

Case 3290

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

APPELLANT: James. H. Glazier, Sr.
5701 Ridge Road
Mt. Airy, Maryland 21771

REQUEST: An appeal of the Notice of Violation dated
September 27, 1989, regarding use of a mobile
home for living purposes in a "C" Conservation
District contrary to the provisions of Article 14,
Division III, Section 14.31 of Ordinance 1E

LOCATION: 5701 Ridge Road (Md. Rt. 27) in Election District
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BASES: Article 17, Section 17.4; Article 5, Section 5.3;
Ordinance 1E. (The Carroll County Zoning
Ordinance)

HEARING HELD: December 29, 1989

On December 29, 1989, the Board of Zoning Appeals heard testimony and received evidence concerning the appeal of the Notice of Violation dated September 27, 1989, regarding use of a mobile home for living purposes in a "C" Conservation District contrary to the provisions of Article 14, Division III, Section 14.31 of Ordinance 1E at 5701 Ridge Road.

Prior to the public hearing, the Board visited the site on December 19, 1989.

The Notice of Appeal, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board will deny the appeal, and order that the mobile home be removed from the premises by April 30, 1990. The pertinent findings in this case include the following facts.

FINDINGS OF FACT

The appellant, Mr. Glazier, Sr., first came before this Board on August 28, 1987 to appeal a Notice of Violation issued by the Zoning Administrator regarding use of a mobile home for living purposes at 5701 Ridge Road. In its written decision dated September 8, 1987, the Board denied the appeal, and ordered that the mobile home be removed from the premises or that the minimum provisions of the zoning ordinance be complied with by September

8, 1989. Mr. Glazier was not successful in complying with the minimum provisions of the zoning ordinance and has not removed the mobile home from the premises.

A new Notice of Violation was issued September 27, 1989, again ordering the removal of the mobile home. As acknowledged by Mr. Glazier, the mobile home will have to eventually be removed from the premises. However, Mr. Glazier now requests an extension of time until September 8, 1991. The purpose of the extension is to provide time to comply with various regulatory agency requirements and to convert an accessory building to residential occupancy.

APPLICABLE LAW

The property is zoned "C" Conservation District as shown on Zoning Map 66A. The land use provisions for that district are specified in Article 5 of Ordinance 1E. Section 5.3, Accessory uses, subsection (a) includes mobile homes subject to the provisions of Section 14.31.

Article 14, Special Provisions; Division III, Mobile Homes and Mobile Home Parks, Section 14.31, Mobile homes, (Amended through 2-25-76) governs use of mobile homes in Carroll County.

REASONING

The circumstances in this appeal are essentially the same as presented to the Board of Zoning Appeals on August 28, 1987 in Case 2793. Mobile homes are permitted as an accessory use in the "C" Conservation District, subject to the provisions of Section 14.31. [Section 5.3(a); Ordinance 1E.] In considering the record of Case 2793, the Board concluded that a reasonable amount of time to either remove the mobile home from the premises or comply with the regulations of the zoning ordinance was appropriate. Accordingly, the Board provided two years to resolve the matter. However, as now acknowledged by Mr. Glazier, under the prevailing circumstances, the mobile home cannot comply with the regulations.

The Board is not persuaded that such an extension of time is again justified. Use of the mobile home is in violation of regulations other than the zoning ordinance, and other than a short extension of time would be contrary to the purpose and intent of the zoning ordinance.

CONCLUSION

Therefore, the appeal of the Notice of Violation dated September 27, 1989 regarding use of the mobile home for living purposes in a "C" Conservation District contrary to the provisions of Article 14, Division III, Section 14.31 of Ordinance 1E is hereby denied.

However, there is some justification for an extension of time in order to remove the mobile home from the premises, thus, complying with the Notice of Violation. Accordingly, the Board hereby orders that the mobile home be removed from the premises of 5701 Ridge Road by April 30, 1990.

Jan. 11, 1990
Date

John Totura
John Totura, Chairman