



FREDERICK COUNTY BOARD OF APPEALS

JULY 24, 2025

TITLE: Shawn I & Juliet D Hossain

CASE NUMBER: B-25-17 B277664

REQUEST: Requesting approval of a Special Exception to permit an Accessory Dwelling Unit (ADU) Greater than 1,000 SF in accordance with Section 1-19-3.210 and Section 1-19-8.321 of the Frederick County Code. The Property is zoned (PUD) Planned Unit Development. The property is improved with a primary residence of 5,290 SF with a footprint of 2,144 SF. Applicants wish to construct an ADU of 1,588 SF with a footprint of 807.75 SF, on .37 acres.

PROJECT INFORMATION:

ADDRESS/LOCATION: 9752 Wyndham Drive, Frederick, MD 21704
TAX MAP/PARCEL: Tax Map 096, Parcel 0249
ZONE: Planned Unit Development (PUD)
REGION: Urbana
WATER/SEWER: W-3/S-1
COMP. PLAN/LAND USE: Low Density Residential

APPLICANT/REPRESENTATIVES:

APPLICANT: Shawn I & Juliet D Hossain (Owners)
OWNER: C.E. Rensberger & Family Builder LLC (Owner Representative)
ATTORNEY: Shawn I & Juliet D Hossain
N/A

STAFF: Michael Paone, Zoning Planner

RECOMMENDATION: Based on the findings and conclusions in the staff report, Staff finds that the proposed Special Exception, to allow an ADU of 1,588 SF with a footprint of 807.75 SF, attached to the existing residence on the subject property, complies with Section 1-19-3.210 and Section 1-19-8.321 of the Frederick County Zoning Code.

Attachments:

Attachment 1: Plot Plan for Subject Property
Attachment 2: Accessory Dwelling Unit Basement Floor Plans
Attachment 3: Accessory Dwelling Unit First Floor Plans
Attachment 4: Front Elevation
Attachment 5: Aerial Map
Attachment 6: Zoning Map
Attachment 7: Comprehensive Plan Map
Attachment 8: Environmental Features Map

¹ The term Applicant refers to both the Applicant(s) and the Property Owner(s).

Note: All code references herein are to the Frederick County Code, unless otherwise specified

Background

The Accessory Dwelling Unit (ADU) is to be constructed as an addition to the existing residence on the Property. The ADU is to be located on (PUD) zoned property, consisting of .37 acres, with the total ADU size being 1,588 SF with a footprint of 807.75 SF. The size of the primary residence is 5,290 SF, with a footprint of 2,144 SF.

1-19-3.210. SPECIAL EXCEPTIONS

- A. An application for a special exception may be made only by persons with a financial, contractual, or proprietary interest in the property for which a special exception is requested.

The Applicants state that Shawn I & Juliet D Hossain are the owners of the property.

- B. A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when The Applicants state that:

1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter:

The Applicants state that the Application is consistent with the Frederick County Comprehensive Plan and the Livable Frederick Master Plan (LFMP). ADU's are needed to provide the opportunity for co-locating intergenerational housing, provide the ability for families to remain together as parents age, and to ensure that households and individuals who require special considerations are supported by family members.

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

The Applicants state that the Property is .37 acres. The proposed ADU is in harmony with the surrounding community. As a residential use, there will be no adverse impacts to the neighborhood.

Operations in connection 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 Applicants state the Application is for an ADU in the (PUD) zone. Residential uses typical of the Property and its neighborhood are similar to those throughout the (PUD) zone, and the ADU will function in like manner, and therefore will not have an adverse effect on neighboring properties.

3. Parking areas will comply with the off-street parking regulations in accordance with the County Code, 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 Applicants state that they meet this requirement by providing one parking space for the ADU as shown on the site plan submitted with this application.

4. The road system providing access to the proposed use is adequate to serve the intended use.

The Applicants state that Wyndham Drive is adequate to serve the ADU.

- C. In addition to the general requirements listed above, uses requiring special exception shall be subject to the specific requirements for each used outlined in Sections 1-19-8.320 through 1-198.355 of this Code.

The Applicants understand and agree to this requirement, see below for further details.

- D. The special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals may, in addition to other requirements imposed under this chapter (Chapter 1-19 of the County Code) and is hereby authorized to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of this chapter (Chapter 1-19 of the County Code) and may be grounds for termination of the special exception.

The Applicants understand and agree to this requirement, however, staff is not suggesting any special conditions.

- E. The Board of Appeals may not grant a special exception unless and until:

1. A written application for a special exception is submitted indicating the section of this chapter (Chapter 1-19 of the County Code) under which the special exception is sought and stating the grounds on which it is requested; and

The Applicants state that the application has been made in accordance with all applicable zoning regulations.

2. A public hearing has been held; and the Board had made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.

The BOA Hearing is scheduled for Thursday, July 24, 2025.

- F. The grant of special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.

The Applicants understand and agree to this requirement.

- G. No use of activity permitted as a special exception shall be enlarged or extended beyond the limited authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of special exception, as in the case of an original petition.

The Applicants understand and agree to this requirement.

- H. If a grant of special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.

The Applicants understand and agree to this requirement.

- I. A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later

than 1 month prior to the expiration date and for good cause shown by the Applicant, a time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The Applicants understand and agree to this requirement.

Sect. 1-19-8.321 ACCESSORY DWELLING UNITS GREATER THAN 1000 SQUARE FEET

The following provisions shall apply to all accessory dwelling units greater than 1,000 square feet in the RC, A, R1, R3, RS, RS, R12, R16, VC, MXD, PUD and MX districts.

- A. Only 1 accessory dwelling unit may be created on a lot.

The Applicants state that the application is for 1 ADU and there are no additional ADUs on the lot.

- B. Accessory dwelling units greater than 1,000 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 Applicants state that the ADU is being built as an addition to the existing single family residence on the Property.

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

The Applicants state that the owners of the property, Shawn I & Juliet D Hossain, reside in, and will continue to reside in, the principal dwelling.

- D. There must be at least 1 additional parking space provided for the accessory dwelling unit. On-street parking may be utilized to meet this requirement.

The Applicants state that this is understood and agrees to this requirement.

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

The Applicants state that the ADU as proposed, meets the requirements of § 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, Airbnb, or seasonal temporary housing is not permitted

The Applicants state that they understand that the ADU cannot be used in the nature of an extended stay hotel, Airbnb, or for seasonal temporary housing. The Applicant further states that the ADU is for the parents of the owner.

- G. The owner of the principal residence shall file an annual statement with the zoning administrator verifying that the conditions under which the special exception was granted remain the same.

The Applicants understand and agree to this requirement.

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

The Applicants understand and agree to this requirement.

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

The Applicants understand and agree to this requirement.

- J. An ADU meeting the provisions of Sect. 1-19-8.212 shall be considered a permitted accessory use and therefore not subject to this section.

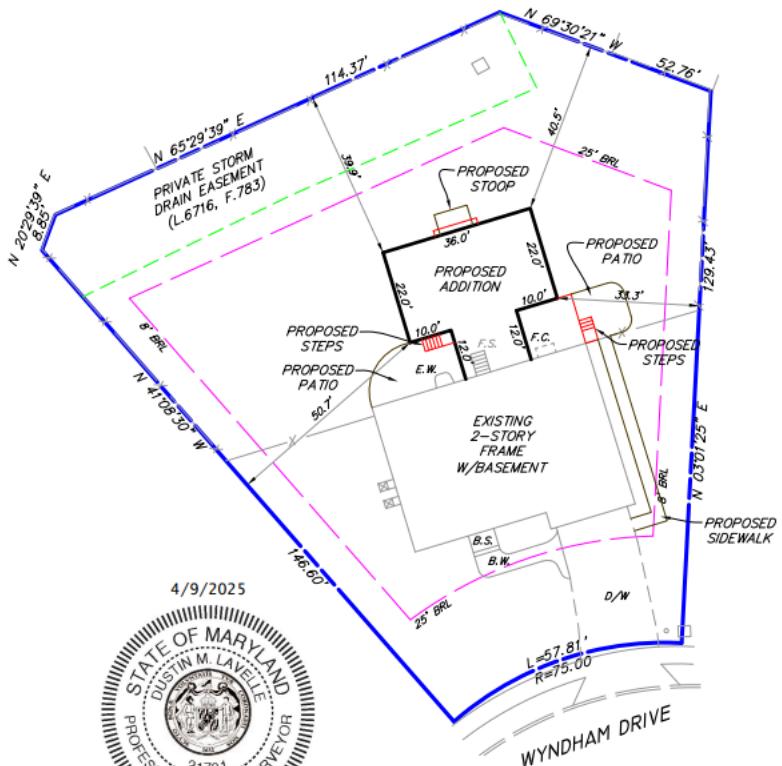
The Applicants state that 1-19-8.212 does not apply because the proposed ADU is over 1,000 SF and § 1-19-8.212 (D) states, in part, that an accessory dwelling unit greater than 1,000 square feet shall be reviewed as a special exception under § 1-19-8.321.

Recommendation

Based on the findings in the staff report, Staff finds that the proposed Special Exception, to allow an ADU on the subject property, consisting of 1,588 SF with a footprint of 807.75 SF, on .37 acres., complies with Section 1-19-3.210 and Section 1-19-8.321 of the Frederick County Zoning Code.

A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

Attachment 1: Plot Plan for Subject Property



LEGEND:

A.C. - ACRE
 B.S. - BRICK STOOP
 B.W. - BRICK WALK
 C.P. - CONCRETE PAD
 D/W - ASPHALT DRIVEWAY
 E.P. - EDGE OF PAVING
 E.W. - EGRESS WINDOW
 F.C. - FRAME CHIMNEY
 F.S. - FRAME STEPS

NOTES:

1. SOURCE OF THE BEARINGS: P.B. 86, P.2

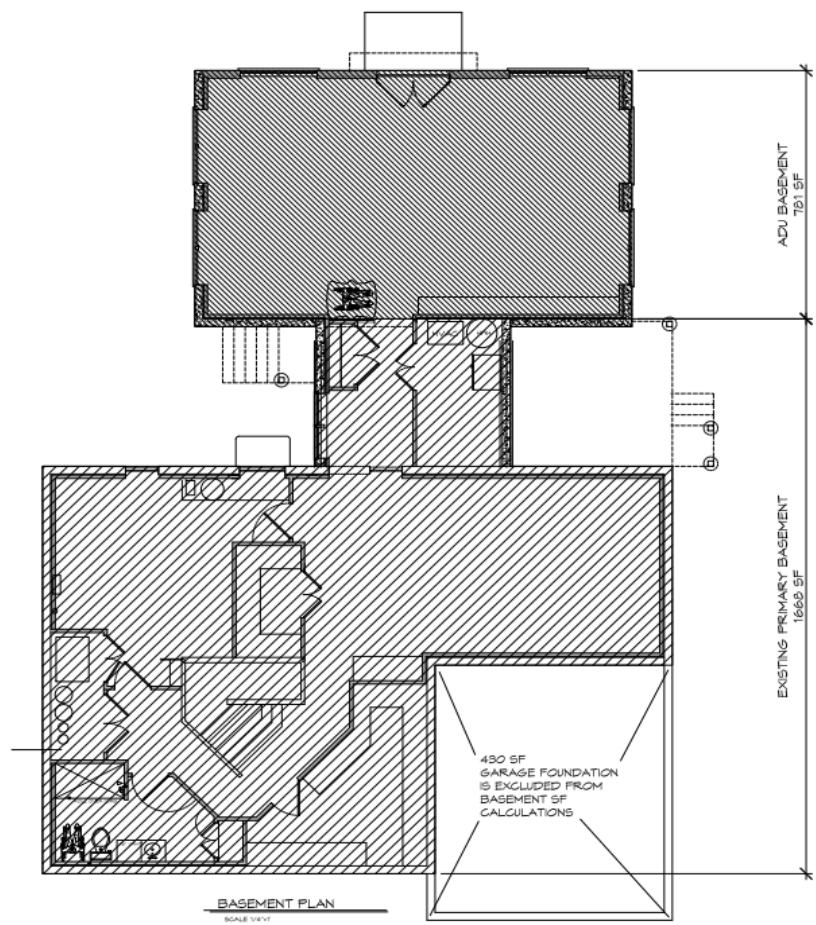


Done and signed by:

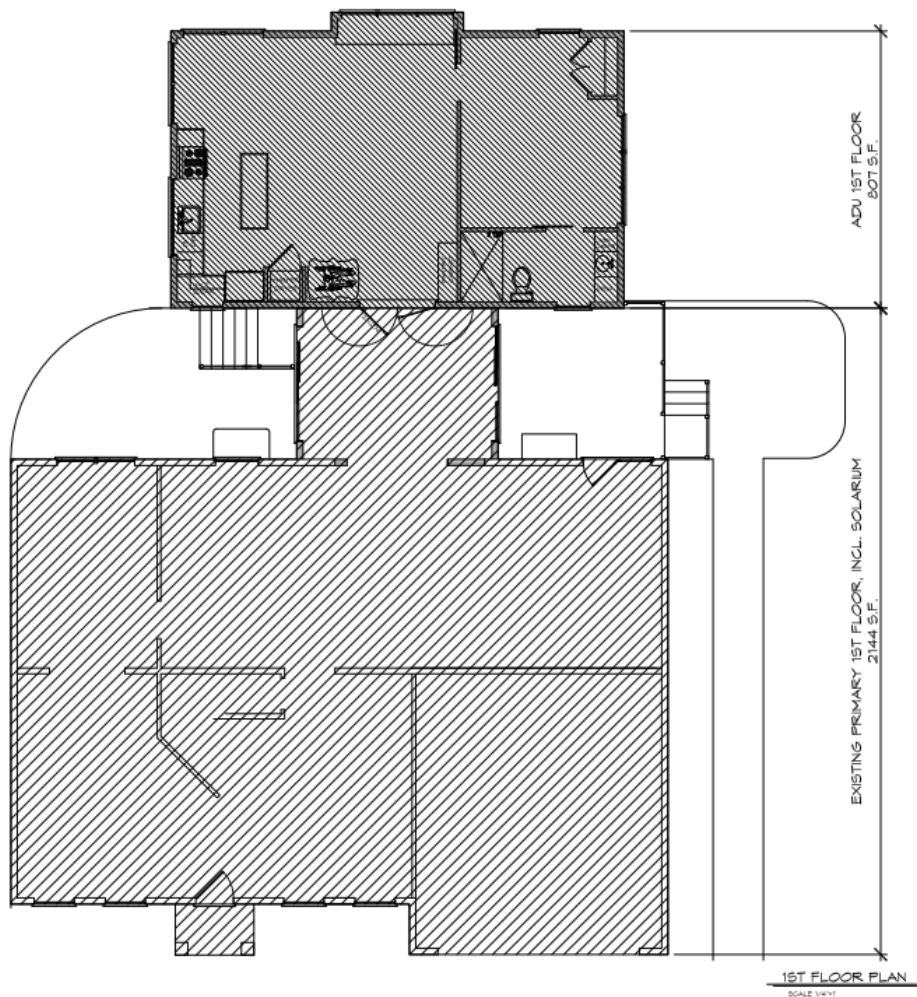
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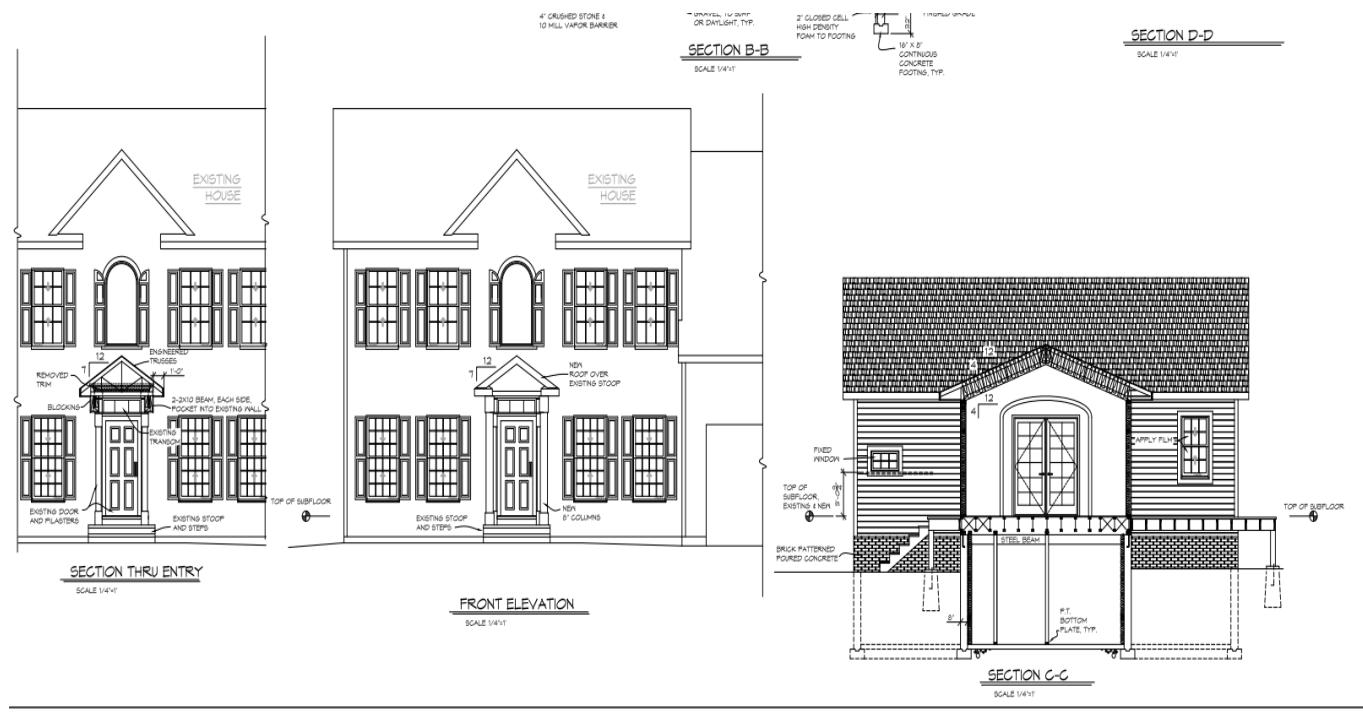
Attachment 2: Accessory Dwelling Unit Basement Floor Plans



