

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

BRUCE & SUSAN FRANSEN
6524 Old National Pike
Boonsboro, MD 21756
Appellants

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Appeal No. AP2008-017

OPINION

This action is a request for a special exception to establish an art gallery as a resident business. The subject property is located at 6524 Old National Pike, Boonsboro, Maryland, is owned by the Appellants, and is zoned Preservation.

A public hearing was held before the Board on April 9, 2008. The Appellant offered evidence and testimony in support of the appeal. No opposition was presented to the 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 to establish an art gallery in a dwelling on the subject property.
2. The gallery would be open on weekends from 9 a.m. to 6 p.m. and would be staffed by family members.
3. The gallery will offer for sale items created by the Appellant; the items will not be created on site.
4. Appellants' neighbors have no objection to this appeal.
5. The proposal conforms to the Comprehensive Plan and is compatible with the existing neighborhood, which includes some commercial uses in the vicinity.

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. A “Resident Business” is defined in Article 28A of the Ordinance.

In this action, the proposed use is one of low-intensity and will not create “odors, dust, gas, smoke, fumes, vibrations, glare[,] and noise” or disrupt the neighborhood or neighboring property owners’ quiet enjoyment of their properties. § 25.6. Traffic generation will be light. Delivery traffic is not expected to be any greater than would normally result from residential occupancy, and the parking area will adequately serve the expected customer volume. 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 8th day of May, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair