

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

HUYETTS MENNONITE SCHOOL
16404 National Pike
Hagerstown, MD 21740

Appeal No. AP2007-065

Appellant

OPINION

This action is a request for an expansion of a non-conforming use to erect a portable classroom building ancillary to the existing Huyetts Mennonite School. The subject property is located at 16404 National Pike, Hagerstown, MD 21740, is owned by the Appellant, and is zoned Conservation.

A public hearing was held before a full Board on August 22, 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. Huyetts Mennonite School is a four-room schoolhouse that was built long before the enactment of zoning in the County.
2. The Appellant wishes to add a portable schoolroom to the school.
3. The property is approximately 3 acres in area.
4. 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.
5. No opposition was presented to this appeal.

RATIONALE

Nonconforming uses are governed by Section 4.3 of the Zoning Ordinance for Washington County, Maryland. Section 25.6 of the Ordinance directs the Board to consider the following factors, as applicable, in rendering its decision: (a) the number of people residing or working in the immediate area concerned; (b) the orderly growth of a community; (c) traffic conditions and facilities; (d) the effect of such use upon the peaceful enjoyment of people in their homes; (e) the conservation of property values; (f) the effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values; (g) the most appropriate use of land and structure; (h) the decision of the courts; (I) the purpose of these regulations as set forth herein; (j) the type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

This proposal is a compatible and complimentary use of the property. The property has long been used as a school, since well before the adoption of zoning. The addition of the portable classroom building will not encroach upon any setbacks, nor will it overburden the amply-sized three-acre parcel. No evidence was presented that the proposed use was incompatible with the neighborhood; disruptive of neighbors' quiet enjoyment of their properties; detrimental to surrounding property values; generative of excessive odors, dust, gas, smoke, fumes, vibrations, or glare; generative of traffic that would exceed the capacity of existing infrastructure; or that the proposal was an inappropriate use of land or structure.

Based upon all of the testimony and evidence presented, this Board finds that the requested change and expansion of non-conforming use 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 20th day of September, 2007.

BOARD OF APPEALS

By: Bert Iseminger, Chair