

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY MARYLAND

APPLICANT: Murwin M. Stultz  
2922 Marston Road  
New Windsor, Maryland 21776

REQUEST: A request to allow enlargement of an oil burner service facility, classified as a nonconforming use, by construction of an addition 16 feet by 24 feet, to a storage building and shop.

LOCATION: 2922 Marston Road (Md. Rt. 407) in Election District 11.

BASIS: Article 4, Section 4.3(a)1; Zoning Ordinance 1E.

HEARING HELD: February 23, 1988

FINDINGS

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. The pertinent findings include the following facts:

The applicant testified that use of part of the premises for the oil burner business was established in 1973. From 1961 until the change in use in 1973, which was not authorized by this Board, at least one or more businesses had been conducted on the premises. The property is presently improved with two dwellings and two accessory buildings, one of which is identified as a garage on a plat plan filed with this application. The two dwellings, the larger of which contains two apartments on the first floor and a third dwelling unit on the second floor evidently do not conform with the provisions of the "R-40,000" Residence District. Neither of the accessory buildings conform with the minimum setback requirements from Marston Road (Md. Rt. 407). The parking facility used in conjunction with the oil burner service facility do not comply with the minimum requirements of the zoning ordinance regarding setbacks and maneuvering area. With the passage of time since the establishment of the business, junk and debris have accumulated on the premises adjacent to the accessory buildings.

In recent years, a residential subdivision has developed on the west side of Marston Road surrounding the property to the north, west, and south. The property values of at least one of the adjacent residential lots improved with a dwelling are directly affected by the existing nonconforming oil burner service facility.

The Bureau of Engineering Access Permits of the State Highway Administration recommends that the request not be authorized for reason that the existing vehicular access to and from Marston Road does not conform with the state's standards, and restricted site distance of vehicular operator's due to the vertical alignment of Marston Road adjacent to the premises.

Provisions of the zoning ordinance governing this request include Article 4, Section 4.3(a) and Article 17, Section 17.6. In considering the factors specified in Section 17.6, the Board's findings are:

The existing oil burner facility and proposed enlargement of the storage building and shop are incompatible with the adjoining principally permitted dwellings and the orderly growth of the community. The parking facilities, maneuvering area, and driveway entrance to and from Marston Road do not comply, respectively, with the provisions of the zoning ordinance or the standards of the State Highway Administration. In addition, the site distance of vehicular operator's is adversely affected due to the vertical alignment of Marston Road in the area adjacent to the site. Due to the incompatibility of the oil burner service facility with the adjoining residential development, authorization of this request would not conserve the values of adjacent residential properties and would be contrary to the purpose of the zoning ordinance.

CONCLUSION

Enlargement of the oil burner service facility by construction of an addition to an existing storage building and shop would be contrary to the intent and purpose of the zoning ordinance, therefore, this request must be, and is hereby, denied.

April 11, 1988  
Date

John Totura  
John Totura, Chairman