

Tax Map/Block/Parcel  
No. 63-13-179

Building Permit/Zoning  
Certificate No. 97-0495

Case 4213

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND

**APPLICANT:** Mr. Lewis Edwards  
4321 Bartholow Road  
Sykesville, Maryland 21784

**REQUEST:** Expansion of a nonconforming use to allow a previously built existing building to remain and an addition to the existing service garage

**LOCATION:** 4321 Bartholow Road on property zoned "C" Conservation District in Election District 14

**BASIS:** Article 4, Section 4.3(a)(1); Ordinance 1E (The Carroll County Zoning Ordinance)

The Board of Zoning Appeals (Board) held hearings on April 24, 1997, and July 22, 1997, on Permit Application 97-0495, the above captioned case. The applicant, Mr. Lewis Edwards, requested approval for the expansion of a nonconforming use to allow a previously built building to remain and be used in connection with the nonconforming operation. Mr. Lewis also sought the enlargement of the nonconforming use with an addition to the existing service garage. The property is located at 4321 Bartholow Road in Election District 14 and is zoned "C", Conservation District. The basis for which the Board will consider this application is found in the Carroll County Zoning Ordinance (1E), Article 4, Section 4.3 (a) (1).

The Board notes that property was the subject of prior cases, the most recent of which was BZA 1707.<sup>1</sup> BZA case 1707 conditionally authorized the enlargement of the nonconforming use.

Mr. George Beisser, Carroll County Zoning Administrator, testified that the property is in violation of the Board's conditions imposed in previous Board decisions. He testified that an inspection of the property revealed that required fencing was not installed or maintained, pine trees were not planted or maintained and vehicles and other debris, have been improperly located outside the approved limits of the nonconforming use. The front entranceway was also being used as part of the junk yard, contrary to the conditions imposed.

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<sup>1</sup>See also Cases 173, 356 and 797.

The applicant testified that he purchased the property from the prior owner who was responsible for most of the noncompliance with the Board's conditions. He has since made considerable improvements and plans to comply with all of the conditions previously imposed. He has since installed all or most of the fencing and all vehicles and equipment have been relocated inside the fenced area. He intends to remove the green and white trailer. Mr. Edwards also testified that he would take whatever measures are necessary to insure that all activities of the nonconforming use would be conducted inside the approved limits of the nonconforming area. He intends to install railroad ties, erect signs and undertake all necessary measures, so that no vehicles or customers park in the entranceway.

The Board heard testimony from community residents regarding the nonconforming use. The comments received indicated that the applicant was noncompliant with the past conditions imposed by this Board. The testimony also indicated that currently people are parking vehicles and equipment outside the fenced area at the entranceway contrary to the Board's conditions. The neighbors testified that this has a negative impact on the community and is unsightly.

Based on the testimony and evidence presented, the Board makes the following findings and conclusions. The property was used in a manner inconsistent with the Board's prior authorizations. This applicant has made some improvement in the operation. As a result of the changes made by this applicant in the recent months, the Board finds that the expansion requested under the conditions hereinafter imposed, will not adversely affect the neighborhood.

The Board takes the following action: On motion by Mr. Reichlin, seconded by Mr. Hoff and unanimously carried, the Board approves the request to expand the nonconforming use to allow a previously built building to remain and an addition to the existing service garage, subject to the following conditions:

1. No vehicles or equipment may be parked or stored outside the fenced area. No contractor, employee, customer, visitor or any other person, shall be allowed to park any vehicle or machinery outside the fenced area, nor in the entranceway. The applicant must undertake all necessary measures to implement this condition, including the installation of railroad ties or other suitable barrier on the ground, to prevent parking in the entranceway. The entranceway may not be wider than 20 feet. The owner must also install signs to direct persons to park inside the fenced area. No business related activity of any kind may be conducted outside the authorized fenced area.

2. The untagged Chevy Nova shall be relocated inside the fenced area.

3. A double row of pines placed ten feet apart must be planted and maintained along the length of Bartholow Road prior to December 1, 1998. The minimum height of the trees must be four feet, as measured from the ground level.

4. The door on the addition to the garage shall face inside the fenced area and not face Bartholow Road.

5. The pick-up truck leaning against the side wall building must be removed.

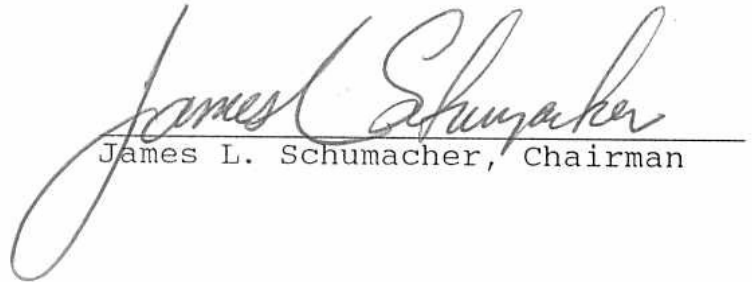
6. The property must be kept clean of debris along the perimeter fence. The area near (the landscaping) and entranceway will be kept neat and clean.

All conditions previously imposed by the Board are incorporated here.

August 29, 1997

Date

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James L. Schumacher, Chairman