

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

JEFFREY CRAMPTON
Appellant

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Appeal No. AP2009-005

OPINION

This action is a request for a variance from the minimum 100' left side yard setback to 25' for a proposed warehouse facility. The subject property is located at 9439 Sharpsburg Pike, Hagerstown, Maryland, is owned by the Appellant, and is zoned Industrial General.

A public hearing was held before the Board on February 18, 2009. 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 construction of a warehouse/self-storage facility on the subject property.
2. This variance is necessary because the neighboring IG-zoned lot has a residential mobile home on it, amongst other industrial uses.
3. Strict compliance with the setback would result in the reduction of the project by approximately 35 %.
4. The property is zoned Industrial General and the neighborhood is industrial in character.
5. Some screening and buffering will be used on the property.
6. No opposition was presented to this appeal.

RATIONALE

This Board has authority to grant a variance upon a showing by the Appellant of practical difficulty or undue hardship. Sections 25.2(c) and 25.56, Zoning Ordinance for Washington County, Maryland. "Practical Difficulty" may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(a).

The proposed use is a reasonable and permitted use of the property, complicated only by the placement of a nonconforming mobile home on the neighboring IG-zoned property. The grant of the variance will not create any incompatibility in the neighborhood, and strict compliance with the setback requirements would not provide any real benefits. 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. For these reasons, we believe that granting this variance observes the spirit of the Ordinance.

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.

BOARD OF APPEALS

By: Bert Iseminger, Chair

Issued: March 20, 2009