

MILTON J. RUSS, JR.
8434 Reichard Road
Fairplay, MD 21733

Appellant

APPEAL NO. AP2006-108

OPINION

This action is a request for a special exception to establish a resident business engaged in detailing motorcycles and automobiles in an existing garage. The subject property is located at 8434 Reichard Road, Fairplay, MD 21733, is owned by the Appellant, and is zoned Agricultural (Rural).

A public hearing was held before a full Board on August 30, 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. Appellant proposes operation of a business to detail motorcycles and automobiles in an existing garage.
2. The Appellant proposes to operate this business on a part-time basis
3. Appellant expects to work on no more than five vehicles per day.
4. Appellant's neighbors have no objections.
5. Appellant's family will assist with the operation of the business.
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, P.E., Chief Engineer of the Washington County Engineering Department, advising that he does not advise approval due to sight distance issues on this road.

RATIONALE

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as “a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.” Section 28.62. A “Resident Business” is defined in Article 28A of the Ordinance.

In this action, the proposed use is one of low-intensity and will not create “odors, dust, gas, smoke, fumes, vibrations, glare[,] and noise” or disrupt the neighborhood or neighboring property owners’ quiet enjoyment of their properties. § 25.6. Traffic generation will be light, as customers will generally frequent the business only by appointment. Delivery traffic is not expected to be any greater than would normally result from residential occupancy, and the parking area will adequately serve the expected customer volume. 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 29th day of September, 2006.

Conditions

1. Hours of operation shall not exceed those hours between 8:30 a.m. and 5:00 p.m., Monday through Saturday.

BOARD OF APPEALS

By: Spence Perry, Chair