

Tax Map/Block/Parcel  
No. 64-13-254

Building Permit/Zoning  
Certificate No. 03-3058

Case 4862

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

**APPLICANT:** Larry and Mary Unglesbee  
2250 Bollinger Mill Road  
Finksburg, Maryland 21048

**ATTORNEY:** Clark R. Shaffer, Esquire

**REQUEST:** An application for any other retail business or service establishment which is determined by the Board to be of the same general character as permitted retail businesses or service uses in the B-L zone, namely an automotive repair service facility, and for a determination by the Board that the proposed use would be unobjectionable in the "B-L" District and a confirmation that the building on the property is non-conforming from a dimensional standpoint or, in the alternative, a variance from the side yard setback of 10 ft. to about 4 ft.

**LOCATION:** The site is located at 4000 Sykesville Road, Finksburg, MD 21048, on property zoned "B-L" Business Local District in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-2, 223-99 A and I, 223-108 A, and 223-186 (1) & (3)

**HEARING HELD:** September 23, 2003

**FINDINGS AND CONCLUSION**

On September 23, 2003, the Board of Zoning Appeals (the Board) convened to hear the request for any other retail business or service establishment which is determined by the Board to be of the same general character as permitted retail businesses or service uses in the B-L zone, namely an automotive repair service facility, and for a determination by the Board that the proposed use would be unobjectionable in the "B-L" District and a confirmation that the building on the property is non-conforming from a dimensional standpoint or, in the alternative, a variance from the side yard setback of 10 ft. to about 4 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

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The subject property had previously been the old Gamber Fire Hall. The State Highway Administration (SHA) purchased it for the proposed Gamber bypass. It was sold by SHA at a public auction and purchased by the Applicants. Prior uses for the site were an auction facility and a pressure washing company.

The Applicants intend to operate an auto repair garage in the building with hours of operation from 8:00 a.m. to 6:00 p.m. Monday through Friday and one-half day on Saturday. All repairs are to be performed indoors. The Applicants will employ three full-time and two part-time employees. The proposed garage is located in the midst of several commercial uses. Vehicles will be stored indoors.

Since the property is non-conforming, we find that no variances are needed. In addition we find this use to be similar to the commercial uses that have been based there previously. The "B-L" Local Business zoning designation for the property in the Code at Chapter 223-99 (I) provides that the Board may approve "any other retail business or service establishment which is determined by the Board to be of the same general character" as the principal permitted uses allowed in the zone. In addition, we may allow for a service use which is first permitted in the "B-G" Business General district, which "in the judgment of the Board, would likely to be unobjectionable in the "B-L" district." We find that an auto repair center is similar in nature to many of the principal permitted uses in this "B-L" zone. In addition, auto repair centers are allowed in the "B-G" zone, and we find this use would be unobjectionable here.

Accordingly, the Board grants the relief requested and approves this use.

Oct 15, 2003

Date

  
Jacob M. Yingling, Chairman