

**Tax Map/Block/Parcel**  
**No. 61-17-654**  
**Case 5562**

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

**APPELLANT:** Joel Kaufman  
4047 Ridge Road  
Westminster, Maryland 21157

**ATTORNEY:** Clark R. Shaffer

**REQUEST:** An appeal of a Notice of Violation from the Zoning Administrator concerning two mobile homes.

**LOCATION:** The site is located at 4047 Ridge Road, Westminster, MD 21157, on property zoned "R-40,000" Residential District in Election District 9.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-140

**HEARING HELD:** September 28, 2010

**FINDINGS AND CONCLUSION**

On September 28, 2010, the Board of Zoning Appeals (the Board) convened to hear the appeal of a Notice of Violation from the Zoning Administrator concerning two mobile homes. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellant resides on 3.83 acres (+/-) in the "R-40,000" Residential Zone. The property is improved with the Appellant's residence and several outbuildings. In the fall of 2009, the Appellant moved a mobile home on to the property. The mobile home belonged to another person. The Applicant is allowing it to remain on the property while the individual is refurbishing the interior. The Applicant is receiving unspecified rent from the owner of this mobile home. This mobile home is unoccupied, although a decorative skirt was installed which conceals the tires. In March of 2010, the Appellant brought another mobile home on to the property. The Appellant also constructed a privacy fence behind this mobile home to screen it from neighbors. In addition, wood skirting was installed around it, and a handicapped ramp and decking was installed at the entrance. There is also a satellite dish on the front of the mobile home, an electrical connection and a propane tank; presumably for heat. The Appellant testified that he bought this mobile home at the request of a boarder in his residence. The boarder told the Appellant that he needed additional living space so he could privately work on his computer, watch television. He also occasionally spends the night in it. This boarder rents a room in the Appellant's residence and shares the common areas of the house. The Zoning Administrator

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testified that he has driven by the property late at night on several occasions and noticed the lights on in the trailer. He has also noticed vehicles parked in front of the trailer on occasion.

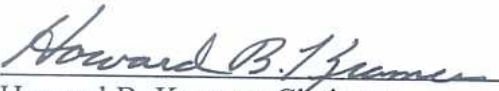
The question for the Board is whether the Appellant's storage of these two mobile homes on his property is an allowable use under the "R-40,000" zoning. Under the Code, a mobile home is described as a "structure, transportable in one or more sections, and which is built on a permanent chassis with or without permanent foundation and which is designed to be used or is used as a dwelling, or is used for the conduct of any business or for storage." The Code at Section 223-140 prohibits persons from parking, storing or occupying a mobile home or allowing them on their property except under certain circumstances, most of which are clearly inapplicable here, such as for tenants or family members on farms, emergency housing in the event of a fire or other disaster to the home, rehabilitation of the principal dwelling, or in conjunction with an industrial use in one of the industrial zones or a construction project. Section 223-140 C allows a nonpaying guest at a residence to reside in a mobile home parked on the property for a period not to exceed one month. Section 223-140 E allows camping or recreational mobile homes in any district as an accessory use so long as they are not used for living or business purposes.

The first mobile home, which is unoccupied and is simply being parked on the property on rented space while it is being reconditioned, clearly does not meet any of the requirements for any of the exceptions above. The second mobile home also does not qualify for an exception. It is essentially being used as additional living space for a boarder in the principal residence. This is evidenced by the Appellant's testimony that the boarder spends most days and some nights in the trailer. The trailer is fully equipped with water and electrical service, a ramp, decking, and skirting, which makes it a semi permanent fixture, unlike a traditional recreational vehicle, which, under the definitions section of the Code, is used as "temporary living accommodation(s) for recreational, camping, and travel use..."

In short, mobile homes, except under specific, limited circumstances, are not allowed in the "R-40,000" zone. Appellant's placement of a mobile home on this property for use as living space for a boarder and parking another person's mobile home here for a fee is not permissible under the "R-40,000" zoning. The Zoning Administrator did not err in issuing his determination and the Notice of Violation is upheld.

20 October 2010

Date

  
Howard B. Kramer, Chairman

***Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.***