

**Tax Map/Block/Parcel
No. 64-7-173**

**Building Permit/Zoning
Certificate No. 05-0117**

Case 5029

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

APPLICANT: Greenprop Incorporated
3950 Sykesville Road
Finksburg, MD 21048-2508

ATTORNEY: Clark R. Shaffer

REQUEST: An application for any other retail business or service establishment which is determined by the Board to be of the same general character as the permitted retail business or service uses in the BL zone, namely an automotive repair service facility, including U-Haul rentals, and for a determination by the Board that the proposed use would be unobjectionable in the BL District.

LOCATION: The site is located at 3950 Sykesville Road, Finksburg, on property zoned "B-L" Business Local District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-991

HEARING HELD: March 1, 2005

FINDINGS AND CONCLUSION

On March 1, 2005, the Board of Zoning Appeals (the Board) convened to hear a request that for a retail business or service establishment be determined by the Board to be of the same general character as the permitted retail business or service uses in the BL zone, namely an automotive repair service facility, including U-Haul rentals, and for a determination by the Board that the proposed use would be unobjectionable in the BL District. The Board made the following findings and conclusion:

The subject property is zoned "B-L" and consists of 1.32 acres. It includes a brick building and a "pole type" building. The Applicant wishes to open an automotive repair shop and U-Haul rental business on the property. It had previously been used as a filling station and used car dealership as nonconforming uses. The parcel is located just off Md. Route 32 in a

OFFICIAL DECISION

C5029

Page Two

neighborhood that contains a mixture of businesses and residences. Another auto repair shop is already operating nearby.

The Applicant is an experienced automobile and truck mechanic. His shop will have 3 mechanics and a bookkeeper for a total of 4 employees. Traffic generated is expected to be minimal. Hours of operation will be Monday through Friday 8:00 a.m. til 8:00 p.m. and Saturday and Sunday 9:00 a.m. til 6:00 p.m.

The relevant Code provision in the case is Section 223-99 (I), which allows "any retail business or service establishment which is determined by the Board to be of the same general character as the (listed) permitted retail or service uses, but not including any use which is first permitted in the B-G District and which, in the judgment of the Board, would likely be objectionable in the B-L District". We interpret this provision as giving the Board the authority to allow only those uses permitted in the B-G zone which would not be objectionable in the B-L District. By way of example, an amusement park, which is a principal permitted use in the B-G zone, would probably be objectionable in the B-L zone, while a carpentry or woodworking shop (also a principal permitted use in the B-G zone) may not be objectionable.

In the instant case, we find that the proposed auto repair shop and U-Haul rental service would not be objectionable at this location, so long as the following conditions are imposed:

1. All vehicles parked at the site must be parked behind the front building.
2. The Applicant must submit a full site plan to the County, which includes provisions for non-intrusive lighting and the maximum landscape screening in accordance with the County's landscape ordinance sets forth the size and location of the parking area, and requires fencing if deemed necessary by the County.
3. This use is non-transferable.
4. No towing operation or automobile salvage shall be conducted on the site.

4/01/05

Date

Jacob M. Yingling
Jacob M. Yingling, Chairman