

Tax Map/Block/Parcel
No. 35/8/192

Building Permit/Zoning
Certificate No. 90-0617

Case 3345

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: James Stonesifer
8 Mill Avenue
Taneytown, Maryland 21787

REQUEST: A request for substitution of nonconforming uses, from a feed mill and retail feed, grain and animal supply store to the sale, cleaning and repair of vacuum pumps

LOCATION: 900 Francis Scott Key Highway (Md. Rt. 194) in Election District 10

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

HEARING HELD: April 23, 1990

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board hereby authorizes the requested substitution, subject to the provision that no storage of materials, supplies, or equipment shall be permitted on the premises outside of the building.

The pertinent findings determining the Board's decision include the facts that the previous use of the property was established prior to the adoption of Ordinance 1E on August 17, 1965, and has continued without interruption since that time.

In accordance with the provisions of Article 4, Section 4.3(b) of the ordinance, no structural alterations are proposed, and the Board is convinced that the proposed use represents a more appropriate use of the property and will substantially lessen adverse effects to adjacent properties, which is also in accordance with the intent of the zoning ordinance.

The concern expressed by an adjacent property owner regarding use of the property for purposes of vehicular access to an abutting alley rests with ownership of the property, and is not within the Board's purview. However, the Board recommends that the substitution not affect the previous oral agreement for such use.

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If the parties agree, it would be appropriate to record such agreement within the land records of the county, specifying the details of the agreement in order to protect the interests of the respective parties. In any event, it is a private matter between the parties, and is not properly within the jurisdiction of the Board.

April 26, 1990
Date

John Totura
John Totura, Chairman

JDN/bmb/C3345DEC
April 24, 1990