

Tax Map/Block/Parcel
No. 61-24-485

Building Permit/Zoning
Certificate No. 03-3415

Case 4875

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPELLANT: Charles T. Coon, Sr.
1828 West Liberty Road
Westminster, Maryland 21157

ATTORNEY: Charles O. Fisher, Jr. and Isaac Menasche for Charles T. Coon, Sr.
and Bernard Cook for Beth Shalom

REQUEST: An appeal of a Notice of Violation from the Zoning Administrator to Beth Shalom Synagogue and Beth Shalom Cemetery, Inc., regarding the operation of a manufacturing business (mulch operation) in the Agricultural Zone.

LOCATION: The site is located at 2020 West Liberty Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 9.

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

HEARING HELD: October 31, 2003

FINDINGS AND CONCLUSION

On October 31, 2003, the Board of Zoning Appeals (the Board) convened to hear the appeal of a Notice of Violation from the Zoning Administrator issued to Beth Shalom Synagogue and Beth Shalom Cemetery, Inc., regarding the operation of a manufacturing business (mulch operation) in the Agricultural Zone. Based on our review of the file and arguments of counsel, the Board made the following findings and conclusion:

On or about August 2, 2003, the Zoning Administrator issued a Notice of Violation to Beth Shalom Synagogue and Beth Shalom Cemetery, Inc., for the allegedly illegal manufacturing and storage of mulch on their property at the referenced address. The Synagogue failed to appeal the Notice of Violation. Instead, they sent a letter to the attorney for the neighbor, Charles T. Coon, directing Mr. Coon to remove the mulch piles from the Synagogue property and threatening legal action against Mr. Coon. On August 28, 2003, Mr. Coon (the Appellant) filed an appeal of the Notice of Violation that had been issued to the Synagogue.

Our Zoning Code at Chapter 223-188D requires us to review all appeals and “reject those that do not seek relief available by law”. In this case, the party that is potentially aggrieved by the issuance of the Notice of Appeal is Beth Shalom Synagogue and Beth Shalom Cemetery, Inc. They did not file an appeal of the Notice of Violation. The Appellant in this case was not the subject of the Notice of Violation, and is not liable for any penalties issued by the Zoning Administrator for this alleged violation. Any property dispute between the Synagogue and the Appellant is not properly before the Board.

Accordingly, the Notice of Appeal is dismissed.

Date

11/19/03


Jacob M. Yingling, Chairman