

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

HOUCK AVENUE LLC
13 N. Edgewood Drive
Hagerstown, MD 21740
Appellant

Appeal No. AP2007-110

OPINION

This action is a request for a variance from the maximum 35' height limitation to 150' and from the 300 ft.² total allowable signage limitation to 386 ft.² for an on-premises identification sign for a proposed hotel. The subject property is located at 12828 Clear Spring Road, Clear Spring, Maryland, is owned by the Appellant, and is zoned Highway Interchange - 1.

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 proposes erection of a sign to identify a proposed hotel on the subject property.
2. The property is about 1,000' from Interstate 70.
3. The sign's size is consistent with the Sleep Inn chain's standards.
4. Existing vegetation and the topography of the area necessitate the height variance.
5. The sign must be high enough to allow interstate motorists time to decide to exit the highway and visit the hotel.

6. The requested 150' height is the minimum height that will provide visibility given the existing tree canopy.

7. The secondary site identified by Vertical Technology Services is the preferred location for the sign.

8. No one testified in opposition to this 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. "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 a proposed hotel to the public. The size, shape, and topography of the property and structures thereon necessitate placement of the sign as proposed herein, and strict requirement with the Ordinance would extinguish the visibility of the sign. Furthermore, for the sign to be effective, it must be seen by motorists and allow them enough time to exit the interstate. The sign's height is appropriate given surrounding environmental factors, and its size prescribed by the Sleep Inn chain. Both the State Highway Administration and the County Engineering Department had no objection to this request. 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 AS CONDITIONED BELOW this 15th day of February, 2008.

Condition

The sign shall be erected at the secondary location identified in the Balloon Test Report dated November 28, 2007, by Vertical Technology Services.

BOARD OF APPEALS

By: Bert Iseminger, Chair