

Tax Map/Block/Parcel
No. 58-23-643
Case 5681

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Michael F. Griesser, c/o Charles F. Greisser, AIF
3367 Sykesville Road
Westminster, Maryland 21157

ATTORNEY: Clark R. Shaffer

REQUEST: An appeal of the Zoning Administrator’s decision denying building permits (12-1756 and 12-1759) for an existing structure.

LOCATION: The site is located at 3367 Sykesville Road, Westminster, MD 21157, on property zoned “A” Agricultural District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-188

HEARING HELD: January 29, 2013

FINDINGS AND CONCLUSION

On January 29, 2013, the Board of Zoning Appeals (the Board) convened to hear the appeal of the Zoning Administrator’s decision denying building permits (12-1756 and 12-1759) for an existing structure. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The threshold issue in this case dealt with the section 223-70 (M) of the Carroll County Code and whether the provision of a “conversion of buildings existing prior to August 17, 1965.” In an October 3, 2012 letter, Jay C. Voight, Zoning Administrator, denied a building permit because he found sufficient evidence that there was not an existing structure on August 17, 1965.

Charles Griesser testified on behalf of his son, Michael F. Griesser, the owner of the property. His son purchased the property with 1.49 acres in 1999. The son converted a structure into one two bedroom apartment and a one bedroom apartment. He has actually had tenants living in the apartment for years since then. All of the evidence of whether a structure was there as of 1965 came by way of aerial photos from the county. Photos were placed into evidence from 1958, 1963, 1967, 1970, 1980, and 2011. These photos were far from clear as to whether the structure was or was not in existence in 1965. It was unclear whether a structure was present

in 1965, the size of the structure, whether the structure was modified to expand it or demolish a portion of it after 1965. Since the aerial photographs were not clear one way or the other, the Board gave the owner the benefit of a doubt that the structure in question did exist before 1965 as required by law. The Board granted the building permits (12-1756 and 12-1759) in this case and found that a structure existed on August 17, 1965.

2/6/2013
Date


Richard J. Simmons, 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.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.

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