

## **ALLEGANY COUNTY BOARD OF ZONING APPEALS**

**IN RE: APPLICATION OF  
EASTERN HARDWOODS  
FOR A SPECIAL EXCEPTION**

\* Case No.: 928

\* Hearing Date: 12/05/12

\* \* \* \* \*

### **FINDINGS**

This case came before the Allegany County Board of Zoning Appeals (the "Board") upon Eastern Hardwoods's request for a special exception to timber harvest in a public supply watershed.

A field inspection of the subject property was conducted by the members of the Board on November 29, 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 in compliance with the terms of the Zoning Ordinance.

At the hearing on December 5, 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 is a wooded area located on the east side of Jackson Mountain Road approximately three miles south of Lonaconing, Allegany County, Maryland. This property is owned by Mr. Nelson Llewellyn.

The proposed use is a timber harvest which will consist of a select cut of 67 acres and a clear cut of an additional seven acres. According to the maps provided, only a small portion of the property is located in the public supply watershed.

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. Timber harvesting in a public supply watershed is a special exception use in the "C" Conservation Zoning District in accordance with Section 360-84 (B) of the Ordinance.
2. The affected property area consists of approximately 74 acres out of a total lot size of

111.26 acres as found in Deeds Liber 589, Folio 998, among the land records of Allegany County, Maryland.

3. That a Standard Plan for Forest Harvest Operations is in effect and is to be adhered to by both the landowner, Nelson Llewellyn, as well as the operator, Eastern Hardwoods.

4. That the timber harvest operation would cause no major disturbance to the property. That the property was also harvested fifteen years ago and as a result, existing roads are already in place to support the operation.

5. That there were no complaints of soil erosion or sediment issues in the public supply watershed after the prior timber harvest operation that would merit concern at this time.

6. There are no designated wetlands or habitats for threatened or endangered species within the site where the proposed use will be located.

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 that there was no evidence offered to show that the site would cause any site-specific adverse impacts.

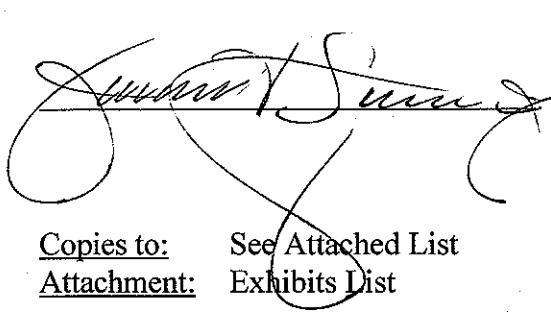
### **CONCLUSIONS**

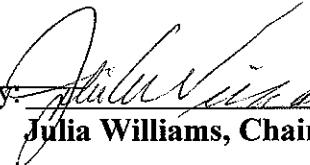
Based upon the findings set forth above, the Board voted at the conclusion of the hearing of December 5, 2012, 3-0 in favor of granting the Applicant's request for a special exception to timber harvest in a public supply watershed in the "C" Conservation Zoning District. As a condition to the granting 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, including, but not limited to, Soil Conservation District, Allegany County Health Department,

ACDPW Roads Division, Zoning Certification, Building Codes Compliance, House Numbering,  
Floodplain Management, Subdivision Review and Structural/Electrical Inspection Agency.

ATTEST

BOARD OF ZONING APPEALS



By:   
**Julia Williams, Chairperson**

Copies to: See Attached List  
Attachment: Exhibits List