

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

2009 VIRGINIA AVENUE LLC
Appellant

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Appeal No. AP2009-047

OPINION

This action is a request for a special exception to allow up to 42,000 square feet of outside storage ancillary to an existing and future mini-warehouse facility used generally for the storing of vehicles, equipment, and materials such as boats, campers, trailers, recreational vehicles. The subject property is located at 17314, 17318, 17320, 17322 Virginia Avenue, Hagerstown, Maryland, is owned by the Appellant, and is zoned Business Local.

A public hearing was held before the Board on September 16, 2009. 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 establishment of a mini-warehouse facility for the outside storage of boats, vehicles, trailers, campers, RVs and other equipment.
2. Outside storage space will be leased on a monthly basis.
3. There will be no sales or repairs of vehicles or storage of dismantled or wrecked vehicles.
4. The property will be fenced along its perimeter.
5. Screening will be used on the property, especially to the east near existing residential uses.
6. The population in this district is increasing, thereby demonstrating a need for this type of facility.
7. The property is located along the boundary of residential and commercial uses, and the County Commissioners recently found a change in the character of the neighborhood when they rezoned the property.

8. The proposal is consistent with the Comprehensive Plan, compatible with the existing neighborhood, and unobjectionable to the County's Land Development Engineering Department.

9. No one testified in opposition to this request.

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.

The Appellant seeks a special exception pursuant to § 11.3(b) which allows one to be granted upon a finding that a proposed use is functionally similar to any other principally permitted or special exception use in the district. The Appellant argues that the outside storage of vehicles proposed herein is similar to a permitted commercial parking lot, and we agree. A commercial parking lot allows for the parking of vehicles on property for consideration so long as no service or repair facilities are located thereon and no dismantled or junk vehicles are kept. That is precisely the type of use envisioned by the Appellant herein, and one customarily found as an accessory to mini-warehouse facilities. The proposed facility is compatible with the neighborhood, and the increasing population of the district suggests that there is need for such a facility.

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. Therefore, 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 vote of 5-0 with the CONDITION that Appellant shall comply with any Stormwater Management Ordinance requirements.

BOARD OF APPEALS
By: Bert Iseminger, Chair

Date Issued: October 16, 2009