

ALLEGANY COUNTY BOARD OF ZONING APPEALS

IN RE: APPLICATION OF * **Case No.: 960**
TIMOTHY FINK *
FOR A SPECIAL EXCEPTION * **Hearing Date: 06/05/19**

* * * * *

FINDINGS

This case came before the Allegany County Board of Zoning Appeals (the “Board”) upon Timothy Fink’s request for a special exception for a residential storage building greater than 1200 square feet in first floor space in the “R-1” - Residential Zoning District.

A field inspection of the subject property was conducted by the members of the Board on May 30, 2019. 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 June 5, 2019, 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 applicant, Timothy Fink, then testified that his request for a special exception was to allow him to build a residential storage building in which he planned to locate his heating and cooling business. No other witnesses testified on behalf of the applicant.

As per Section 360, Attachment 2, Table 1, of the Allegany County Code, a commercial use of this type is not permitted in a R-1 residential district. As such, the Board has no authority to grant the requested special exception and it must be denied as a matter of law.

CONCLUSIONS

Based upon the findings set forth above, the Board, by a vote of 3-0, denied the Applicant’s request for a special exception for a residential storage building greater than 1200 square feet in first floor area in the “R-1” Zoning District.

ATTEST

BOARD OF ZONING APPEALS

 By 
Mark A. Farris, Chairman

Copies to: See Attached List
Attachment: Exhibits List

Honorable Jacob Shade
Allegany County Commissioners
701 Kelly Road - Suite 408
Cumberland,, MD 21502

Mr. Carl Booth
c/o Mr. Dennis Booth
201 Hinds Road
Gasden, AL 35904

Crown Communication, Inc.
4017 Washington Rd., PMB 353
McMurray, PA 15317-2520

Pond Hill, LLC
P.O. Box 758
Keyser, WV 26726

Mr. James Booth
15510 Coon Club Road, SW
Frostburg, MD 21532

Mr. & Mrs. George Booth, Sr.
11327 Upper Georges Creek Rd.
Frostburg, MD 21532

Mr. & Mrs. Michael Connelly
11327 Upper Georges Creek Rd.
Frostburg, MD 21532

Mr. & Mrs. George Dunn
10001 Piney Mountain Road, SW
Frostburg, MD 21532

Mrs. Kathryn Everly
10015 Piney Mountain Road, SW
Frostburg, MD 21532

Mr. Eugene Michaels
10704 Mountainside Terrace
Frostburg, MD 21532

Ms. Ana Alforo
10200 Piney Mountain Road SW
Frostburg, MD 21532

Mr. Carl Booth
c/o Mr. Donald Booth, Jr.
13730 Lab Lane, NW
Mt. Savage, MD 21545

Moriah, LLC
58 91st Street
Brooklyn, NY 11209

SkyNate Properties, LLC
327 Beall Street, Suite 2
Cumberland, MD 21502

Mr. John Booth
15500 Coon Club Road, SW
Frostburg, MD 21532

Mr. James Broadwater
10016 Piney Mountain Rd., SW
Frostburg, MD 21532

Mr. Moses Daboub
10200 Piney Mountain Road SW
Frostburg, MD 21532

Mr. Preston Everly
10015 Piney Mountain Road, SW
Frostburg, MD 21532

Mr. Kenneth Martin
10005 Piney Mountain Road, SW
Frostburg, MD 21532

Ms. Deborah Yutzy
10009 Piney Mountain Road, SW
Frostburg, MD 21532

BOARD OF ZONING APPEALS

FOR ALLEGANY COUNTY, MARYLAND

CASE# 960
MR. TIMOTHY FINK

JUNE 5, 2019

EXHIBITS LIST FINAL

- A. An Allegany County *Land Use Permit Summary* covering a *Land Use Permit Application* and assorted administrative documents (i.e. invoice(s), receipts, SDAT Property Account Summary, etc.)
- B. Site Plan; approved by the Allegany Soil Conservation District 4/30/2019.
- C. Completed *Petition for a Special Exception*.
- D. Photocopy of an Allegany County Tax Map for property identification.
- E. An *Adjoining Property Owners List* completed and signed by the Applicant.
- F. A *Notification of the Hearing*, with attached distribution list, dispatched to adjoining and adjacent property owners by the Secretary of the Board.
- G. *Notification of Hearing* dispatched to the Applicant by Secretary of the Board
- H. *Inter Office Memo*, prepared by the LDS office, and distributed to the necessary *release agents* notifying them of this Case, date, time and requesting comment.
- I. *Public Notification*, dispatched to the Cumberland Times/News, for the purposes of notifying the general public of the hearing date, time and location.
- J. *Certification of Public Notice*, received from the Cumberland Times/News, certifying that the *Public Notification* was published May 11th, 2019 (includes portion of *Page 5B* of Saturday, May 11th, 2019, edition of the Cumberland Times/News).
- K. *LUPA Summary*, returned by ACDPU, noting "...**no public utilities involved**..."
- L. Returned *Inter-Office-Memo*, dated 5/14/2019, from Mark McKenzie - SHA, stating "... **no comment**..."
- M. Returned *Inter-Office-Memo*, dated 5/14/2019, from Dan DeWitt, County Engineer-ACDPW, stating "... **no concern**..."
- N. Memorandum dated June 4, 2019, from James A. Squires Jr., Division Chief, to the Allegany County Board of Zoning Appeals, regarding *site development plan* requirements.
- O. *Construction drawings* of proposed garage (multi-page)