

Tax Map/Block/Parcel
No. 68-02-84

Building Permit/Zoning
Certificate No. 03-2178

Case 4817

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

APPLICANT: Neuman Homes Development LLC
P.O. Box 580
Stevenson, Maryland 21153

ATTORNEY: Clark R. Shaffer

REQUEST: An application for an appeal of the Planning Director's decision refusing to place the "Marabrooke Farm" preliminary plans on the Planning Commission agenda for the May meeting.

LOCATION: The site is located on the southwest side of Bartholow Road, Sykesville, MD 21784, on property zoned "A" & "C" Agricultural and Conservation Districts in Election District 14.

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

HEARING HELD: July 30, 2003

FINDINGS AND CONCLUSION

On July 30, 2003, the Board of Zoning Appeals (the Board) convened to hear the request for an appeal of the Planning Director's decision refusing to place the "Marabrooke Farm" preliminary plan on the Planning Commission agenda for the May meeting. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Planning Commission has granted its Secretary (the Planning Director) the responsibility for establishing monthly meeting agendas. A schedule of deadlines was established to give appropriate County staff ample time to review documentation to determine whether plans can proceed to the Planning Commission. The purpose of the deadlines is to avoid having the Planning Commission review incomplete plans or plans that have been inadequately vetted by appropriate staff and agencies. Information is compiled from county agencies and outside agencies regarding their comments on proposed plans for consideration by the Planning Commission.

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In the instant case, the Applicant attempted to have his land development plan placed on the Planning Commission's May 2003 agenda. The firm deadline for receipt of all agency comments was April 15. A letter from the local fire company regarding adequacy of fire protection was not received until April 28. In addition, written Health Department comments were not received by April 15.

Although prior Administrators may have been rather lax in the enforcement of deadlines, the current Secretary has made clear that deadlines will be strictly and uniformly applied during his tenure. We can find no fault with this policy. Accordingly, we find no error in this matter and the approval is denied.

In addition, a request for a stay was made by the Applicant prior to the hearing. The Applicant's interpretation of "stay" would be for the Board to direct the Planning Director to process plans pending the hearing before the Board. We disagree with this interpretation. A "stay" preserves the status quo, rather than ordering some action. Accordingly, the request is denied, and is made moot by our action in the instant case.

8/25/03

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman