

Tax Map/Block/Parcel
No. 68-13-490

Building Permit/Zoning
Certificate No. 96-1607

Case 4112

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

- APPELLANT:** Linton Springs Civic Association, Inc.
5420 Huckleberry Lane
Sykesville, Maryland 21784
- APPEAL:** An appeal of the decision of the Carroll County Planning and Zoning Commission approving an access road to an elementary school
- LOCATION:** On 26.002 acres west of Linton Road, north of Liberty Road (Md. Rt. 26) in Election District 14
- BASES:** Article 17, Sections 17.2(a) and 17.4; Ordinance 1E (The Carroll County Zoning Ordinance)

ORDER OF DISMISSAL

On April 25, 1996, the Board of Zoning Appeals (Board) received an appeal of the Carroll County Planning and Zoning Commission's April 2, 1996, decision approving vehicular access to the proposed school. The appeal was filed with the Board by Barry C. Marsh as President of the Linton Springs Civic Association, Inc.

The authority under which the appeal was filed, Article 66B, §4.07(e) of the Annotated Code of Maryland, states:

Appeals; transmission of record. - Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the jurisdiction affected by any decisions of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board¹, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. (Emphasis added).

¹Section 17.4.2 of the Zoning Ordinance provides that : "[a]n appeal from an order, requirement, determination or a decision of an administrative official enforcing the provisions of Article 66B, or this Ordinance shall be filed within thirty (30) days from the date of the action being appealed."

The notice of appeal was filed with the Board on April 25, 1996, well within the prescribed 30 days time limit. However the appeal was never filed with the officer from whom the appeal is taken, i.e., the Planing and Zoning Commission as required by the statute. The rule governing the time and manner of appeals is mandatory and must be obeyed as precise rubric. Accordingly, the appeal is not properly noted and not properly before the Board. It is therefore, ordered that the appeal in this matter be and is hereby dismissed.

5/28/96

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman