



**FREDERICK COUNTY BOARD OF APPEALS
JANUARY 22, 2026**

TITLE: Charles and Greer Llewellyn

FILE NUMBER: B-25-37 B278253

REQUEST: Requesting approval of a Special Exception to permit an Accessory Dwelling Unit (ADU) (converted barn) Greater than 1,000 SF in accordance with Section 1-19-3.210, Section 1-19-8.321 and Section 1-19-6.100 of the Frederick County Code. The Property is zoned (RC) Resource Conservation. The property is improved with a primary residence of 10,282 SF with a footprint of 3,241 SF. Applicants wish to convert an existing barn into an ADU, 3,024 SF with a footprint of 1,440 SF, on 17 acres. The Applicant intends to move into the ADU and rent out the existing primary dwelling to non-family members.

PROJECT INFORMATION:

ADDRESS/LOCATION: 8210 Peters Road, Frederick, MD 21704
TAX MAP/PARCEL: Tax Map 104, Parcel 0030
COMP. PLAN/LAND USE: Natural Resources
ZONING: Resource Conservation (RC)
REGION: Urbana
WATER/SEWER: NPS/NPS

APPLICANT/REPRESENTATIVES:

APPLICANTS: Charles and Greer Llewellyn¹
OWNER: HISGRACEALONE, TRUST
STAFF: Michael Paone, Zoning Planner

RECOMMENDATION: Based on the findings and conclusions, as set forth in the staff report, Staff supports approval of the proposed Special Exception, to allow an ADU of 3,024 SF with a footprint of 1,440 SF, constructed as a separate structure (converted barn) on the subject property, in accordance with Section 1-19-3.210 Variance and Section 1-19-8.321 Accessory Dwelling Units and Section 1-19-6.100 Design Standards, of the Frederick County Code.

Attachments:

- Attachment #1: Site Plan for Subject Property**
- Attachment #2: ADU Basement Floor Plan**
- Attachment #3: ADU First Floor Plan**
- Attachment #4: ADU Second Floor Plan**
- Attachment #5: Front Elevation**
- Attachment #6: Left Side and Rear Elevation**
- Attachment #7: Aerial Map**
- Attachment #8: Zoning Map**
- Attachment #9: Comprehensive Plan Map**
- Attachment #10: Environmental Features Map**

¹ The term Applicants 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 an existing barn with a proposed addition that is not connected to the existing residence on the Property and is to be converted into an ADU. The ADU is to be located on Resource Conservation (RC) zoned property, consisting of 17 acres, with the total ADU size being 3,024 SF with a footprint of 1,440 SF. The size of the primary residence is 10,282 SF, with a footprint of 3,241 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, Charles and Greer Llewellyn, state that they are the Trustees of HISGRACEALONE, TRUST, owner of the property, located at 8210 Peters Road, Frederick, MD 21704.

- 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). They further state that the ADU is needed to provide them with the opportunity to remain on their 17-acre parcel and to enjoy this last chapter of their lives.

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 17 acres. The proposed ADU is harmonious with the houses immediately adjacent to the primary property. As a residential use, there will be no adverse impacts to the neighborhood.

3. 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 that this ADU, on their 17-acre lot, will function in like manner as other primary dwellings on Peters Road.

4. 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 there is a separate existing driveway for the ADU, which does not conflict, hinder, or encroach upon the driveway for the primary dwelling. There are an

appropriate number of parking spaces for vehicles associated with the occupants of this ADU.

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

Plat M-2885 recorded at Plat Book 89, Page 86 states that Peters Road is 14-ft wide gravel road with a 50' wide right of way and 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 1-19-8.355 of this Code.

The Applicants state they understand and agree to comply with 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 comply with 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 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, January 22, 2026.

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

The Applicants state they understand and agree to comply with 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 state they understand and agree to comply with 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 state they understand and agree to comply with 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 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 state they understand and agree to comply with 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 a separate structure, within an existing barn with an addition.

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

The Applicants state that they are the trustees of the owner of the property and will reside in the accessory 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 agree to comply with 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 they understand and will comply with comply with the requirement 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 Applicants further state that the ADU is for use as their personal occupancy.

- 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 state that they understand and agree to comply with 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 state that they understand and agree to comply with 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 state that they understand and agree to comply with 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.

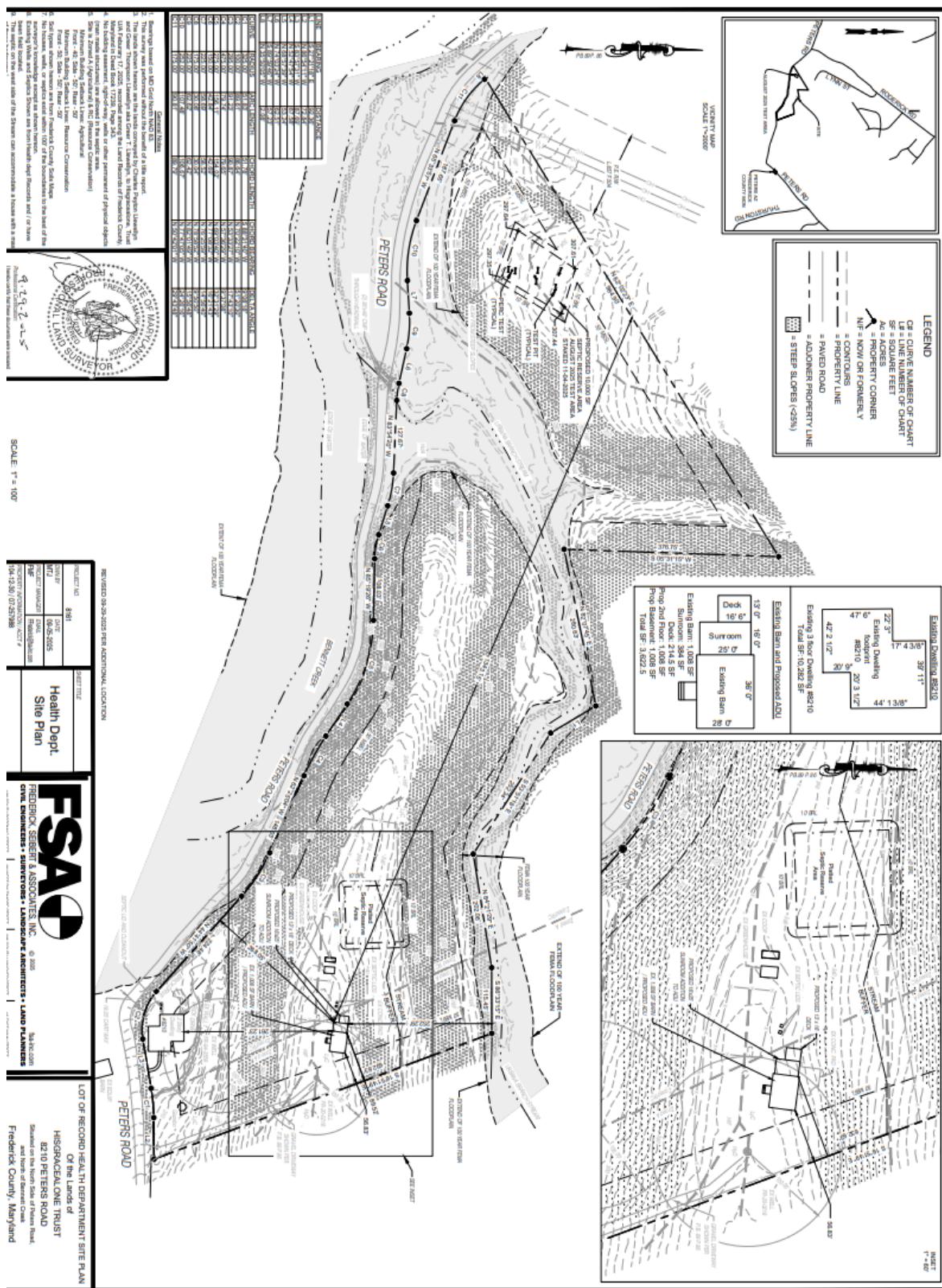
The Applicants state that § 1-19-8.212 does not apply because the proposed ADU is over 1,000 SF and § 1-19-8.212 (D) states, in part, that an accessory dwelling unit greater than 1,000 square feet shall be reviewed as a special exception under § 1-19-8.321.

Recommendation

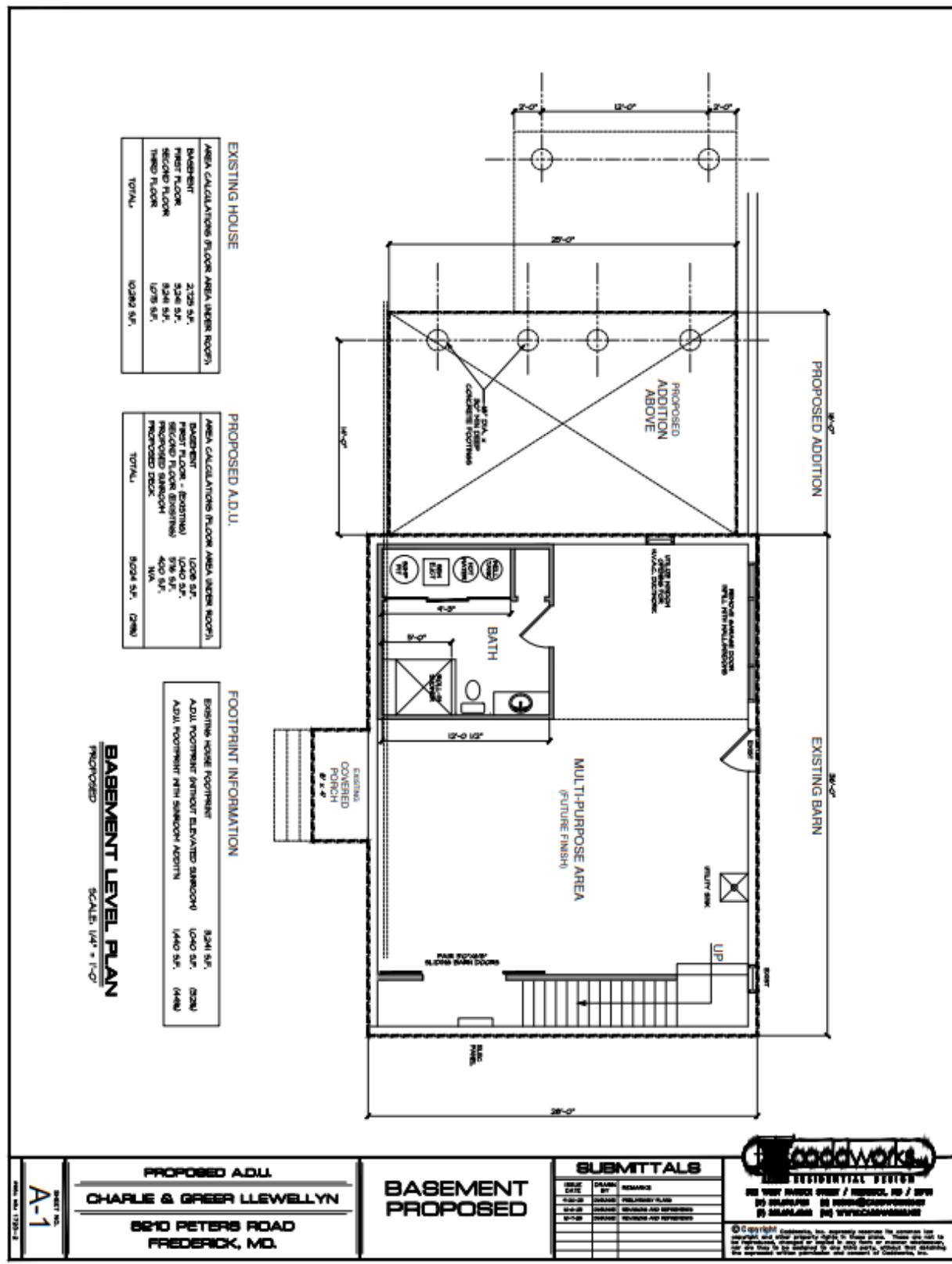
Based on the findings in the staff report, Staff finds that the proposed Special Exception, to allow an ADU within an existing barn with an addition on the subject property, consisting of 3,024 SF with a footprint of 1,440 SF, on 17 acres., complies with Section 1-19-3.210, Section 1-19-8.321, and Section 1-19-6.100 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 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.

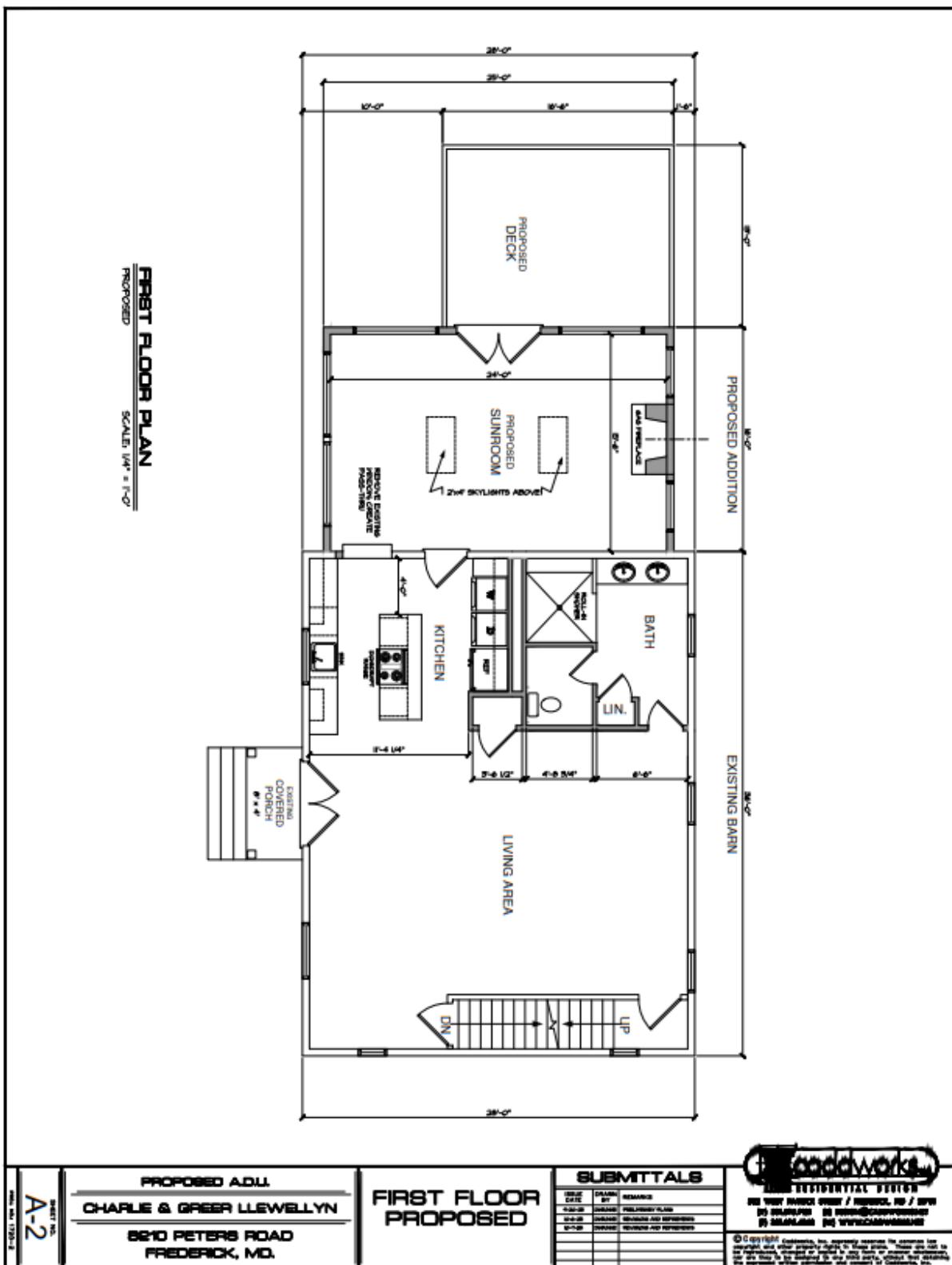
Attachment #1: Site Plan for Subject Property



