

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

LIVING SPRINGS FARM LLC
14627 National Pike
Clear Spring, MD 21722

Appeal No. AP2007-080

Appellant

OPINION

This action is a request for a special exception to place a mobile home as a tenant house on an existing farm, thus creating two dwellings on one parcel. The subject property is located at 12844 Saint Paul Road, Clear Spring, MD, is owned by the Appellant, and is zoned Agricultural (Rural).

A public hearing was held before a full Board on October 3, 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. Appellant proposes installation of a mobile home for use as a tenant house.
2. The tenant will help with farm operations.
3. The location is as proposed due to the size and shape of the lot and the location of an existing well.
4. 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, and we find that the proposed use 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 consistent 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 the dwellings, and the dwelling will be occupied by a person actively engaged in the farm operation. Traffic generation occasioned by this request will be *de minimis*, if any. 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 this 2nd day of November, 2007.

BOARD OF APPEALS

By: Bert Iseminger, Chair