

**Tax Map/Block/Parcel
No. 24-21-17**

**Building Permit/Zoning
Certificate No. 02-4659**

Case 4772

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

APPLICANT: Donald B. Caltrider
4211 Maple Grove Road
Hampstead, Maryland 21074

ATTORNEY: N/A

REQUEST: An application for an appeal of a determination of the Zoning Administrator denying a request for a detached accessory dwelling unit.

LOCATION: The site is located at 4211 Maple Grove Road, Hampstead, MD 21074, on property zoned "A" Agricultural District in Election District 8.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-72 (P)

HEARING HELD: January 29, 2003

FINDINGS AND CONCLUSION

On January 29, 2003, the Board of Zoning Appeals (the Board) convened to hear the appeal of a determination of the Zoning Administrator denying a request for a detached accessory dwelling unit. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellant owns a 2.3-acre lot, which contains one dwelling. Appellant contacted Ralph Green, Acting Zoning Administrator, in July 2000 regarding putting a second dwelling on the subject property; however, the Application for the building permit was never filed.

On November 28, 2000, the County adopted an amendment to the Zoning Ordinance allowing accessory dwelling units only on lots that are eligible to be subdivided. The Appellant's lot is not eligible to be subdivided.

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In October, 2001, the Appellant contacted Mr. Green with copies of work he was gathering for the project. Appellant indicated that the reason he did not submit the application for the building permit was because his mother-in-law was in poor health and died in January, 2002. Appellant claimed that if he had been aware of the change in the Ordinance, he would have filed the application before November 28, 2000.

Appellant still wishes to build an accessory dwelling and argues that he would have moved forward to solidify his rights for the additional dwelling if he had not been distracted by his mother-in-law's declining health.

The Board finds that the Zoning Administrator's decision in this matter was technically correct. However, given the unique facts of this case, a closer look is required. The Board believes that Appellant intended to file the application for a building permit before November 28, 2000, but due to extenuating circumstances, was unable to do so.

Under these unique circumstances, the Board disagrees with the Zoning Administrator's determination and grants the Appellant the remedy requested.

2-27-03

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman