

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

AUSTIN RICE  
12021 Itnyre Road  
Hagerstown, MD 21740  
Appellant

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Appeal No. AP2008-011

OPINION

This action is a request for a special exception to construct a mini-storage building facility. The subject property is located at 12021 Itnyre Road, Hagerstown, Maryland, is owned by the Appellant, and is zoned Agricultural (Rural).

A public hearing was held before the Board on March 5, 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 establishment of a mini-storage facility on the subject property.
2. The property abuts a railroad track and is, therefore, not amenable to residential use.
3. The facility will be unmanned, accessible via a keypad-controlled gate.
4. The proposed use would generate no more traffic than would light residential use.
5. The proposal is compatible with the existing neighborhood and conforms to the Comprehensive Plan.
6. No one testified in opposition to this request.

## 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 his burden for a special exception. The Zoning Coordinator has opined that the proposed exception is compatible with the Comprehensive Plan, and we have found that the proposed use dwelling would not be incompatible with the surrounding neighborhood. The property is of adequate size to support the use of the property as a storage facility, and traffic generation will not be overly burdensome. Moreover, the property is bounded by a railroad line. 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 4<sup>th</sup> day of April, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair