

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

THE BOWMAN GROUP
10228 GOVERNOR LANE BLVD. # 3002
WILLIAMSPORT, MD 21795
Appellant

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Appeal No. AP2008-041

OPINION

This action is an appeal charging administrative error for the Zoning Administrator's denial of a request to allow an indoor children's recreational facility in the Planned Industrial zone. The subject property is located at 10310 Governor Lane Boulevard, Williamsport, Maryland, is owned by the Appellant, and is zoned Planned Industrial.

A public hearing was held before the Board on August 27, 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 to establish an indoor children's recreational facility in a building within Bowman Business Park.
2. The facility is called "Pump It Up" and will feature inflatable amusements and area for children's parties.
3. The equipment requires 18' ceilings, which cannot be found in general retail or commercial spaces.
4. Furthermore, retail and commercial rental rates are often higher than found at this site, which would make the proposed use fiscally prohibitive.
5. No one testified in opposition to this appeal.

RATIONALE

Section 25.2(a) of the Zoning Ordinance for Washington County, Maryland vests this Board with the power to “hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance, the Washington County Forest Conservation Ordinance, or of any ordinance adopted thereto.”

The purpose of a Planned Industrial district is as follows:

The Planned Industrial District is established where it can be served with adequate public or community water and sewerage service meeting Health Department standards to encourage planned industrial developments or “industrial parks.” Planned Industrial Districts are intended to accommodate a wide range of manufacturing, processing, research and development, office and other uses which can be built and operated within a minimum of noise, smoke, smell, and other nuisances, and can be designed to high aesthetic standards. Because of the lack of nuisances and the higher design standards, a Planned Industrial District can be mapped in locations where other industrial districts may be undesirable. Section 18.0.

Principal permitted uses in that district include “Office buildings for services oriented to the needs of industries and businesses located in the park or for the local community, such as offices for doctors, medical clinics or laboratories, engineers, banks, data processing centers, post offices, and local retail services, provided that such office buildings shall not be the first use erected in the industrial park.” Section 18.1(b). Other permitted uses include child day care centers and nursery schools; hotels, motels, and conference centers; and restaurants providing both on-premises and carry-out food service. *Id.* at (g)-(i).

In short, we believe that the proposed use—a children’s indoor entertainment facility—is compatible with those uses permitted by the Ordinance in the Planned Industrial district. Although not specifically identified in the Ordinance, it would appear that the proposed use is one permitted in an office building for “services oriented to the needs of industries and businesses located in the park or for the local community.” Moreover, we note that the afore-quoted phrase is followed by “such as” and then a list of potential uses. The uses listed, and employment of the term “such as”, would seem to indicate that the Ordinance’s drafters considered the uses listed to be illustrative and not exclusive.

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 by a 5-0 vote.

Issued September 25, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair