

Tax Map/Block/Parcel
No. 38-1-1

Building Permit/Zoning
Certificate No. 00-0062

Case 4471

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

APPLICANT: Paul and Rebecca Bosley
1318 Warehime Road
Westminster, MD 21158

ATTORNEY: Clark R. Shaffer, Esquire
6 North Court Street
Westminster, MD 21157

REQUEST: A conditional use for approval of parking facilities for commercial vehicles

LOCATION: Located at on the west side of Pleasant Valley Road, 300' south of Warehime Road on property zoned "A" Agricultural District in Election District 2

BASIS: Basis: Article 6, Section 3(x); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: February 22, 2000

FINDINGS AND CONCLUSION

On February 22, 2000, the Board of Zoning Appeals (the Board) convened to hear the application of Paul W. and Rebecca C. Bosley for a conditional use to park commercial vehicles on a portion of 22.401 acres located on the west side of Pleasant Valley Road, 300' south of Warehime Road on property zoned "A" Agricultural District. The Board makes the following findings of facts.

The Applicants own a company that delivers oil for several companies and they are seeking approval to park truck tractors and trailers on the parcel. No employees would work at the site, and trucks would leave and return once a day. Several residences are located near the subject use, and a residence belonging to Mr. and Mrs. John Kelly is contiguous to the site.

Trucks leave the site between 3:00 A.M. and 5:00 A.M. and return between 10:00 P.M. and 11:00 P.M. seven days a week. The Applicant presented expert testimony from two Realtors proving that property values would not suffer from the proposed use.

A conditional use should be granted where the adverse effects (i.e., noise, traffic, fumes, property value reductions, etc.) from the proposed use would be no greater at the proposed location than elsewhere within the zone. Conditional uses are presumed valid, but the Board is also empowered to impose reasonable conditions on the proposed use to protect the public. In this case, the Board finds that the Applicants proposed parking facilities would not generate adverse effects above and beyond those normally associated with the use. However, the Board notes the close proximity of the proposed use to the Kelly residence. In this case, the Board finds that the granting of a conditional use is appropriate with the following conditions:

1. There shall be no more than one (1) tractor and three (3) trailers stored on site on the back side of the existing building.
2. Applicants shall erect a chain link fence along the property line abutting the Kelly property and provide landscaping (tree screening) along the property line so there is no view of the operation from the Kelly property.
3. Applicants shall make no trips to or from the parking facility in a truck on Sundays.

3/21/00

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman