

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

LANDMARK INDUSTRY
Appellant

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Appeal No. AP2008-046

OPINION

This action is a request for a special exception to permit the outside storage of recreational vehicles at an existing mini-warehouse facility. The subject property is located at 13115 Cearfoss Pike, Hagerstown, Maryland, is owned by the Appellant, and is zoned Agriculture.

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 store recreational vehicles, boats, trailers, etc. on the subject 16-acre property.
2. There is a mini-warehouse facility and farm equipment dealership on the property.
3. The vehicle storage area would be temporary in nature pending completion of additional storage buildings as shown on the site plan filed in this matter.
4. The storage area will have a gravel surface and will be fenced and gated.
5. Appellant's neighbors have no objection to this request.
6. The proposal 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 its 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 property is of adequate size to support the proposed use and traffic generation will not be overly burdensome. Moreover, the outside storage will be temporary in nature, ceasing after permanent storage buildings are constructed. 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 WITH A CONDITION this 9th day of October, 2008.

Condition

1. This special exception for the outside storage of vehicles will be abrogated upon the issuance of the Use and Occupancy Certificate for the last storage building constructed as shown on the site plan filed with this appeal.

BOARD OF APPEALS

By: Bert Iseminger, Chair