

Case 2911

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANTS: Ronald Mihalko and Karen Mihalko
12 Dundee Court
Sykesville, Maryland 21784

APPEAL: An appeal of the Notice of Violation dated January 22, 1988 regarding erection of an attached garage and apartment contrary to Building Permit and Zoning Certificate Number 87-1189 and Section 5C.1(c) of Zoning Ordinance 1E.

LOCATION: 12 Dundee Court in Election District 14; Rolling Hills subdivision, Plat E, lot 23 recorded in Carroll County Plat Records in Book 15, page 49.

BASIS: Article 17, Section 17.4; Zoning Ordinance 1E.

HEARING HELD: March 29, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby affirms the appeal and reverses the Notice of Violation issued by the Zoning Administrator January 22, 1988. The pertinent findings in this case include the facts that enlargement of the existing dwelling, including the attached garage, were not intended, nor have they altered use of the premises for other than single-family occupancy.

The property is zoned "R-40,000" Residence District as shown on Zoning Map 72B. The land use provisions for that district are specified in Article 5C of Zoning Ordinance 1E. As the dwelling was originally constructed well after the adoption of Zoning Ordinance 1E, neither Section 5C.1, Principal Permitted Uses nor Section 5C.2, Conditional Uses (Requiring Board Authorization) lists two-family dwellings. Accordingly, use of the premises as a two-family dwelling is not permitted and would be a violation of the provisions of the zoning ordinance.

April 13, 1988
Date

John Totura
John Totura, Chairman