

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Raymond Peregoy and Lisa Peregoy
1000 Hook Road
Westminster, Maryland 21157

ATTORNEY: David K. Bowersox, Esquire
127 East Main Street, P. O. Box 525
Westminster, Maryland 21157

REQUEST: A conditional use request for a parking facility for commercial vehicles, and a contractor's equipment storage building and yard.

LOCATION: 1000 Hook Road in Election District 4.

BASES: Article 6, Sections 6.3(x) and 6.3(e); Zoning Ordinance 1E.

HEARING HELD: December 29, 1987

FINDINGS

The record of this case is hereby included by reference in this decision. The pertinent findings include the following facts:

The 3.56 acre lot will be the third lot resulting from a division of the 14.26 acre tract. None of the proposed lots are presently recorded in the land records of the county. The lot and adjoining properties are zoned "A" Agricultural District. The predominant land uses of adjacent properties are agriculture to the west, north, and east, and residential to the south. As shown on Exhibit A, the proposed site fronts on Hook Road and is separated from lot 1, which also fronts on Hook Road, by a fee simple strip of land 30 feet in width providing frontage on Hook Road for the proposed 8.9 acre lot 2 which is located to the rear of both the proposed site and lot 1. The proposed site is improved with a single family dwelling and an 37 feet by 52 feet aluminum tractor shed. The applicant, an electrical contractor with 11 employees proposes to establish the firm's business office in the basement of the dwelling, staffed by a secretary. The remainder of the dwelling would be rented for residential purposes. The shed would be used for storage of equipment, materials, and supplies used in the business. Presently, the commercial vehicles consist of four utility

vans and two pick-up trucks. At least two of the vehicles would be parked on the site when not in use. Four vehicles are normally driven home by employees. The applicant indicated that two additional trucks may be purchased in the future. No equipment normally recognized by this Board as contractor's equipment is presently owned and operated in conjunction with the business. However, a ditch witch which is a trenching machine and small transportation trailer may be added to the firm's inventory in the future. The machine and trailer would be stored in the shed. No equipment or supplies would normally be stored outside of the shed.

The applicant proposes to construct eight additional parking spaces, 8 feet in width, extending northeasterly from the rear of the shed. The parking area would be screened by planting white pine trees, 5 feet in height, extending 90 feet from the northeasterly corner of the shed, thence southeasterly 62 feet parallel to the rear of the shed, thence southwesterly 90 feet to screen the parking area from adjacent properties. Employees private vehicles would be parked in the area during working hours. Additional landscaping is proposed around the circle drive and to the south of the shed.

Property owners within adjacent residential subdivisions to the south opposed the request citing generation of additional vehicular traffic to the site, the inconsistency of the proposed business with the adjacent residential developments, and the consequent depreciation of particularly valuable residential properties.

CONCLUSION

From the record of this case, it is evident that the proposed use of the property is not merely a parking facility for commercial vehicles, or in the alternative, use of the tractor shed as a contractor's equipment storage building. The applicant's intent is to transfer the firm's place of business from its existing location in an "IR" Restricted Industrial District to the proposed site. In addition, it is evident from the residential subdivision development to the south, and the proposed division of the remainder of the 14.26 acre tract for residential purposes that: establishment of the electrical contractor's business and parking of commercial vehicles on this property would have particular adverse affects to adjacent residential property values; the business would adversely affect the orderly growth of the area;

and, the business would not be an appropriate use of the property. Therefore, in accordance with the provisions of Article 17, Section 17.6 of Zoning Ordinance 1E which govern this Board in deciding such issues, and the pertinent findings in this case, the conditional use must be, and is, hereby denied.

Jan, 13, 1988
Date

John Totura
John Totura, Chairman