

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

DOT FOODS
16301 Elliott Parkway
Williamsport, MD 21795
Appellant

Appeal No. AP2007-109

OPINION

This action is a request for a variance from the minimum 25' street right-of-way setback to 4' for the placement and enlargement of a freestanding sign. The subject property is located at 16301 Elliott Parkway, Williamsport, Maryland, is owned by the Appellant, and is zoned Industrial General.

A public hearing was held before the Board on January 16, 2008. The Appellants offered evidence and testimony in support of the appeal. No opposition was presented to this appeal.

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 seeks approval to place a freestanding sign on the premises.
2. The sign will have a concrete foundation.
3. At present, the sign will not be illuminated. If it is in the future, the illumination will be external.
4. If the setback was met, the Appellant would lose at least two parking spaces, and parking space is already at a premium.
5. The proposed placement of the sign will not impede traffic or interfere with public safety.
6. No one testified in opposition to this proposal.

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. "Undue Hardship" may be found by the Board when: (1) strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; (2) the difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and (3) the hardship is not the result of the applicant's own actions. Section 25.56(B).

In the instant case, the Appellant seeks approval to erect an on-premise sign to identify its business. The size, shape, and topography of the property and structures thereon necessitate placement of the sign as proposed herein. Strict requirement with the Ordinance would reduce the visibility of the sign, would consume available parking areas, and would not result in increased safety. The testimony clearly showed that the proposed placement of the sign would not impede traffic flow or endanger the motoring public. 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 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 15th day of February, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair