

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

POLAR LLC
818 Bowman Avenue #A
Hagerstown, MD 21740
Appellant

Appeal No. AP2008-003

OPINION

The Applicant request to withdraw its application for a special exception to establish a medical and dental office facility at 528 Eastern Boulevard, Hagerstown, Maryland, on property owned by the Appellant and zoned Residential Suburban.

The Board voted to allow the Applicant to withdraw its application at its meeting of February 13, 2008. Accordingly, the requested withdrawal is hereby GRANTED this 14th day of March, 2008.

BOARD OF APPEALS
By: Bert Iseminger, Chair

A public hearing was held before the Board on February 13, 2008. The Appellant 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 establish a medical and dental office facility on the subject 0.90-acre property.
2. The facility would be about 6,000 square feet in area.
3. Office hours would be 8 a.m. to 5 p.m., Monday through Friday.
4. There would be no more than 10 employees at the facility, as sewer availability is limited.
5. The subject property is within the Urban Growth Area and is fronted on a major collector road.
6. Neighboring property uses include single family residences, a stormwater management facility, and an orthodontist office.
7. Existing trees on a neighboring property would screen the facility from the nearest residential use.
8. The proposal is consistent with the Comprehensive Plan and 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.

In this matter, we find that the Appellant has met its burden for a special exception. The Zoning Coordinator has opined that the proposed exception is compatible with the Comprehensive Plan, and the property is within the Urban Growth Area. We have found that the proposed use would not be incompatible with the surrounding neighborhood; in fact, it is complimentary, as an orthodontics office is already located nearby. The property is of adequate size to support the proposed use. 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, t