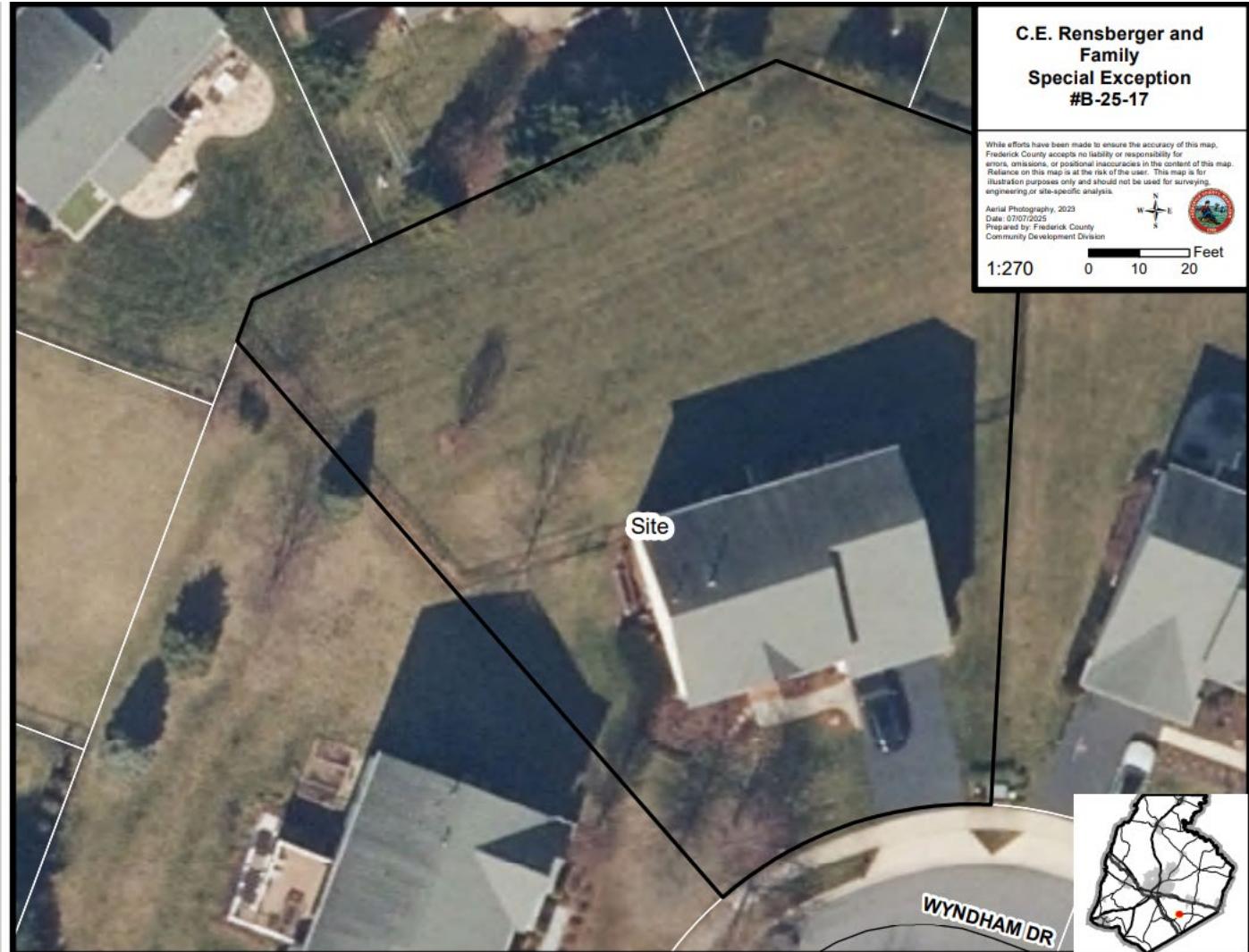
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