

Case 3903

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND

**APPLICANTS:** Ray Cook, Clarence C. Cook and Joycemae I. Cook  
2642 Littlestown Pike  
Westminster, Maryland 21158

**ATTORNEY:** Charles O. Fisher, Jr.  
179 East Main Street  
Westminster, Maryland 21157

**APPEAL:** An appeal of a January 6, 1994, Notice of Violation, pertaining to operating a vehicle towing and storage facility contrary to the provisions of Article 6 of the zoning ordinance; a request for possible modification and or expansion of the nonconforming use; and, an application for a zoning certificate for the nonconforming use

**LOCATION:** 2642 Littlestown Pike (Md. Rt. 97) in Election District 3

**BASES:** Article 17, Section 17.4; Article 4, Sections 4.3(a)(1), (b), and (d); Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** March 23, 1994

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 denied the appeal and affirmed the January 6, 1994, Notice of Violation pertaining to operating a vehicle towing and storage facility contrary to the provisions of Article 6 of the zoning ordinance, and denied the request for possible modification and or expansion of the nonconforming use. From testimony and evidence presented, the Board concluded that use of the detached accessory building as an automobile repair garage may continue in accordance with the provisions of Article 4, Section 4.3 of the zoning ordinance. In weighing the record, the Board believes that use of the accessory building as an auto repair shop has continued, although not necessarily during normal working hours or without short intervals when no work was done in the shop. Since use of the shop has not ceased for a period of six months or more, the auto repair shop continues to qualify as a nonconforming use. However, due to the residential development adjacent to the premises, authorization of the modification or expansion of the nonconforming use to include a vehicle towing service and vehicle storage on the premises would inherently have detrimental effects to the residential property values of the adjacent properties, the orderly growth of the community, and would be contrary to the purpose of the zoning ordinance.

4-26-94  
Date

Claude R. Rash  
Claude R. Rash, Chairman