

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

DAVID C. DRESSER  
16308 Shaffer Road  
Sharpsburg, MD 21782

Appeal No. AP2007-061

Appellant

OPINION

This action is a request for a special exception to allow a second dwelling on a parcel presently improved with a dwelling and variance from one dwelling unit per 30 acres to one dwelling unit per 2.62 acres. The subject property is located at 16728 Taylors Landing Road, Sharpsburg, MD, is owned by the Appellant, and is zoned Environmental Conservation.

A public hearing was held before a full Board on July 25, 2007. The Appellant offered evidence and testimony in support of the appeal. Opponents offered evidence and testimony in opposition to the 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. The Appellant seeks permission to build a house on the property that will be occupied by him.
2. There is already one house on the property that is used as a rental dwelling.
3. The property is five acres in area.
4. It is proposed that the residents of the current house will look after the new house when the Appellant travels, thereby providing greater security for the property.
5. The Appellant has owned this property since 2006.
6. Testifying in opposition, opponents stated that they have concerns about covenant violations, drainage, density, and well and septic failures. They feel Appellant should have to remove the existing mobile home.

7. Received and filed with the Board was a memorandum from Kathy A. Kroboth, Washington County Zoning Coordinator advising that the density request is not consistent with the land use plan of the Comprehensive Plan.

#### 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 action, we are sympathetic to the Appellant’s request, but we cannot grant him the relief requested. The property is an unremarkable property and Appellant’s ultimate objective could be accomplished either by subdivision or removal of the mobile home on the property. Appellant has presented to compelling reason to authorize the requested special exception, and we believe that the orderly growth of the community would not be served by allowing another principal use on the property without subdivision. Based upon all of the testimony and evidence presented, this Board finds that the subject request does not promote the public health, safety, security, morals, or general welfare, nor is it compatible with the surrounding neighborhood.

Accordingly, for the reasons set forth herein, this appeal is hereby DENIED this 24<sup>th</sup> day of August, 2007.

BOARD OF APPEALS

By: Bert Iseminger, Chair