

Tax Map/Block/Parcel
No. 16-7-86

Building Permit/Zoning
Certificate No. 01-0214

Case 4576

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Frances Geiwitz-Wight
3726 Rockdale Road
Millers, Maryland 21102

ATTORNEY: N/A

REQUEST: An application for an appeal of the Director of Planning's decision concerning Accessory Dwelling Units.

LOCATION: The site is located at 4600 Rill's Private Road or 4600 Springdale Road, Millers, MD 21102, on property zoned "A" Agricultural District in Election District 6.

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

HEARING HELD: March 27, 2001

FINDINGS AND CONCLUSION

On March 27, 2001, the Board of Zoning Appeals (the Board) convened to hear the appeal of Frances Geiwitz-Wight (Appellant) from a decision of the Director of Planning dated January 24, 2001, denying permission to build a detached accessory dwelling on her property. The Board makes the following findings and conclusions.

The Appellant owns 15.27 acres, which contains a small log home, where her son resides. She recently married and she and her husband wish to build another home on the parcel. The Appellant has no more development rights for the property. The parcel is isolated, wooded, and is served by a private road.

In early 2000, the Applicant made several inquires of the Bureau of Development Review regarding her intention to build the additional home on the parcel. At the time, detached accessory dwelling units were permitted on a single parcel for family members. Those who built homes in this manner were required to sign an affidavit acknowledging that they could not divide the parcel or rent the buildings to non-family members. During this period, the Appellant's husband placed his residence in Baltimore County for sale. They engaged an attorney to begin preparations for the new home. On November 28, 2000, the County adopted an amendment to

Official Decision
C4576
Page Two

the Zoning Ordinance prohibiting detached accessory dwelling units on existing parcels, and effectively “grandfathering” those that existed as of that date. The Appellant was unaware of the change in the law and in early 2001, she commenced on her plan for the new home. She was then advised that the newly adopted amendment regarding accessory dwelling units rendered her plan illegal. Appellant testified that had she known of the pending Ordinance change, she would have proceeded with her plans prior to its adoption to take advantage of the grandfathering provisions of the law.

The Board finds that the Planning Director’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 the Applicant commenced serious efforts with the County to undertake construction of her home. At no time was she advised of the pending Ordinance change, although it had apparently been under consideration for some time. In addition, Appellant’s property is unique. It contains a small historic log home. If the current law were applied, it would need to be razed if a new home were desired, even though the parcel is large enough to accommodate another house. Timing is also important in this case. It is clear that the Appellant would certainly have raced to meet all deadlines had she been aware of the pending Ordinance change. For decades, the County permitted what she is now proposing.

Under these unique circumstances, the Board disagrees with the Planning Director’s determination and grants the Appellant the remedy requested; namely that she be treated as having been “grandfathered” under the Accessory Dwelling Unit Ordinance with all the development rights that entails.

4-17-01

Date

Ronald F. Hoff

Ronald F. Hoff, Chairman