

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT FOR July 25, 2019 @ 7pm

Case Number: **B-19-22 AP# 19531**

Appellant: **Jeffrey Cosgrove and Barbara Meely (# 19531)**

Appeal: Requesting a Special Exception in accordance with the Frederick County Zoning Ordinance, Section, 1-19-8.320 and Section 1-19-8.321, to permit the construction of an Accessory Dwelling Unit greater than 800 square feet.

Location: 3706 Petersville Road, Knoxville MD 21758, Tax Map 0092, Parcel 0015, Tax ID# 12-589671, 2.74 Acres, Zoned Low Density Residential (R1)

Planning Region: **Brunswick**

Zoning District: **Low Density Residential (R1)**

Comp. Plan Designation: **Rural Residential**

Applicable Ordinances: **Sec. 1-19-3.210 Special Exceptions**
 Sec. 1-19-8.321 Accessory Dwelling Units Greater Than 800 Square Feet.

Background:

The subject parcels are zoned Low Density Residential (R1) and contains approximately 2.74 acres.

Ordinance Section 1-19-8.321 requires that Accessory Dwelling Unit larger than 800 square feet require Special Exception from the Board of Appeals.

The proposed accessory dwelling unit is larger than 800 SF and is a permitted use as a special exception subject to site development plan approval.

Proposal

The applicant is proposing to create an Accessory Dwelling Unit larger than 800 Square Feet. The existing home is approximately 5894 square feet in size. It has a footprint of approximately 2388 square feet. The Accessory Dwelling Unit will be approximately 2160 Square Feet in size which includes a footprint approximately 1023 Square Feet.

The applicant provides the following statement to fulfill the requirements of sections 1-19-3.210 and 1-19-8.321:

(A) Only one accessory dwelling unit may be created on a lot.

The applicant states that only one accessory dwelling unit is proposed to be constructed on the property.

(B) Accessory dwelling units greater than 800 square feet shall be allowed in single-family dwellings, in an accessory structure, or built as a separate accessory structure, on a single-family lot.

The applicant states that the ADU shall be located within an existing single-family dwelling.

(C) The owner of the property must reside in the principal dwelling or in the accessory dwelling unit.

The properly owner states that the owner will reside in the primary residence and mother will resides in the ADU.

(D) There must be at least one additional parking space provided for the accessory dwelling unit. On-street parking may be utilized to meet this requirement.

There is a new proposed parking space in front of the existing garage.

(E) An accessory dwelling unit located in an accessory structure or built as a separate accessory structure must comply with the accessory structure requirements of § [1-19-8.240](#)(B).

The applicant states that the proposed accessory dwelling unit will comply with Section 1-19-8.240(B).

- (F) ADUs are intended to serve ongoing housing needs of county residents. Short term rental of ADUs in the nature of extended stay hotels, Airbnbs, or seasonal temporary housing is not permitted.

The applicant states that the accessory dwelling unit not be available for short term rental of any kind nor will there be seasonal or temporary rentals.

- (G) The owner of the principal residence shall file an annual statement with the zoning administrator verifying that conditions remain the same under which the limited accessory dwelling unit was granted.

The applicant states that they will file an annual statement with the Zoning Administrator verifying that they conditions remain the same under which the Special Exception was granted.

- (H) If the ownership of the lot changes, the subsequent owner must provide a statement as to the continued use and eligibility of the accessory dwelling unit.

This is understood by the applicant.

- (I) Due to the nature of this use, site plan approval can be granted by the Zoning Administrator in lieu of the Planning Commission.

This is understood by the applicant.

- (J) An accessory dwelling unit meeting the provisions of § [1-19-8.212](#) shall be considered a permitted accessory use and therefore not subject to this section.

This is understood by the applicant.

The following statements are provided to address the general requirements of a special exception: 1-19-3.210.

- (1)** The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and

The applicant states that the use (multi-generation) housing is consistent with the Comprehensive Plan.

- (2)** The nature and intensity of the operations involved in or conducted in conjunction with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and

The applicant states that the nature and intensity of the operation involved in or conducted in conjunction with it and the size of the site in relations to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it located.

- (3)** Operations in conjunction with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and

The applicant's states that the operations in conjunction with the special exception at the proposed location do not have an adverse effect such as noise, fumes, vibration of other characteristics on neighboring property above and beyond those inherently associated with the special exception at any other location within the zoning district.

- (4)** Parking areas will comply with the off-street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The applicant states that the parking areas will comply with the off-street parking regulations of this chapter and will be screened from adjoining residential uses. The entrance and exit drive will be laid out to achieve maximum safety

- (5)** The road system providing access to the proposed use is adequate to serve the proposed building site for the intended use.

The applicant states that the road system at Petersville Road that provides access to the proposed use is adequate to serve the proposed building site for the intended use.

Action Needed:

Staff requests that the Board review the request for Special Exception as per Sections 1-19-3.210 (*Special Exceptions*) and 1-19-8.321 (*Accessory Apartments Greater than 800 Square Feet located in an Accessory Structure*) and render a decision on the Applicant's request.

SITE MAPS



