

ALLEGANY COUNTY BOARD OF ZONING APPEALS

**IN RE: APPLICATION OF
LA VALE VOLUNTEER
RESCUE SQUAD
FOR A SPECIAL EXCEPTION**

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**Case Number: 925
Hearing Date: 02-01-2012**

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FINDINGS

This case came before the Allegany County Board of Zoning Appeals (the "Board") upon LaVale Volunteer Rescue Squad's request for a special exception for the expansion of a rescue squad in "RA" LaVale Zoning District.

A field inspection of the subject property was conducted by the members of the Board on January 26, 2012. The purpose of the field inspection was to familiarize the Board members with the site layout in order for them to develop an understanding as to where the proposed use would be located and as to whether the proposed use would be constructed in compliance with the terms of the Zoning Ordinance.

At the hearing on February 1, 2012, the Board considered the attached list of exhibits which consisted of information gathered by the Division Chief and information provided by other agencies and individuals:

The proposed use will be located on the northwest corner of National Highway on US Rt. 40 and LaVale Court, LaVale, Allegany County, Maryland.

The proposed use is the expansion of the existing rescue squad. It would consist of a one story structure measuring 72' x 40' in dimensions and an overall increase of 2,880 sq. ft. to the existing structure.

The Board considered testimony presented at the hearing in order to ascertain whether the proposed use would meet the standards and criteria of the Zoning Ordinance. The Board's findings are as follows:

1. A rescue squad is a special exception use in the "RA" LaVale Zoning District in accordance with Part II - A, Section 1(B) of the Ordinance.
2. The lot size is approximately 34,159 sq. ft.
3. That this lot meets all the lot size and setback requirements found in Ordinance No. 1 of the LaVale Zoning Board.

4. The Board found that a standard site plan is required for this use due to the fact that the use would not involve the construction of a building larger than 2,500 square feet, the movement of 250 or more cubic yards of earth, and/or the disturbance of 20,000 square feet of surface area. Having made that determination, the Board applied the criteria of Section 141-113 of the Allegany County Ordinance to the site plan which was submitted by the Applicant. The Board found that the site plan met those criteria.

Based upon the foregoing findings, the Board found that the Applicant will comply with the criteria of the Zoning Ordinance. Having made that determination, the Board next considered whether "the facts and circumstances indicate that the particular special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties unique and different, in kind or degree, than that inherently associated with such a use, regardless of its location within the zone ...". Brandywine Enterprises v. County Council for Prince Georges County, 117 Md. App. 525 (1997).

No evidence of site specific adverse impact was presented. The Board found there was no evidence offered to show the site would cause any site specific adverse impact.

CONCLUSION

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of February 1, 2012, 3-0 in favor of granting the Applicant's request for a special exception for an addition to the rescue squad in the "RA" LaVale Zoning District.

ATTEST

BOARD OF ZONING APPEALS



By: R. William Powell
~~Julia Williams, Chairperson~~

R. William Powell, Acting Chairperson

Copies to: See Attached List
Attachment: Exhibits List

ALLEGANY COUNTY BOARD OF ZONING APPEALS

**IN RE: APPLICATION OF
LA VALE VOLUNTEER
RESCUE SQUAD
FOR A VARIANCE**

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**Case Number: 925
Hearing Date: 02-01-2012**

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FINDINGS

This case came before the Allegany County Board of Zoning Appeals (the "Board") upon the LaVale Volunteer Rescue Squad's application for a variance to place a sign 5 feet from the right of way of Maryland Route 40 in the "RA" Zone of the LaVale Zoning District.

A field inspection of the subject property was conducted by the members of the Board on January 26, 2012. The purpose of the field inspection was to familiarize the Board members with the site layout in order for them to develop an understanding as to where the proposed use would be located and as to whether the proposed use would be constructed in compliance with the Zoning Ordinance.

At the hearing on February 1, 2012, the Board considered the attached list of exhibits which consisted of information gathered by the Division Chief and information provided by other agencies and individuals.

The Board considered the testimony presented at the hearing in order to ascertain whether the proposed use would meet the standards and criteria of the Zoning Ordinance. The Board's findings are as follows:

1. That the subject property is located on the northwest corner of National Highway and LaVale Court intersection, LaVale, Allegany County, Maryland. The Applicant is the LaVale Volunteer Rescue Squad, which is located on that site.

The Applicant is requesting that it be granted a variance to place a sign five feet from the right of way line of Route 40. Part III-B § 1.G requires that signs be located no closer than ten feet from rights of way or in any manner that obstructs the view at intersecting roadways.

2. Part III-B §1 of the Ordinance sets forth the general standards for signs. The Board determined that the Applicant's sign will meet those standards.
3. The replacement sign will replace the existing sign that has been on the site since 1982 or approximately 30 years. The new sign will be placed at the same location as the old one. The replacement sign will be seven feet tall, which is approximately 40% higher than the existing billboard.
4. In light of the foregoing, the Board considered the proposed use to be a nonconforming use under Part I-A § 10 of the Ordinance and determined that there were no criteria in that Section of the Ordinance that dictated that the proposed use not be accepted as such.

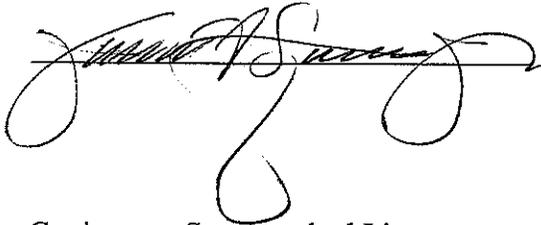
CONCLUSION

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of February 1, 2012, 3-0 in favor of granting the Applicant's request to place a sign 5 feet away from the right of way of Maryland Route 40 on the ground that such a use would constitute the continuation of an ongoing nonconforming use.

As a condition to the granting of the Board's approval, the Applicant will be required to comply with the terms and criteria of the Zoning Ordinance at all times. The Applicant must also obtain the approval of all State, County, and municipal agencies whose approvals are required for the conduct of the proposed use. The Applicant will also be required to comply with the

requirements of the Maryland State Highway Administration and it will be required to remove the existing sign as conditions of the granting of its application.

ATTEST:



BOARD OF ZONING APPEALS

By: R. William Powell
~~Julia Williams, Chairperson~~
R. William Powell Acting Chairperson

Copies to: See Attached List