

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

PSP LTD.
Appellant

*
*

Appeal No. AP2009-054

OPINION

This action is a request for a variance from the maximum sign area of 300 square feet to 398 square feet for the placement of a dual-sided, illuminated identification sign. The subject property is located at 10308 Auto Place, Hagerstown, Maryland, Maryland, is owned by the Appellant, and is zoned Highway Interchange - 1.

A public hearing was held before the Board on October 14, 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 erection of a dual-sided, internally-illuminated identification sign 398 square feet in area to identify the Sharrett Volkswagon/Mazda/Suburu dealership.
2. An existing sign will be replaced, and the proposed sign will be 5' lower in height.
3. The area is commercial in nature, with other automobile dealerships in the neighborhood, and this sign will not be incompatible with the character of the neighborhood.
4. The sign will be adjacent to the I-70 ramp and its greater visibility will enhance traffic safety because motorists' destination site will be more easily identified.
5. No one testified in opposition to this request.

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 Appellant has met its burden for a sign area variance. The proposed use is a reasonable and permitted use of the property, and the proposed sign will replace the sign now standing on the property. Strict compliance with the Ordinance's requirements would prevent identification of the use on the parcel amidst other auto dealerships or would result in a smaller sign, making identification of the property more difficult for motorists traveling along the interstate. Furthermore, strict compliance with the sign area limit would provide no practical benefit in this circumstance. No evidence was presented that the proposed sign 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

Date Issued: November 13, 2009