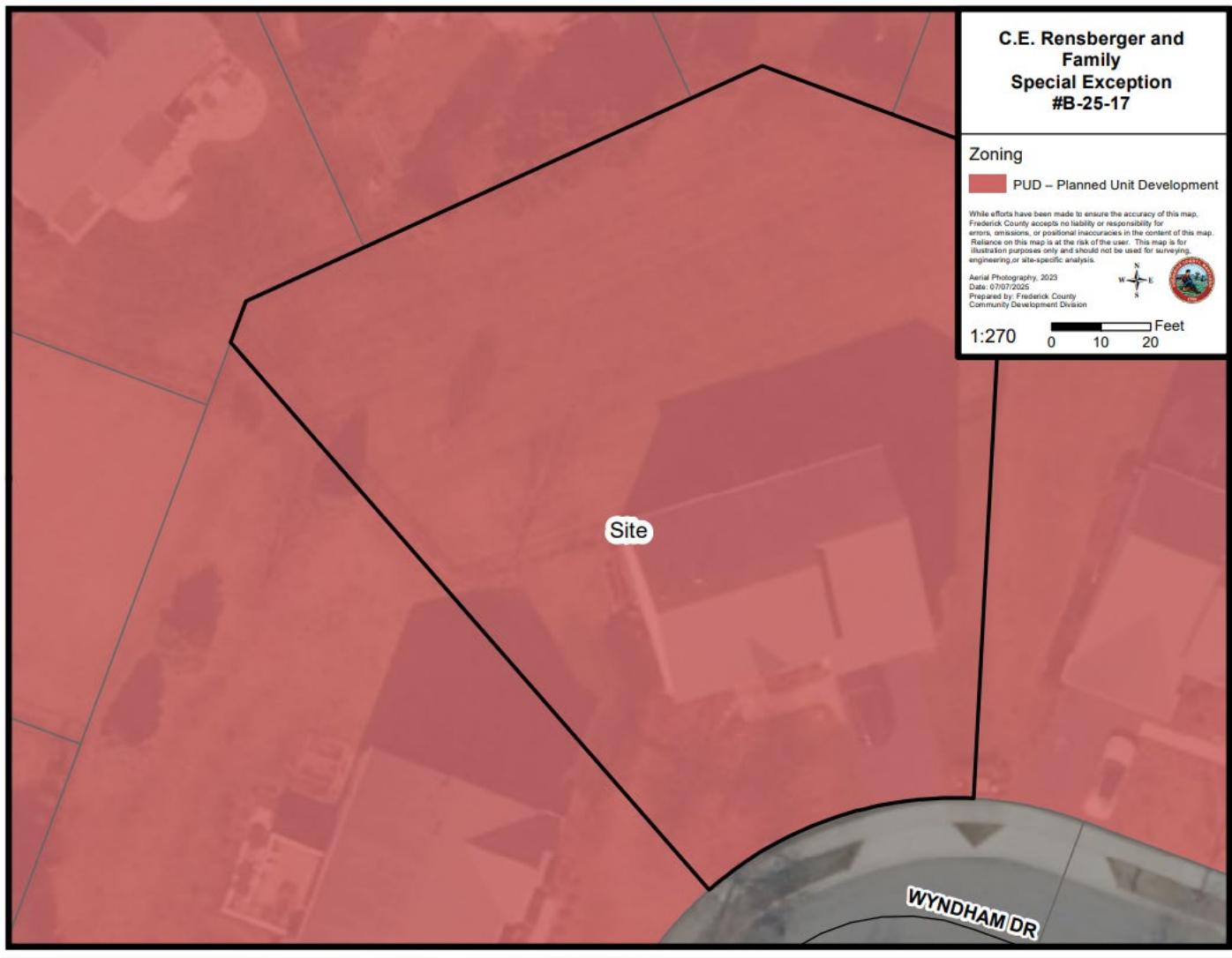
Attachment 4: Front Elevation



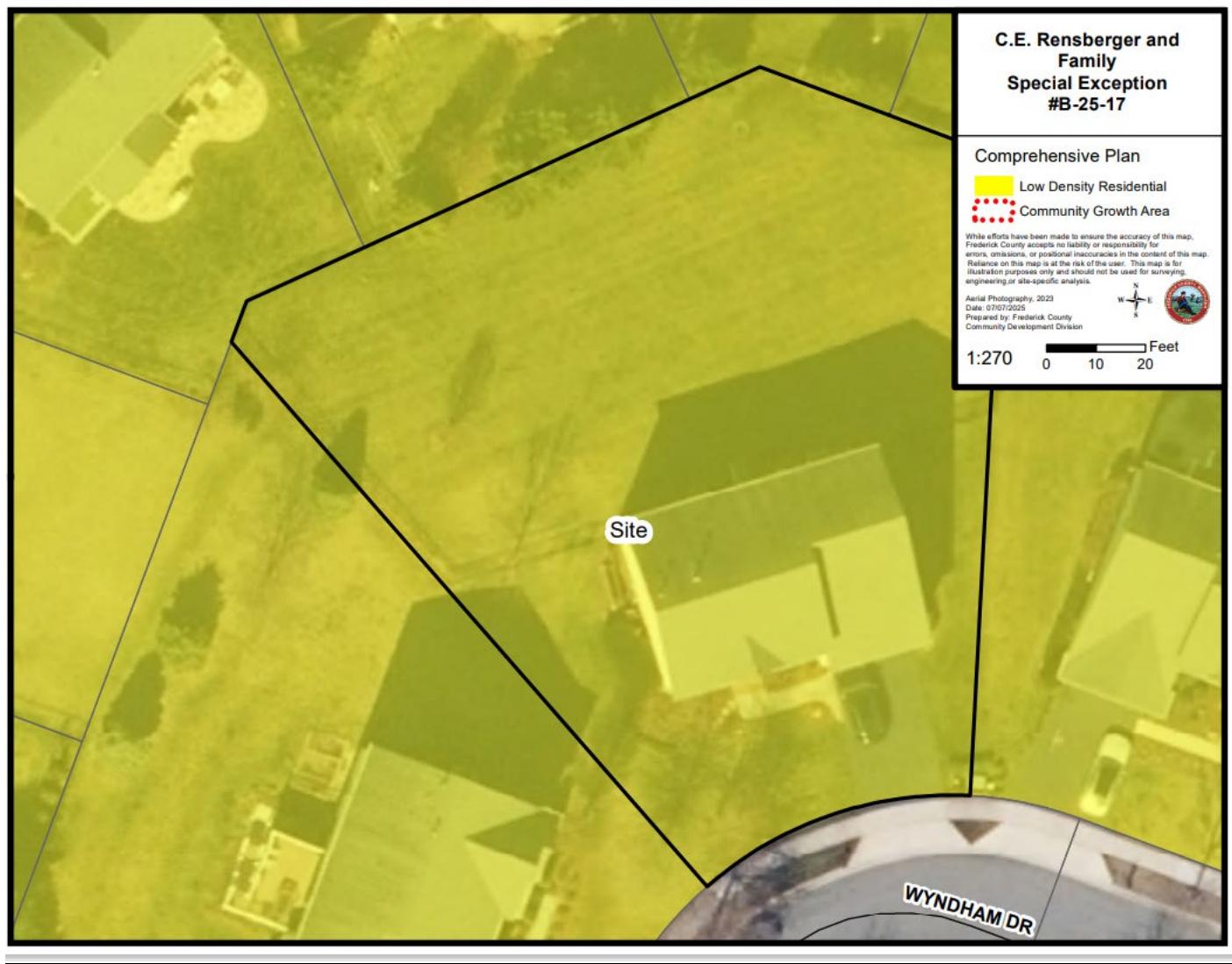
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