

**Tax Map/Block/Parcel
No. 53-20-218 & 220**

**Building Permit/Zoning
Certificate No. 03-0650**

Case 4793

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

APPLICANT: Helen M. Vogt
C/o David K. Bowersox, Esquire
Hoffman, Comfort & Offutt, LLP
24 North Court Street
Westminster, Maryland 21157

ATTORNEY: David K. Bowersox

REQUEST: An application for a request for approval of the structural alterations, modification and continuation of an existing non-conforming use as an auto salvage and sales business.

LOCATION: The site is located at 2243 Old Westminster Pike, Finksburg, MD 21048, on property zoned "R-40,000" Residential District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-9

HEARING HELD: April 30, 2003 and June 3, 2003

FINDINGS AND CONCLUSION

On April 30, 2003, and June 3, 2003, the Board of Zoning Appeals (the Board) convened to hear the request for approval of the structural alterations, modification and continuation of an existing non-conforming use as an auto salvage and sales business. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The property is currently a non-conforming traditional "junkyard". Vehicles are salvaged, recycled or dismantled for their parts, which are resold to the public. Occasionally, a vehicle is restored and sold.

The Applicant intends to sell the existing auto salvage yard to a company that will operate on the site as a private automobile auction. The purchaser will auction salvage, theft recovered vehicles and damaged vehicles received from insurers. The purchaser will not sell parts or dismantle any vehicles. Prior to the sale of the yard, the Applicant must clean the property and remove all salvaged vehicles and parts. The purchaser will raze some of the

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existing buildings and construct an office building, pave the parking lot and auto receiving area, and gravel the yard for storage of cars. A single auction will be held each week, typically between the hours of 9:00 a.m. and 1:00 p.m. The purchaser intends to fence the property. Traffic is expected to be less than is generated by the current yard.

The Board finds that the proposed use is consistent with the existing non-conforming use, and would in fact be less intense than the traditional auto junkyard existing on the property. The proposed structural alterations to the building and clean up at the yard will benefit the property. The Board also imposes the following conditions as appropriate for protecting the public good:

1. A site plan will be prepared by the Applicant or their successor in interest, delineating among other things, the layout of proposed buildings and lots, lighting, landscaping, screening and fencing.
2. The property shall only be used to temporarily store, process, and sell intact insurance damaged vehicles through auctions. No dismantling or crushing of cars will occur and no parts will be sold.

Date

6/19/03

Karl V. Reichlin
Karl V. Reichlin, Chairman