

**Tax Map/Block/Parcel  
No. 39-20-893**

**Building Permit/Zoning  
Certificate No. 98-3457**

**Case 4375**

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

**APPLICANT:** 425 Manchester Road, LLC/All State Leasing or assigns  
P.O. Box 428  
Savage, Maryland 20763

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

**REQUEST:** A request for the modification of a conditional use permit previously granted in Case 4210. The request is to allow the addition of an auto rental counter in an approximately 30 square foot area in the existing premises and to allow for a vehicle rental operation. Additionally, the request is to allow the location and operation of an auto body shop in an approximately 3,500 square foot area in the existing premises. The applicant also requests a determination by the Board that the overall site does not constitute a Planned Business Center under the Carroll County Zoning Ordinance.

**LOCATION:** 425 Manchester Road, Westminster, Maryland on property zones "IR" Restricted Industrial District in Election District 7

**BASIS:** Article 12, Section 12.2(b); Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** February 18, 1999

**FINDINGS AND CONCLUSION**

On February 18, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of 425 Manchester Road LLC/All State Leasing requesting the modification of a conditional use permit granted in Case 4210. The request is to allow the addition of a counter in an approximately 30 square foot area in existing premises and to allow for a vehicle rental

operation. Additionally, the request is to allow the location and operation of an auto body shop in an approximately 3,500 square foot area in the existing premises. The applicant also requests a determination by the Board that the overall site does not constitute a Planned Business Center under the Carroll County Zoning Ordinance. The site is located at 425 Manchester Road, Westminster, MD, on property zoned "IR" Restricted Industrial District in Election District 7. (The original hearing scheduled for January 27, 1999 in Case 4375 was canceled as a result of an amended application submitted by the applicant.)

The applicants were represented by Clark Shaffer, Esquire. The subject parcel consists of 1.49 acres, more or less, and is owned by 425 Manchester Road, LLC. It is served by public water and sewer by the City of Westminster. In a portion of the existing building on the site, a Mr. Tire Service Center has been established pursuant to a Conditional Use which was granted for the entire building in Case 4210. Prior to its current use, the building was used as a health spa. The property adjoins a racquetball center.

Mr. Frederick Tomorchio testified he and his partners have been operating the Mr. Tire Automotive Center at the location for the past two years. Since that time, the business was purchased by the Mid-Atlantic Automotive Corporation. Mid-Atlantic Automotive Corporation also merged with Allstate Leasing. Mr. Tomorchio acquired stock ownership in the Corporation and he currently serves as the Shareholder President. Mr. Tomorchio testified that an Allstate Leasing vehicle rental counter is planned in the area of the building currently being leased to the Mr. Tire Automotive Center. The applicants propose to establish an auto body shop that will be leased to Auto Collision Experts in a portion of the building that is currently vacant. The interior access to the Mr. Tire Automotive Center and the auto body shop will be separate.

Mr. Tomorchio testified that the current hours for the Mr. Tire Automotive Center are Monday through Friday 7:30 a.m. to 8:00 p.m., Saturday 7:30 a.m. to 5:00 p.m., and Sunday from 9:00 a.m. to 4:00 p.m. Customers' visits are spaced throughout each day. There are 8 to 10 individuals employed by Mr. Tire Automotive Center.

Mr. Thomas A. Thayer, General Manager of Allstate Auto Rentals, testified about the vehicle rental business proposed for Mr. Tire Automotive Center's lobby. A 3'x6' counter will be installed for the rental business with an accompanying computer, printer, and chair and advertising sign. No rent will be paid to the Mr. Tire Automotive Center since the businesses are corporately related. Allstate Auto Rentals has vehicle rental operations at other Mr. Tire Automotive Centers in the Baltimore metropolitan area and approximately 70 percent of their customers are also Mr. Tire Automotive Centers' customers. The average vehicle rental period is six days. The vehicle rental operation will be open to the public Monday through Friday from 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m. One employee will work at the vehicle rental counter. Vehicles available for rental will be parked at the site. Ten (10) to 12 cars are initially planned to be available for lease. Repairs to these vehicles will primarily be made by the Mr. Tire Automotive Center.

Mr. Raphael Marcantoni testified he and his partner own an auto body business currently being operated in Finksburg. Mr. Marcantoni plans to move his auto body business from Finksburg to an approximately 3,500 square foot area in the existing premises at 425 Manchester Road. Mr. Marcantoni offered the following testimony. His company will offer major and minor collision repair. The repair period for vehicles is typically two weeks. In accordance with Environmental Protection Agency regulations, work will be performed inside the facility. Chemicals used by the business will be stored inside the facility in a concealed, fire-proof area. Scrap metal will be stored in two outside dumpsters. Vehicles undergoing repairs will be stored inside the building overnight. Vehicles awaiting repairs will be stored outside the building and no more than three of these vehicles will be stored outside the building overnight. The business will receive the deliveries of automotive parts. Auto Collision experts will employ five full-time employees and one part-time employee. Hours of operation will be Monday through Friday from 9:00a.m. to 6:00 p.m. On occasional Saturdays and Sundays, the managers may be at the facility to complete office paperwork. Additionally, a sign will be placed at the location to advertise the business.

Mr. Daniel Meyer testified his parents reside at a nearby parcel and they are concerned primarily with unsafe traffic conditions at the location.

Clark Shaffer, Esquire, asked the Board to recall that Mr. Tire Automotive Center previously went through site plan review for the entire building; however, 35 percent of the building is not currently occupied. He argued that a traffic study should not be required as the proposed use will not result in a substantial increase in traffic. Mr. George Beisser, Zoning Administrator, testified that a business connection has been established between Mr. Tire Automotive center and Allstate Auto Rental and therefore it is his interpretation that only two businesses entities are proposed at the location. Accordingly, he concluded that the proposed uses at the location would not be categorized as a Planned Business Center, which is defined in the Zoning Ordinance as "Three or more retail stores or service establishments designed as a unit and primarily served by common accessories such as signs, parking lots, arcades and walkways."

The Board finds the proposed uses are consistent with existing use at this location. The Board finds that there will be a negligible increase in traffic at the location. The Board also finds that the use will not result in any adverse impact on area residents or the value of their properties. The Board agrees with testimony of the Zoning Administrator and finds that the proposed use does not constitute a Planned Business Center. The Board hereby approved the request of 425 Manchester Road LLC/All State Leasing or its assigns for a modification of the conditional use permit granted in Case 4210. The Board will allow the addition of a counter in an approximately 30 square foot area in the existing premises and to allow the operation of a vehicle rental business.

Additionally, the Board will allow the location and operation of an auto body shop in an approximately 3,500 square foot area in the existing premises. Approval is conditioned upon the following:

- 1.) Storage of materials and junk must be kept inside designated dumpsters. The dumpsters must have adequate screening.
- 2.) The two travel lanes in front of the new bay must be marked with arrows to guide proper traffic flow.
- 3.) The sign proposed at the location must be approved by the Zoning Administrator.

3/11/99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

bmb\h:\bblack\bza\_case.doc\c4375dec.j99.wpd

March 4, 1999