

Tax Map/Block/Parcel  
No. 33-15-437

Building Permit/Zoning  
Certificate No. 05-0950

Case 5081

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

**APPLICANT:** Larry R. & Joyce Green  
1628 Fairmount Road  
Hampstead, MD 21074

**ATTORNEY:** Elwood E. Swam

**REQUEST:** A request for an expansion of an existing non-conforming use to utilize the entire 1.9 acres of land owned by the Applicants for their automobile repair and towing business. The Applicants also seek relief from prior conditions placed upon them for this site.

**LOCATION:** The site is located at 1628 Fairmount Road, Hampstead, on property zoned "R-20,000" Residential District in Election District 8.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-9, 223-188 and 223-191

**HEARING HELD:** June 22, & August 31, 2005

**FINDINGS AND CONCLUSION**

On June 22, and August 31, 2005, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion of an existing non-conforming use to utilize the entire 1.9 acres of land owned by the Applicants for their automobile repair and towing business. The Applicants also seek relief from prior conditions placed upon them by the Board for this site. The Board made the following findings and conclusion:

The Applicants own the subject parcel that is located on Fairmount Road near Hampstead. Although the property is zoned "R-20,000 – Residential", a non-conforming car repair service, body shop and towing service are being operated at the site. The Applicants' property was the subject of the following previous decisions of which the Board took administrative notice: 1476 of 1979; 2140 of 1984; 3632 of 1991; 3788 of 1992 and 4904 of 2004. In addition, the Board took notice of the decision of the Circuit Court for Carroll County in Case No. C-2004-40348, which concerned this property.

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The Applicants recently discovered that there was a title discrepancy regarding the property, and that in fact they owned 1.1 acres. They had thought that they owned 1.9 acres. The Applicants have now acquired the additional .8 acres and wish to expand their operation into the additional area. In addition, the Applicants are seeking the removal of certain conditions previously imposed by the Board, including the a requirement that the Applicants maintain an evergreen tree screen along the western side of their storage yard. The Applicants would also like to reroute their driveway to direct tow truck traffic and parking within the new area and enlarge the area where vehicles can be lawfully stored.

The Board is concerned that the Applicants may have finally exhausted all available space on the parcel and that their business may have simply outgrown this space, even with the additional acreage. Nonetheless, we find that the proposed expansion is logical and reasonable, and may enable the Applicants to alleviate some of the current congestion on the site. Accordingly, the Applicants' request to expand their operations to encompass all 1.9 acres, as depicted on the survey submitted an Applicants' Exhibit "2" (hereafter referred to as Ex. 2) be granted.

This approval is expressly conditioned upon the Applicants submitting an "as built" site plan to the County which includes, among other requirements, the following delineations:

1. Thirteen (13) parking spaces with signage for the parking of tow trucks as depicted on the "Boundary Worksheet" submitted by the Applicant (Ex. 2).
2. Opaque fencing and landscaping shall be installed along the new property line as depicted on Ex. 2 and along the boundary between the neighboring residence also owned by the Applicant up to the designated parking area for the residence.
3. Six (6) parking spaces, with signage, shall be designated in the location set forth in Ex. 2.
4. A privacy fence, with a gate, shall be installed along the east side of the property fronting Fairmount Road.
5. No vehicles awaiting repairs shall be stored or parked in front of the service garage or office, and must be parked in designated parking areas.
6. Only temporary customer parking shall be permitted in front of the office.
7. The Applicants may remove the chain link fence in the interior of the yard and the tree screen along the southerly and westerly sides of the yard to facilitate the use of Applicant's additional .8 acres for the business.

**OFFICIAL DECISION**

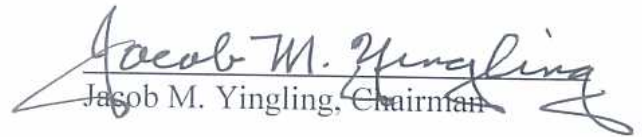
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8. All conditions imposed in cases 1476 (1979), 2140 (1984), 3632 (1991), 3788 (1992) and 4904 (2004) that are inconsistent with this decision are superseded.
9. All conditions set forth herein must be met within six (6) months of the date of this decision.
10. Failure to comply with any of these conditions constitutes a violation of this grant of an expanded non-conforming use and shall be subject to enforcement by the Zoning Administrator.

Date

10/4/05

  
Jacob M. Yingling, Chairman