

FREEDOM HILLS HOMES LLC  
5705 Industry Lane  
Frederick, MD 21704

APPEAL NO. AP2006-101

Appellant

OPINION

This action is a request for a variance from the maximum sign area of 35 square feet to 120 square feet for erection of a residential subdivision sign identifying Freedom Hills. The subject property is located at 13986 Patriot Way, Hagerstown, MD, is owned by the Appellant, and is zoned Residential, Rural.

A public hearing was held before a full Board on August 16, 2006. The Appellant offered evidence and testimony in support of the appeal. Neither opposing testimony nor evidence was presented to the Board.

FINDINGS OF FACT

The following findings of fact are made by the Board, based upon the testimony given and all data and other evidence presented, and upon a study of the specific property involved, as well as the neighborhood:

1. The Appellant wishes to install a sign to identify the subdivision.
2. The Appellant wants the entrance to be attractive and compatible with the subdivision.
3. The size cited includes the piers and support structures.
4. The proposal is consistent with the industry practice of trying to create a "sense of arrival" with modern subdivisions.
5. The Appellant also plans to do extensive landscaping around the sign.
6. Received and filed with the Board was a memorandum from Kathy A. Kroboth, Washington County Zoning Coordinator, advising that the appeal is consistent with the Comprehensive Plan.

7. Received and filed with the Board was a memorandum from Terrence P. McGee, Chief Engineer, Washington County Engineering Department, advising that the Department took no exceptions to the subject request.

#### RATIONALE

This Board has authority to grant a variance upon a showing by the Appellant of practical difficulty or undue hardship. Sections 25.2(c) and 25.56, Zoning Ordinance for Washington County, Maryland. "Practical Difficulty" may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(a).

The relief requested herein appears reasonable and compatible with the neighborhood. The Appellant has met its burden of demonstrating a practical difficulty sufficient for the issuance of a variance. Strict compliance with the Ordinance would result in the erection of a substandard sign to identify the subdivision. The scale and design of the sign is consistent with modern industry standards. Based upon all of the testimony and evidence presented, this Board finds that the subject request does not adversely affect the public health, safety, security, morals, or general welfare, nor does it result in dangerous traffic conditions, or jeopardize the life and property of neighborhood residents.

Accordingly, for the reasons set forth herein, this appeal is hereby GRANTED WITH CONDITIONS AS SET FORTH BELOW this 14th day of September 2006.

#### Conditions

1. Any lighting used must not unreasonably intrude upon residents' quiet enjoyment of their homes.

By: Spence Perry, Chair