Maryland 21784

ATTORNEY: n/a

REQUEST: Appeal of a Notice of Violation from the Zoning Manager concerning the unauthorized parking of vehicles and the storage of unlicensed vehicles, miscellaneous equipment and automotive accessories.

LOCATION: The site is located at 6111 Bnai Drive, Sykesville, MD 21784, on property zoned "C" Conservation District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 (A) (1)

HEARING HELD: April 23, and July 29, 2008

FINDINGS AND CONCLUSION

On April 23, and July 29, 2008, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation from the Zoning Manager concerning the unauthorized parking of vehicles and the storage of unlicensed vehicles, miscellaneous equipment and automotive accessories. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is 3.14 acres of land zoned "C" Conservation. It includes a building which was constructed in 1969 and a paved parking lot. The building and parking lot previously were used by the Optimist Club for the Freedom area and as a synagogue. The Applicant purchased the property in September of 2004. He testified that he is currently using the building to store personal items, such as antiques, and for occasional family gatherings. He has been using the parking lot to store boats, campers, construction equipment, pipes, pick-up trucks, licensed and unlicensed cars, trailers, tires and at times, equipment associated with his heating and air conditioning business, which is based outside Carroll County. A zoning inspector for the County at one time advised the Applicant that he could use the parking lot for these uses so long

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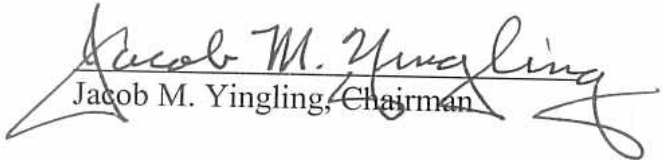
as only 2 of the vehicles parked there were unlicensed. The Zoning Manager later reversed this determination and issued a Notice of Violation to the Applicant due to his use of the parking lot. The Applicant testified that he is not sure of his plans for the ultimate use of the property, but wishes to continue using the parking lot in this manner.

A stand alone "parking lot" or commercial parking lot is not a permitted use in the "C" Conservation zone. However, a parking lot may be allowed in the zone as an accessory use. An accessory use is by definition a "use of land or all or part of a building which is customarily incidental to and secondary to the principal use of the property and which is located on the same lot with the principal use". This property is no longer being used as a club or house of worship. If it were being used as such, the parking lot would be clearly "customarily incidental and secondary to" the club or the house of worship. As it stands, the Applicant is using the building for the storage of personal items. The parking of his and other people's vehicles and the storage of pipes and similar materials at this location is not connected to the Applicant's current use of the structure. Thus, the parking of the vehicles and equipment on the property is not an accessory use to the building. Although it is unfortunate that a prior zoning inspector misspoke in his dealings with the Applicant on this issue, the Board is not bound by this error.

The Board concurred with the Zoning Manager that the storage of vehicles and equipment not used by the Applicant for maintenance of this property does not constitute a valid principal permitted use in the "C" Conservation zone or a valid accessory use. Accordingly, the appeal was denied.

Date

8/20/08


Jacob M. Yingling, Chairman