

Tax Map/Block/Parcel  
No. 73-4-512

Building Permit/Zoning  
Certificate No. 04-0167

Case 4920

**AMENDED OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND**

**APPLICANT:** Wesley Freedom United Methodist Church  
961 Johnsville Road  
Sykesville, Maryland 21797

Wesley Chapel Cemetery, Inc.  
5313 Woodbine Road  
Woodbine, Maryland 21797

**ATTORNEY:** William B. Dulany

**REQUEST:** An appeal of a letter from the Zoning Administrator, dated December 30, 2003, concerning the accessory use status of a cemetery, when severed from the parcel with the Church building.

**LOCATION:** The site is located at 1011 Liberty Road, Eldersburg, MD 21157, on property zoned "R-20,000" Residential District in Election District 5.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-186 A (1)

**HEARING HELD:** March 24, 2004

**FINDINGS AND CONCLUSION**

On March 24, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of a letter from the Zoning Administrator, dated December 30, 2003, concerning the accessory use status of a cemetery, when severed from the parcel with the Church building. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

This case involves the Wesley Freedom Methodist Church and the Freedom Cemetery, Inc., property. The Wesley Chapel Church has occupied this site for over 175 years. The cemetery surrounds the chapel. The Wesley Freedom Methodist Church and the Freedom Cemetery Corporation are separate legal entities. They wish to create new lines of division around the chapel building in order to separate the two distinct and different uses. A separate

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metes and bounds description for each new parcel would be recorded in Land Records in separate deeds, pursuant to the off-conveyance process. The property is eligible for an off-conveyance because no previous off-conveyances have been made. The current zoning for the property is "R-20,000" residential.

The Zoning Administrator found that he was unable to grant the request for severance of the parcels. The cemetery, which abuts this chapel, would not meet the setbacks in the Zoning Ordinance, which was adopted long after the uses were established. As such, the two uses of the property are non-conforming. The close proximity of the cemetery to the chapel necessitates the need for a variance to the setbacks so the two can be legally separated and operated independently from each other.

The Board finds that the uses are in fact non-conforming, and, given that the uses are existing, that a variance from the setbacks is appropriate to allow for separation of the chapel from the cemetery.

Date

5/20/04

  
Jacob M. Yingling, Chairman