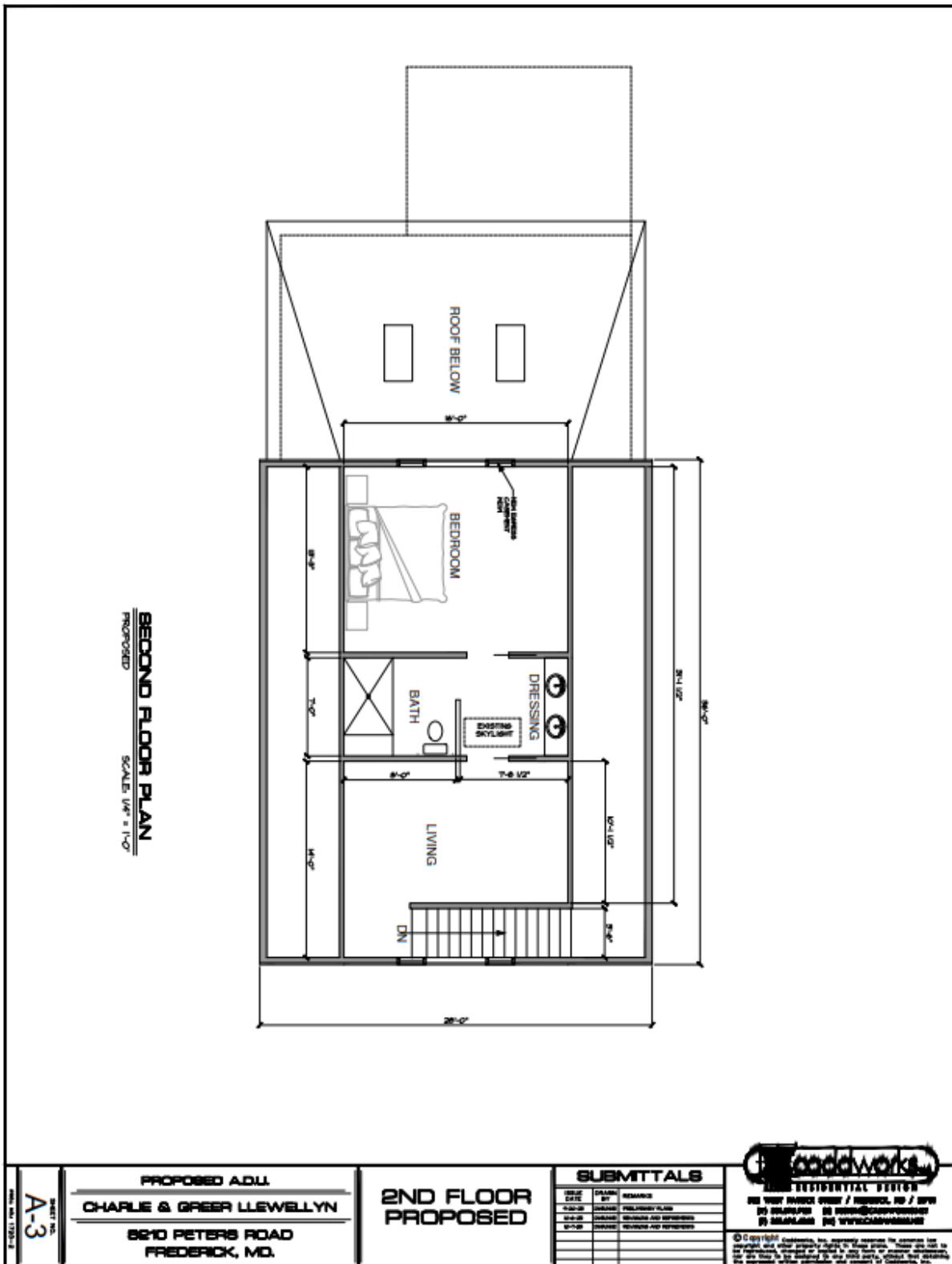
Attachment #2: ADU Basement Floor Plan



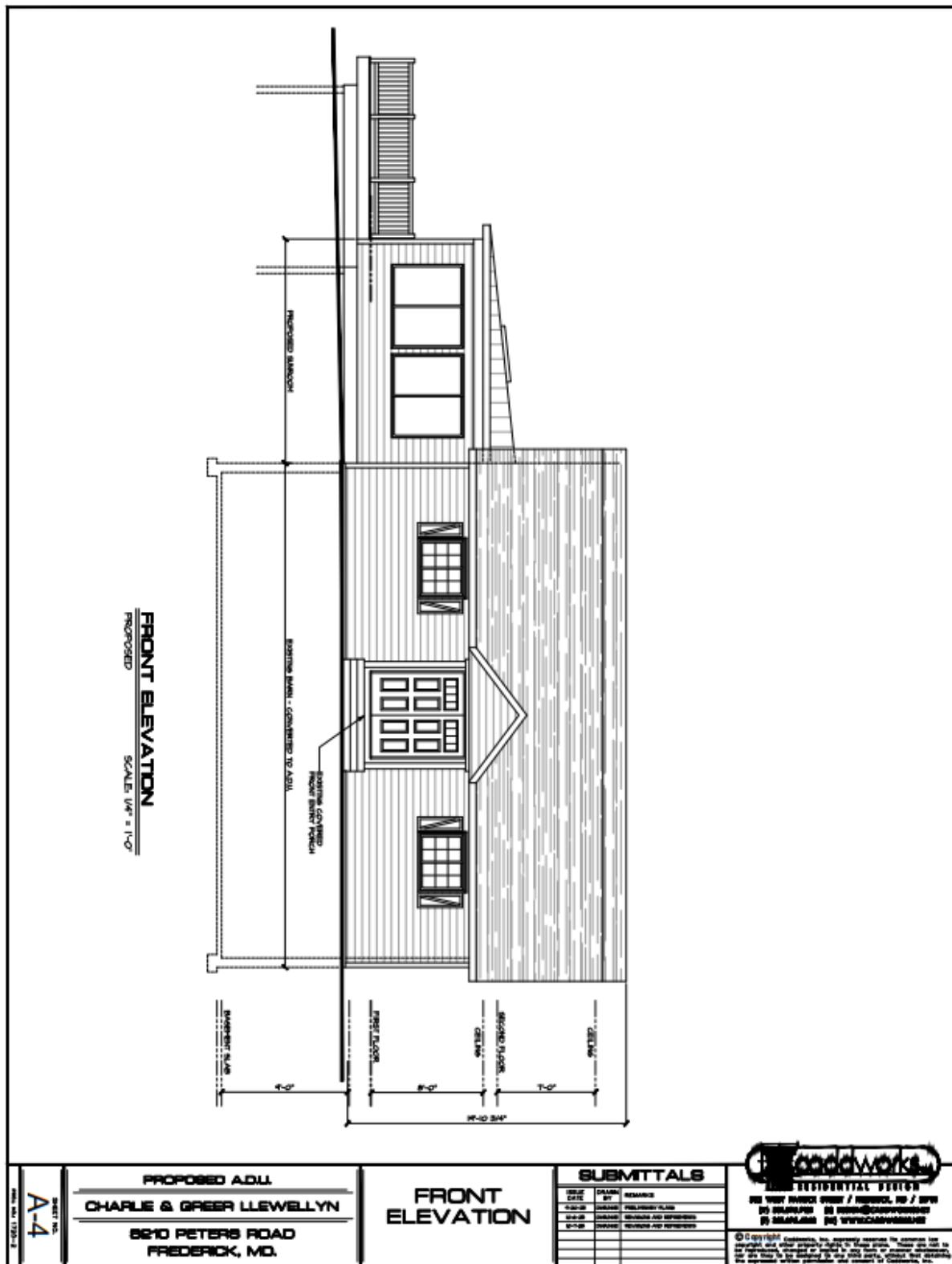
Attachment #3: ADU First Floor Plan



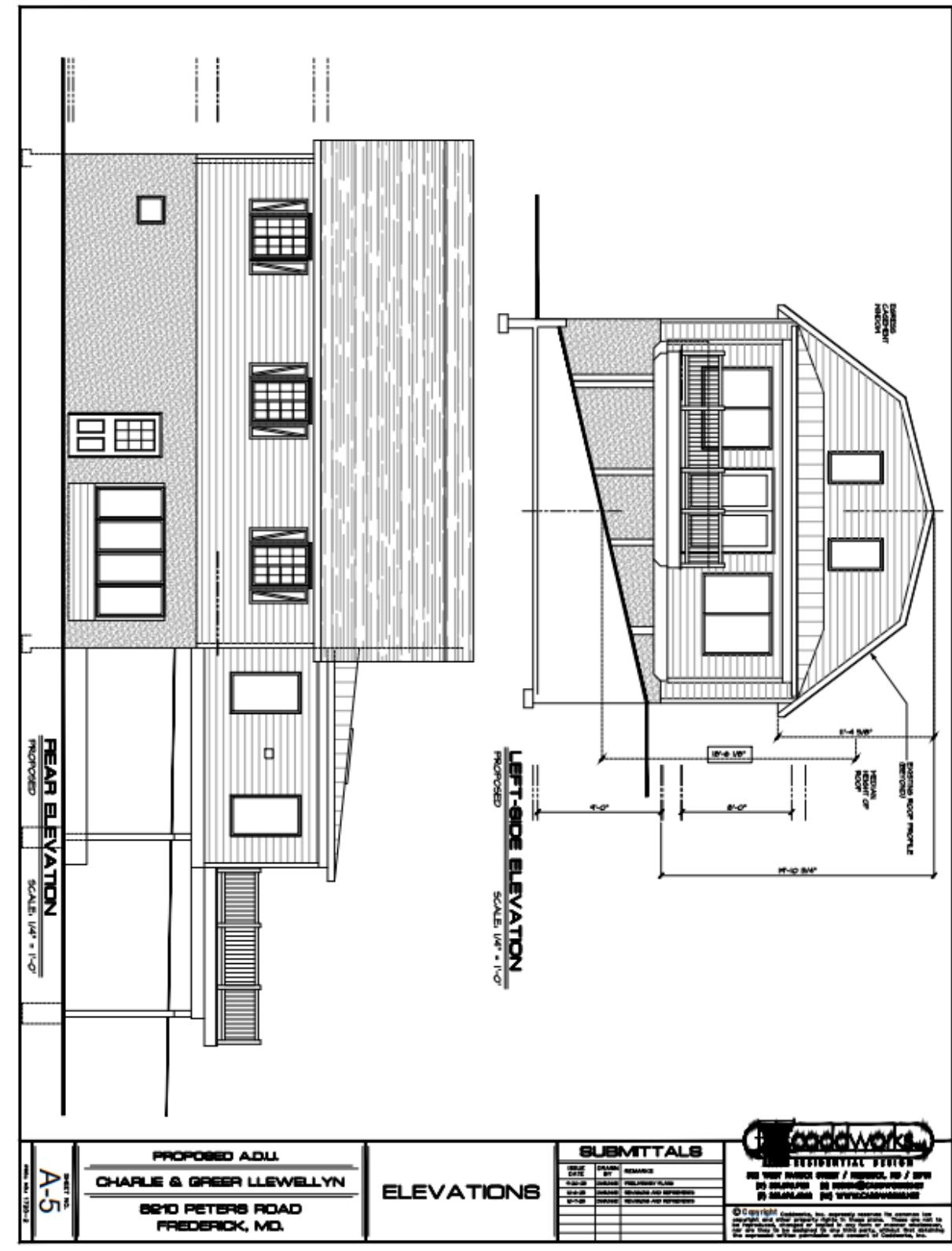
Attachment #4: ADU Second Floor Plan



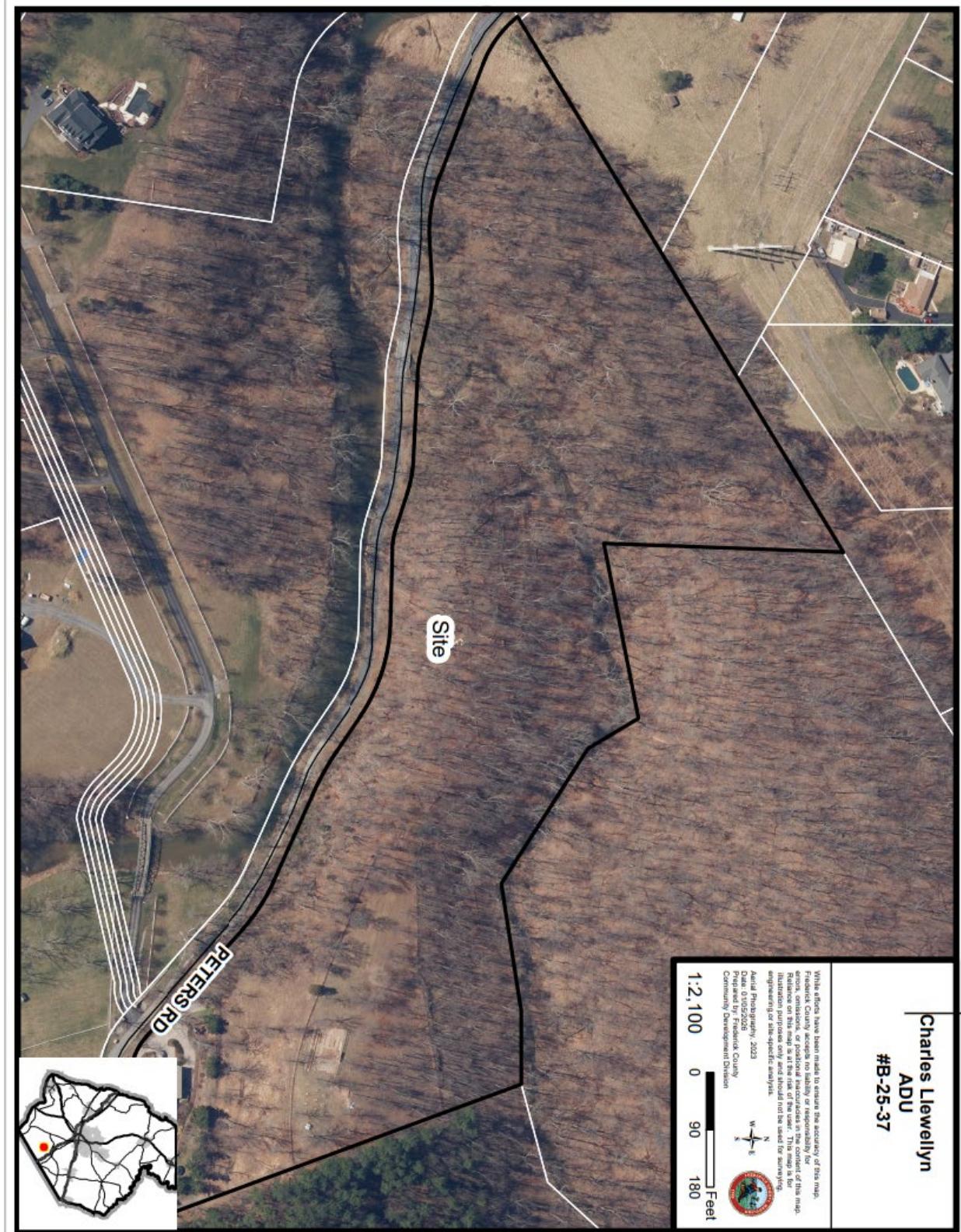
Attachment #5: Front Elevation



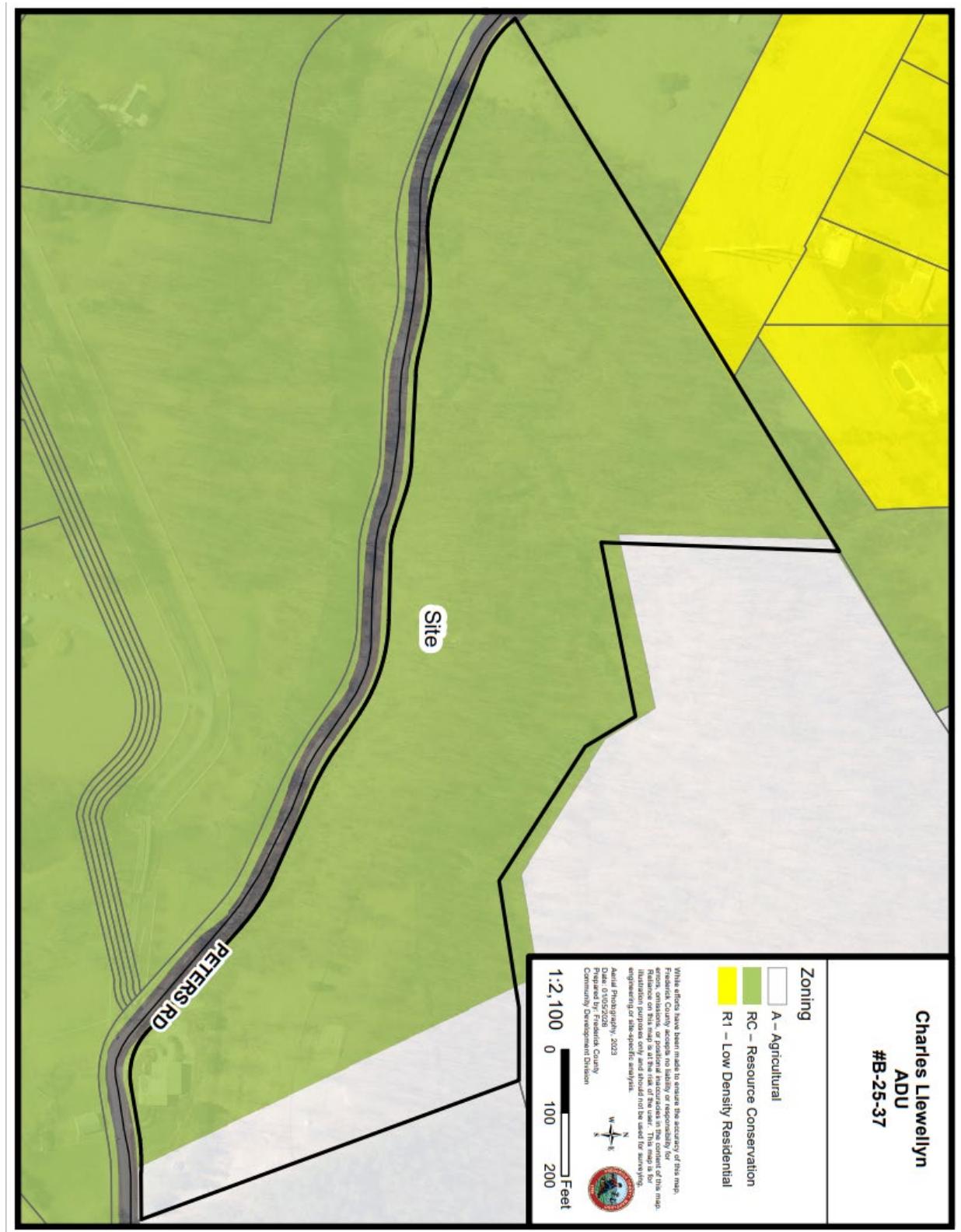
Attachment #6: Left Side and Rear Elevation



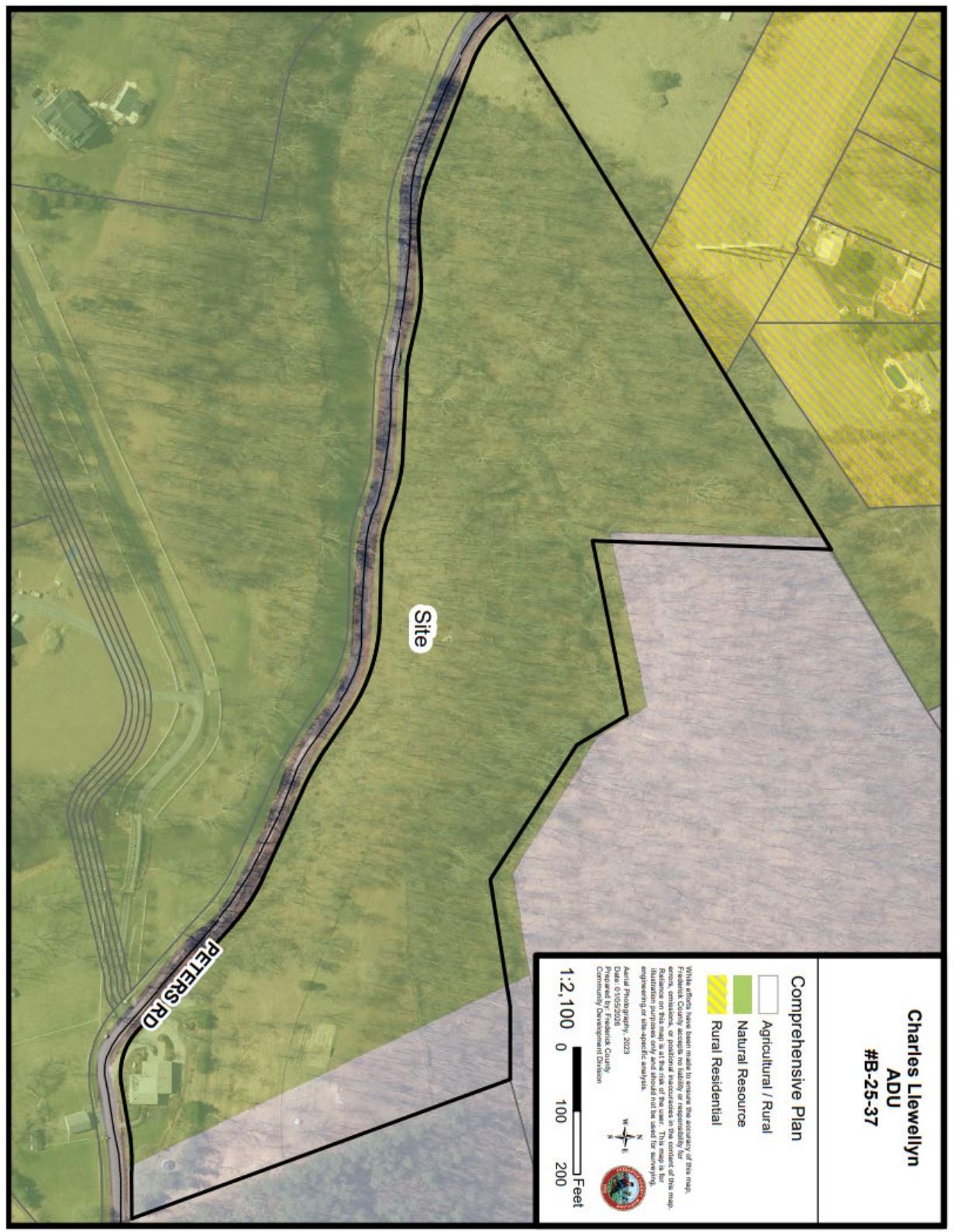
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Attachment #9:Comprehensive Plan Map



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