

Tax Map/Block/Parcel  
No. 39-11-766

Building Permit/Zoning  
Certificate No. 92-0017

Case 3658

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

**APPLICANT:** Ralph J. Condon  
1218 Martin Drive  
Westminster, Maryland 21157

**ATTORNEY:** John T. Maguire, Esquire  
189 East Main Street  
Westminster, Maryland 21157

**REQUEST:** Enlargement of an existing garage, classified as a nonconforming use, and used for storage of used auto parts

**LOCATION:** 1218 Martin Drive in Election District 7

**BASES:** Article 4, Section 4.3(a); and Article 17, Section 17.5; Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** January 28, 1992

On January 28, 1992, the Board of Zoning Appeals heard testimony and received evidence concerning the request to enlarge the existing garage, classified as a nonconforming use, and used for storage of used auto parts at 1218 Martin Drive.

The Board visited the site January 23, 1992.

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 will authorize the request, subject to the requirements of the Carroll County Health Department.

The pertinent findings determining the Board's decision include the following facts:

**FINDINGS OF FACT**

On January 10, 1975, in Case 907, the Board of Zoning Appeals conditionally authorized relocation of the junkyard to its present site. A copy of the Board's decision was submitted and identified as Applicant's Exhibit 1 in this case. The junkyard, which had been established prior to the adoption of the zoning ordinance on August 17, 1965, is an automobile wrecker-scrap processor yard, and is classified as a nonconforming use.

As indicated in the Board's decision, Applicant's Exhibit 1, the junkyard had been relatively secluded from public view prior to construction of Manchester Road (Md. Rt. 27). Afterward, view of the junkyard from the highway was unobstructed and objectionable.

In 1974, Section 4.3(b) of the zoning ordinance was amended to provide the Board with authority to authorize relocation of junkyards. The provision specifies that in order for the Board to authorize a relocation, it is contingent on the Board finding that the relocation would be a suitable substitution for the then existing land use and that the impact to the public and adjoining property owners would be less adverse than the effects of the existing land use. The provision also requires the Board to impose conditions to protect the owners of adjacent properties, the interests of the public, and the intent and purpose of the zoning ordinance.

In authorizing the relocation, the Board imposed extensive conditions, including landscape screening of the site, stormwater management, and restoration of the original site. The relocation and operation of the junkyard is in compliance with the requirements imposed by the Board, and the trees planted to provide landscape screening have grown, gradually screening the premises from view from Manchester Road and the adjoining properties.

Existing improvements on the premises include a two-story office, 26 feet by 40 feet; a shop, 40 feet by 73 feet; and, a garage, 60 feet by 100 feet, used as a warehouse for storage of automotive parts. Mr. Condon now proposes to enlarge the garage, or warehouse, by construction of a 30 feet by 100 feet addition to provide more storage space. He also proposes to enlarge the concrete pad in front of the shop to 30 feet by 45 feet and construct a canopy, or roof, to cover the pad to provide protection from rain and snow. The canopy and enlarged pad will also reduce tracking of mud into the shop.

The addition to the garage will be located on the southeasterly side of the building (Applicant's Exhibit 2) and the covered concrete pad will be to the northwest side of the shop. Existing trees will screen the addition from view from adjacent properties, and the concrete pad and roof will only be visible on the premises.

The addition to the building, enlargement of the concrete pad and construction of the canopy are intended to facilitate operation of the business. Any increase in business, including the number of vehicles scrapped or stored, and vehicular traffic to and from the premises will merely be coincidental.

Mr. Condon also mentioned, in presenting testimony to the Board, that he intended to erect a business identification sign adjacent to the driveway connection to Martin Drive.

An adjacent resident and property owner testified in opposition to the request, expressing two concerns. First, that vehicular traffic to the junkyard would increase if the enlargement would be authorized, and that drivers occasionally experience difficulty in finding Martin Drive which is the only road providing vehicular access to the junkyard. Second, the enlargement would perpetuate the nonconforming use, detrimentally affecting the value of his and adjacent properties located in the residential subdivision of New Mexico. Based on the record, the Board disagrees and finds the concerns to be unwarranted.

However, with regard to the record, the Board notes that the Carroll County Health Department will require that the proposed addition be at least 10 feet from the septic tank and 20 feet from septic lines or drywell. In addition, the adequacy of the existing well and sewerage disposal system must be demonstrated.

#### APPLICABLE LAW

Article 4, General Provisions; Section 4.3, Nonconforming Uses (Amended 3/17/81) of Ordinance 1E reads in relevant part:

Any building, structure or premises lawfully existing at the time of the adoption of this ordinance, or lawfully existing at the time this ordinance is amended, may continue to be used even though such building, structure or premises does not conform to use or dimensional regulations of the zoning district in which it is located; subject, however to the following provisions:

- (a) Structural alterations or enlargement of any building, structure or premises which does not comply with the use or dimensional requirements of this ordinance shall be allowed only as follows:
  - (1) Upon application, the Board may approve structural alterations or enlargement of a nonconforming use, subject to the provision of Article 17, Section 17.6;

For purposes of clarification, since amendment of the zoning ordinance in 1988, the applicable section is 17.7, Limitations, Guides and Standards; not Section 17.6.

REASONING

In considering the request relative to the operation of the junkyard since its conditional authorization January 10, 1975, the Board is convinced that the proposed improvements will not adversely affect the adjoining properties or public interest. It is evident that services provided by the junkyard are needed within the community, and that as long as those services are needed, the business will be successful. With no probative evidence that the junkyard unduly affects adjacent properties, this request--as well as the original request for relocation--is in keeping with the intent and purpose of the zoning ordinance.

CONCLUSION

Based on the above findings of fact, applicable law, and reasoning, the Board hereby authorizes the request, subject to the condition that the authorization shall be subject to the requirements of the Carroll County Health Department.

Feb. 5, 1992  
Date

John Totura  
John Totura, Chairman

JDN/bmh/c3658dec  
February 4, 1992