

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

NEIL PARROTT
Appellant

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Appeal No. AP2008-043

OPINION

This action is a request for a special exception to establish a professional office in a resident for a consulting firm. The subject property is located at 20005 Lindenhurst Court, Hagerstown, Maryland, is owned by the Appellant, and is zoned Residential Suburban.

A public hearing was held before the Board on September 10, 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 operate a traffic consulting firm in his residence.
2. The firm will have no more than five employees.
3. No on-street parking will be used.
4. The firm's clients will not visit the residence.
5. Hours will be from approximately 8:30 a.m. to 5:30 p.m. Monday through Friday.
6. There will be no visible signs of a business being operated from the residence.
7. No one testified in opposition to this request.
8. The proposed use is compatible with the existing neighborhood and conforms to the Comprehensive Plan.

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 would not be incompatible with the surrounding neighborhood. The principal use of the property is as Appellant’s residence, which comports with other uses in the area. There will be no visible signs that a consulting business is being operated in the dwelling. Furthermore, the nature of the proposed business is of minimal intensity. 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 9th day of October, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair