

Tax Map/Block/Parcel
No. 31-6-255

Building Permit/Zoning
Certificate No. 96-0484

Case 4318

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPELLANTS: Louise Baker Pascal
114 Fridinger Mill Road
Westminster, Maryland 21157

REQUEST: An appeal of the Zoning Administrator's decision denying a second floor "in-law" apartment at 1090 Fridinger Mill Road on property zoned "A" Agricultural District 6

LOCATION: 1090 Fridinger Mill Road in Election District 6

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

HEARING HELD: May 27, 1998 and June 30, 1998

FINDINGS AND CONCLUSION

The Board of Zoning Appeals (the Board) convened on May 27, 1998 and June 30, 1998, to hear an appeal of the Zoning Administrator's decision denying a second floor "in-law"¹ apartment at 1090 Fridinger Mill Road on property zoned A - Agricultural District and owned by Louise Baker Pascal.

The "A" Agricultural District permits as a principal use two family dwellings. The Appellant does not have enough land to obtain Health Department approval for a septic field for the second apartment/dwelling. Nevertheless, the Appellant wishes to live in the same house as his mother but on the second floor and with separate kitchen, bedroom, and bathroom facilities. Unable to secure approval for a second dwelling unit, he applies for authorization for an "in-law" apartment. The Zoning Administrator denied the request and the appellant appealed to the Board.

Mr. Pascal testified that he is the owner of the property and is constructing a house. His mother plans to live downstairs and he plans to live upstairs. There would be a main entrance into

¹ An "in-law" apartment is a misnomer used by the appellant and unfortunately some County representatives to mean that which is authorized under Section 6.4(e) of the Ordinance. To Wit: "Living quarters for persons employed on the premises; or for members of the immediate family of the owner of the property."

the house. The upstairs would be accessed by the stairs and would contain his bedroom, kitchen, and bathroom. The Zoning Administrator denied the request due, in part, to his long standing and consistent policy. The policy is that the living quarters authorized in Section 6.4(e) must be on the same level as the main dwelling unit and have direct access for living area to living area and not by way of stairs through mud room, hallways, breezeways or through garages.

There is no written policy regarding this interpretation of the Zoning Ordinance. Based on the totality of the circumstances and the lack of formal policy, the Board will overturn the decision of the Zoning Administrator and approve the additional living quarters for members of the immediate family of the owner of the property on the second floor of the dwelling at 1090 Fridinger Mill Road.

The Board requests that the Zoning Administrator promote the study and adoption of a policy regarding "in-law" apartments in particular, and accessory apartments in general. It is recommended that careful study be given as to how the new policy will work in conjunction with Health Department regulations and standards.

7.27.98

Date



James L. Schumacher, Chairman

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July 23, 1998