

Tax Map/Block/Parcel  
No. 76-12-24

Building Permit/Zoning  
Certificate No. 91-0374

Case 3540

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

**APPLICANTS:** Thomas Blanton, Sr. and Barbara H. Blanton  
7501 Newport Road  
Woodbine, Maryland 21797

**ATTORNEY:** P. Bruce Austensen, Esq.  
227 Main Street  
Reisterstown, Maryland 21136

**REQUEST:** Variances reducing the minimum required setback,  
side yard, and acreage requirements and/or a  
conditional use to allow a mobile home and/or a  
box trailer in a conservation district or in the  
alternative, allow temporary use in accordance  
with Section 14.31(g) and/or 14.31(h)

**LOCATION:** 7501 Newport Road in Election District 14

**BASES:** Article 5; Article 14, Division III, Section  
14.31; Article 15, Section 15.5; Ordinance 1E.  
(The Carroll County Zoning Ordinance)

**HEARING HELD:** April 24, 1991

On April 24, 1991, the Board of Zoning Appeals heard testimony and received evidence concerning the variances to reduce the minimum required setback, side yard, and acreage requirements and/or a conditional use to allow a mobile home and/or a box trailer in a conservation district or in the alternative, allow temporary use in accordance with Section 14.31(g) and/or 14.31(h) at 7501 Newport Road.

The Board visited the site on April 23, 1991.

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board must deny the variances and conditional use. However, in accordance with the provisions of Article 17, Section 17.2 of the zoning ordinance, the Board will order that the mobile home and box trailer may remain at the site until the existing dwelling on the premises is made habitable, but no longer than April 1, 1993.

The pertinent findings determining the Board's decision include the following facts:

FINDINGS OF FACT

The 8.75 acre lot is located at the northwestern terminal of Newport Road. The site location map used to post the hearing notice depicts the configuration of the lot (P.24) and surrounding properties, but does not portray alignment of the road correctly.

The lot is improved with a single family dwelling constructed well before the adoption of the zoning ordinance in 1965. The dwelling is not presently habitable. Mrs. Blanton, who had inherited the property from her parents about 1980, transferred it to relatives of Mr. Blanton about 1982. The house was then gutted in expectation of restoring it. The mobile home was moved to the premises for use as a dwelling during the restoration. However, the transfer foundered and eventually, after some difficulty, Mr. and Mrs. Blanton now have title. The mobile home was left on the property.

The applicants moved to the property about 1984 and established residence in the mobile home as the dwelling was not habitable. Since then they have gradually been able to improve the dwelling. However, vandalism that had occurred after the dwelling became vacant continued, and theft became a problem. In order to provide security, the applicants brought the box trailer to the site about 1988. It has been used as a construction trailer since then.

A building permit and zoning certificate have been issued for restoration of the dwelling. Upon completion of the restoration, the mobile home will be disassembled and the box trailer will be removed from the property. However, due to circumstances beyond the applicants' control, a period of approximately 18 months is requested to accomplish the restoration, disassembly of the mobile home, and removal of the box trailer from the property.

Following an inspection of the property, Notices of Violation dated February 5, 1991, pertaining to the mobile home, box trailer, and junk consisting of untagged vehicles, scrap metal and miscellaneous debris were issued by the Division of Zoning Enforcement.

The applicants do not contest the violation notices, and have acted to abate the violation concerning junk. The Board understands that the directions of the Division of Zoning Enforcement will be followed with respect to the Notice of Violation.

The property is secluded and the mobile home, box trailer and dwelling are not readily visible from adjacent properties.

APPLICABLE LAW

The Article and Sections cited below are of Ordinance 1E.

The lot is zoned "C" Conservation District as depicted on zoning map 76B. The land use provisions for the district are expressed in Article 5 of the zoning ordinance. Mobile homes are permitted as an accessory use subject to the provisions of Section 14.31.

In this case, neither the lot nor the circumstances regarding use of the mobile home on the property qualify under the various provisions of Section 14.31. Accordingly, the placement and use of the mobile home was, and continues to be, a violation of the zoning ordinance.

The box trailer is also classified as a mobile home. However, as a valid building permit has been issued for restoration of the dwelling and the trailer is being used in conjunction with the restoration, the trailer presently qualifies as a lawful construction trailer.

Article 17, Board of Appeals, Section 17.2, General Powers, reads in relevant part:

The Board shall have the following powers:

- (c) To authorize, upon appeal in special cases, such variance from the terms of the ordinance as will not be contrary to public interest, where owing to special conditions, the enforcement of the provisions of this ordinance will result in unwarranted hardship and injustice and which will most nearly accomplish the purpose and intent of the regulations of the Zoning Ordinance.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law and this ordinance and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

REASONING

It is in the interests of the applicants to complete restoration of the building and correct the violations of the zoning ordinance. It is also to the interests of adjacent property owners, even though the property, dwelling, mobile home and box trailer are secluded, and therefore have little impact

upon the residents of adjacent properties, or the values of those properties.

The applicants face formidable tasks in restoring the dwelling, disassembling the mobile home, and disposing of the box trailer. Unforeseen events may occur which could prolong the estimated time of 18 months to complete their goals. Accordingly, the Board will authorize an extension of time to not later than April 1, 1993 for the applicants to complete restoration of the dwelling so that it is habitable, disassembly of the mobile home and removal of it from the property, and disposal of the box trailer. If these tasks can be completed prior to that time, the Board strongly urges the applicants to do so.

ORDER

The Board hereby orders that the applicants may use the mobile home and box trailer until April 1, 1993, in conjunction with restoration of the dwelling so that it is habitable, disassembly of the mobile home and removal of it from the premises, and disposal of the box trailer.

May 3, 1991  
Date

John Totura  
John Totura, Chairman

JDN/bdc/C3540DEC  
May 1, 1991