

Tax Map/Block/Parcel
No. 44-23/24-180
Case 5554

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Woodhaven Building & Development, Inc.
c/o Martin K. P. Hill
4175 Hanover Pike
Manchester, Maryland 21102

ATTORNEY: Clark R. Shaffer

REQUEST: An application for a conditional use for an automobile trailer or implement sales and service establishments including motorcycle shops, automobile accessory, or automobile service center in an “I-R” District.

LOCATION: The site is located at 900A Wakefield Valley Road, New Windsor, MD 21776, on property zoned “I-R” Restricted Industrial District in Election District 11.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-118B, 223-108A, 223-99A and 223-100

HEARING HELD: July 27, 2010

FINDINGS AND CONCLUSION

On July 27, 2010, the Board of Zoning Appeals (the Board) convened to hear the above request for a conditional use. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant wishes to lease this 3.5 acre(+/-) property (“the property”) to a towing company (“the Lessee”). They want to keep their trucks and towing equipment at the site. In addition, they wish to repair trucks and vehicles at the property and store towed cars in the parking lot for short periods. There is ample space inside the building to store their equipment and to repair vehicles. No significant changes to the building are necessary. The parking lot is already enclosed with a fence.

The Lessee also wishes to sell tow truck supplies to the public from the building, including truck parts, trailers, and similar tow truck equipment. There is also office space in the

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building, which will be used by the Lessee and their employees. The Lessee also hopes to make an occasional automobile sale from the property, such as a repossessed or abandoned vehicle.

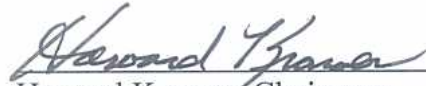
The surrounding neighborhood is agricultural, and no homes are located in the vicinity of the building. The vehicle repair and parts shop will typically be open from 9:00 a.m. to 5:00 p.m. The towing operation will be 24 hours per day. After hours, the Lessee will respond to tow calls from home and deposit the vehicles at this location.

The Board determined that a variance was unnecessary in this case, as the setback should be measured from the building, rather than the accessory parking lot. Furthermore, the Board found that this use will be much less intense and generate less traffic than the plumbing supply operation which previously occupied the property. The only traffic generated here will be from vehicle repair customers, parts customers, and tow trucks. Ample parking exists on the site. Most of the vehicles used at the site will be housed indoors. There are no residential neighbors.

As a result, the Board found that any noise, dust, fumes, traffic or other adverse effects at this remote location would be no greater here than elsewhere in the zone. Accordingly, the conditional use was also granted.

18 August 2010

Date


Howard Kramer, Chairman