

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

REED RENTALS, INC.  
17547 Virginia Avenue  
Hagerstown, MD 21740  
Appellant

Appeal No. AP2008-005

OPINION

This action is a request for a change of non-conforming use for an existing auto sales and rental facility with repairs to vehicles offered for sale to an auto sales and rental facility with repairs to vehicles for the general public. The subject property is located at 17547 Virginia Avenue, Hagerstown, Maryland, is owned by the Appellant, and is zoned Residential Urban.

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 proposes expand auto sales and rental services on the property with the addition of vehicle repair and maintenance services.
2. The Appellant will reduce the number of vehicles on the sales and rental lot to accommodate the proposed service activities.
3. The proposal is consistent with the Comprehensive Plan and compatible with the existing neighborhood.

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 accessory use of the property. The size of the sales and rental fleet will be reduced, allowing a greater portion of the property to be used for service. No great influx of traffic is anticipated, and the proposed rental car business is in harmony with the existing car sales and service operation. 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. Strict compliance would be unduly burdensome, would not provide any added safety or aesthetic benefits, and would fail to advance the spirit and purpose of the Ordinance.

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 14<sup>th</sup> day of March, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair