

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

SANDRA IZER
Appellant

*
*

Appeal No. AP2009-067

OPINION

This action is a request for a special exception to allow a second dwelling on a parcel already improved with a dwelling. The subject property is located at 16152 Natural Well Road, Williamsport, Maryland, is owned by the Appellant, and is zoned Agricultural (Rural).

A public hearing was held before the Board on December 16, 2009. No opposition was presented to this 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 proposes construction of an additional dwelling on the 147-acre farm.
2. The Appellant and her mother currently reside in the existing dwelling on the farm; the new dwelling would be occupied by a family member who would assist with the care of the Appellant's mother and the operation of the farm.
3. The proposed dwelling would be accessed via a driveway off of Spielman Road.
4. The proposed dwelling will be served by its own well and septic systems.
5. The proposal is compatible with the Comprehensive Plan's call for residential and agricultural use in this area.
6. The proposal is compatible with the surrounding neighborhood.
7. No one testified in opposition to this request.

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 her burden for the special exception. The subject property is of adequate size to support a second dwelling, and the residents of the dwelling will be family members who will assist with the care of Appellant’s mother and the upkeep of the farm. The Zoning Coordinator has opined that the proposed exception is compatible with the Comprehensive Plan, and we have found that the proposed use would not be incompatible with the surrounding neighborhood. 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 by a 5-0 vote.

BOARD OF APPEALS

By: Bert Iseminger, Chair

Date Issued: January 15, 2010