

**Tax Map/Block/Parcel**  
**No. 67-24-415**  
**Case 5624**

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

**APPELLANTS:** Paul Francis Schaffer  
5613 Old Washington Road  
Eldersburg, Maryland 21784

**ATTORNEY:** Gary Desper, Esquire

**REQUEST:** An appeal of the Zoning Administrator's decision (ZA-1333) to deny a variance for an attached accessory dwelling.

**LOCATION:** The site is located at 5613 Old Washington Road, Sykesville, MD 21784, on property zoned "C" Conservation District in Election District 14.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-188 (B) and 223-183 (B)

**HEARING HELD:** March 28, 2012

**FINDINGS AND CONCLUSION**

On March 28, 2012, the Board of Zoning Appeals (the Board) convened to hear the appeal of the Zoning Administrator's decision (ZA-1333) to deny a variance for an attached accessory dwelling. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

**DECISION**

The Applicant, Paul Schaffer, applied for and received a building permit for a 1,600 sq. foot attached accessory dwelling on or about March 21, 2011. The plans submitted with the permit request showed a kitchen. Applicant subsequently received a letter from the Department of Environmental Health, indicating that this existing septic system needed to be increased to accommodate the accessory dwelling; Mr. Schaeffer complied, spending approximately \$12,000 to do so.

In November 2011, Mr. Schaffer sought to modify his building permit, to reduce the size to approximately 1,150 sq. feet. He was then informed by Zoning Administrator, Jay Voight, that the initial permit was issued in error, as the maximum permitted size for an accessory

dwelling is 800 sq. feet. Mr. Schaffer was advised to continue construction as an “addition” without the kitchen, and apply for a variance. He did so, spending additional funds for a foundation, lumber, etc.

Mr. Schaffer was unrepresented at the variance hearing; he testified before the Board that he believed Mr. Voight would explain the case and therefore put nothing on the record. The variance request was denied, and Mr. Schaffer appealed.

After deliberation the Board determined that owing to the fact that Mr. Schaffer was issued a permit by the County and expended significant sums, denial of the variance request would result in unwarranted hardship and injustice to him. Such a variance is not contrary to the public interest. Accordingly, the Zoning Administrator’s decision in Case ZA-1333 is overturned, and the variance requested by the Applicant is granted.

April 13, 2012  
Date

  
Richard J. Simmons, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.