

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

JL LLC
7437 Sharpsburg Pike
Boonsboro, MD 21713

Appeal No. AP2007-060

Appellant

OPINION

This action is a request for a special exception to allow a second dwelling on a parcel presently improved with a dwelling. The subject property is located at 7437 Sharpsburg Pike, Boonsboro, MD 21713, is owned by the Appellant, and is zoned Agricultural (Rural).

A public hearing was held before a full Board on July 25, 2007. The Appellant offered evidence and testimony in support of the appeal. Neither opposing testimony nor evidence was presented to the Board.

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. The subject property is a vegetable farm.
2. The Appellant's brother is the crop manager for the vegetable farm.
3. He is getting married and needs a house.
4. The farm is 24 acres in area.
5. The new house would use the existing farm lane for access.
6. Received and filed with the Board was a memorandum from Kathy A. Kroboth, Washington County Zoning Coordinator, advising that the appeal is consistent with the Comprehensive Plan.
7. The proposal conforms to the Plan and is compatible with the existing neighborhood.

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.” Section 28.62.

In this matter, we find that the Appellant has met its burden for a special exception. The Zoning Coordinator has opined that the proposed exception is compatible with the Comprehensive Plan, and we have found that the proposed second dwelling would not be incompatible with the surrounding neighborhood. The property is of adequate size to support a second dwelling and the new house would be inhabited by the farm’s crop manager. 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. 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 WITH CONDITIONS AS SET FORTH BELOW this 24th day of August, 2007.

Conditions

1. Prior to the issuance of a building permit, proof of recordation of a written right-of-way, evidencing a 25’-wide right of way to the created lot, will be submitted to the Department of Permits and Inspections.
2. If, at some future time, the proposed residence is not occupied by at least one individual who works on the vegetable farm, the property shall be subdivided and the proposed residence placed on a separate lot.

BOARD OF APPEALS
By: Bert Iseminger, Chair