

**Tax Map/Block/Parcel
No. 61-17-484**

**Building Permit/Zoning
Certificate No. 98-1853**

Case 4339

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

APPELLANT: Rosemary Inc., c/o Joel Kaufman
4047 Ridge Road
Westminster, Maryland 21157

**PROPERTY
OWNER:** Francis Press Blacker
4921 Mariners Drive
Shady Side, Maryland 20764

ATTORNEY: Clark R. Shaffer
6 North Court Street
Westminster, Maryland 21157

REQUEST: An appeal of the Zoning Investigator's notice of violation for the placement of a mobile home.

LOCATION: Located at 4047 Ridge Road on property zoned "R40,000" Residential District in Election District 9

BASIS: Basis: Article 17, Section 17.2(a); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: October 27, 1998

FINDINGS AND CONCLUSION

On October 27, 1998, the Board of Zoning Appeals (the Board) convened to hear the appeal of Rosemary, Inc., of the Zoning Investigator's notice of violation for the placement of a mobile home at 4047 Ridge Road on property zoned "R40,000" Residential District in Election District 9. The appellant is a corporation owned by Joel Kaufman and was represented by Clark Shaffer, Esquire.

Mr. George Beisser, Zoning Administrator for Carroll County, testified that his office received an anonymous call on August 22, 1996, reporting that the construction trailer located at 4047 Ridge Road was being used as a dwelling in violation of the Zoning Ordinance. No action was taken immediately by the Zoning Office. During May of 1998, he received notification from the Permits and Inspections Office that the

construction trailer at 4047 Ridge Road had undergone additional structural alterations without a building permit. As a result of the unauthorized construction, a Stop Work Order was posted at the site on April 29, 1998, by the Bureau of Permits and Inspections. On May 28, 1998, the Zoning Investigator, Ms. Mary Phillips-Lippy, sent Rosemary Inc. a Notice of Violation indicating the "mobile home" would need to be removed pursuant to Article 14, Section 14.31 of the Carroll County Zoning Ordinance. The basis of the violation was that the structure in question constituted a mobile home and mobile homes are not permitted in the district. In addition, only one principal residence is permitted on a lot in the R-40,000 zone.

Mr. Joel Kaufman testified that he has lived at 4047 Ridge Road for 25 years. The property is 3.6 acres with a farm house, outbuildings, and a cottage. Rosemary Inc. is the contract purchaser of the of the land (installment contract) from Ms. Frances Press Blacker, who holds the title to the property. Referring to the location survey (Appellant's Exhibit One - copy attached) and the tax map (Appellant's Exhibit Two - copy attached), he identified the location of the property, the cottage, farm house, barn and outbuildings. Between 1986 and 1987, an 8' x 28' construction trailer was moved to the property to be used in conjunction with construction activities at Sun Valley, Tract A, a residential subdivision under construction. In the last 2 ½ years, most of the construction trailer was replaced with walls to create a 28' x 17' 6" structure with a 28' x 8' porch. Some elements of the construction trailer remain, e.g. trailer hitch. The structure is constructed on pilings which are 36' to 40' deep and is not connected to water and sewer. The structure is not visible to the houses in the Sun Valley subdivision. Originally, the structure was occupied by a worker; however, no one has occupied the structure in the last two years. Improvements were made over the years to make the construction trailer resemble a home and be more comfortable for his worker. The improvements were extensive. When improvements to the trailer were made, the intent was to keep someone on the site. He intends to have the structure comply with the Carroll County Building Code. He would like to subdivide the property so that the new structure can be considered a principal residence on a separate lot. He asked for a period of 18 months to either comply with the Zoning Ordinance. He intends to subdivide the lot and comply with subdivision regulations as well as all other applicable regulations. If unable to subdivide the property, he would limit its use to that of an accessory structure as permitted in the Ordinance (See Section 5C.3(d)). As the last resort, he would remove the structure if all else failed. Mr. Kaufman consented to an order being issued to that effect.

The Board finds that the original structure erected on the constituted a mobile home. As such, its

placement and use and occupancy are violations of the Zoning Ordinance and possibly the Building Code. Mr. Kaufman testified that the original structure has had extensive renovations so that only two (2) exterior walls remain from the original structure. Clearly, what remains is a hybrid. If the visible items that remain such as the tongue and axle of the trailer/mobile home were removed, then the structure would lose most of its identity as such. However, since this property is zoned R-40,000, only one principal residence may be on the property. Mr. Kaufman's desire to subdivide the parcel would address this matter. Absent such subdivision, the structure may qualify for an accessory guest house permitted under Section 5C.3(d) of the Ordinance.

The Board finds Mr. Kaufman's request to be reasonable and hereby approves the request. The appellant having consented hereto, it is hereby **ORDERED** this 7th day of June, 1999, by the Board of Zoning Appeals of Carroll County that the Appellant, Rosemary Inc., remove the tongue and axle of the trailer from the structure which is the subject of these proceedings and any other visible remnants of the trailer from the subject structure. The Appellant must apply and obtain all necessary building permits and agency approvals to render the structure in compliance with the Carroll County Building Code. It is further **ORDERED** that the Appellant apply and secure subdivision approval of the subject parcel such that there is only one residential structure on any one parcel. In the event subdivision approval can not be obtained then the structure only be utilized as an accessory building to the main residence. It is further **ORDERED** that the Appellant shall comply with this Order on or before April 27, 2000.

6/7/99
Date

Karl K. Reichlin
Karl K. Reichlin, Chairman

I hereby consent to the issuance of this Decision and Order

Rosemary Inc,
by

Joel Kaufman
Joel Kaufman

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Attachments (2)

May 25, 1999