

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

LARRY McDONALD
927 S. Potomac Street
Hagerstown, MD 21740

Appeal No. AP2007-063

Appellant

OPINION

This action is a request for a special exception to establish a church in an existing building previously occupied as a restaurant. The subject property is located at 18203 Mason Dixon Road, Hagerstown, MD, is owned by Eugene S. Albert, Jr., and is zoned HI-1, Highway Interchange.

A public hearing was held before a full Board on August 8, 2007. 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. This appeal is a request for the old Black Steer Restaurant at State Line to be used as a church.
2. The surrounding properties are in commercial use.
3. Neighboring property owners have no objection to this appeal.
4. The congregation numbers in the low 200s.
5. There is adequate parking available, about 65 spaces.
6. The proposed use is functionally similar, in nature and intensity, to the permitted uses of the property as a theater or social club.
7. 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, and we find that it is compatible with the existing neighborhood.

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.

The subject property is in a mixed-use area, with commercial uses in the vicinity. It is zoned HI-1. The size of the congregation is relatively modest, being only about 200 or so members. The traffic volume attendant to the church use will not create a material detriment to traffic flow in the neighborhood. Moreover, given the mixed-use nature of the area, the use of the property as a church is compatible with surrounding uses. Uses allowed in the HI-1 zone anticipate the coming and going of regular traffic, and the subject property and its attendant road network appears able to handle that traffic without difficulty. We note that no objection was presented to this appeal.

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 this 6th day of September, 2007.

BOARD OF APPEALS

By: Bert Iseminger, Chair