

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

DAVID M. MERCHANT
20657 National Pike
Boonsboro, MD 21713
Appellant

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Appeal No. AP2008-038

OPINION

This action is a request for a special exception to establish a contractor's equipment storage yard to include a one-story metal building with an office and a maintenance shop. The subject property is a lot of record on the north side of Black Rock Road at Route 66, is owned by John Young, and is zoned Agricultural (Rural).

A public hearing was held before the Board on July 30, 2008. The Appellant offered evidence and testimony in support of 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 proposes to establish a contractor's equipment storage yard on the subject 13.26-acre property.
2. Appellant has between 12-15 employees, and hours of operation of the business will be between 6 a.m - 4:30 p.m.
3. The facility will be fenced in and access will be via a locked gate.
4. The Appellant testified that there will be a relatively minor amount of outdoor storage of materials.
5. The proposed use will not be visible from Interstate 70.
6. Appellant will cooperate with the Soil Conservation Service and the state Department of the Environment to minimize impact on Beaver Creek from the

proposed use.

7. The State Highway Administration has no objection to this appeal.

8. The Engineering Department has concerns regarding road adequacy and sight distance that will be addressed during the site review phase.

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 action, Appellant seeks permission to establish a contractor's equipment storage yard on the subject 13.26-acre property. The property will be used primarily for equipment storage, and with the proper conditions, we believe that the proposed use will not adversely affect neighbors' quiet enjoyment of their properties. The property is of adequate size to support the proposed use, and traffic generation will not be overly burdensome. 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. The proposed use is not incompatible with the existing neighborhood and it conforms to the Comprehensive Plan.

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 WITH CONDITIONS as set forth below this 28th day of August, 2008.

Conditions

1. Operation of the site shall substantially conform to the representations made to this Board through testimony and submittal of documentary materials by Appellant and his agents.

2. The contractor's equipment storage yard area shall be in substantial conformance in location and in size with the area shown on the Exhibit 2 - Concept Plan prepared by Triad Engineering.

BOARD OF APPEALS

By: Bert Iseminger, Chair