

**Tax Map/Block/Parcel  
No. 14-3-169**

**Building Permit/Zoning  
Certificate No. 02-0883**

**Case 4671**

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

**APPELLANTS:** Charles M. & Diane J. Keating  
2335 Mt. Ventus Road #1  
Manchester, Maryland 21102

**ATTORNEY:** N/A

**REQUEST:** An appeal of the Zoning Administrator's decision denying an accessory dwelling.

**LOCATION:** The site is located at 2335 Mt. Ventus Road, #1, Manchester, MD 21102, on property zoned "A" Agricultural District in Election District 6.

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

**HEARING HELD:** May 28, 2002

**FINDINGS AND CONCLUSION**

On May 28, 2002, the Board of Zoning Appeals (the Board) convened to hear the appeal of the Zoning Administrator's decision denying an accessory dwelling. The Board makes the following findings and conclusion.

The Appellant purchased the subject 10 acres (±) 8 years ago with the intent of building an additional housing unit for his in-laws. At the time, detached accessory dwelling units were permitted on a single parcel for family members. He was advised of this fact by personnel of the County. In August of 2000, his in-laws were injured in an automobile accident in Erie, PA, after inspecting their new prospective lot on the subject property. It took until October 2001, until the in-laws recovered enough to commence development on the property. They began discussions with a prospective builder, and plans were drawn up. Unbeknownst to the Appellant, the County Commissioners adopted an Ordinance on November 28, 2000, that prohibited detached accessory dwelling units on existing parcels and effectively "grandfathered" those that existed as of that date. The Appellants remained unaware of the change in the law and sought a building permit for the additional residence, which was denied by the Acting Zoning Administrator as the plan was illegal under the new Ordinance. The Appellant testified that had he known of the pending Ordinance change, he would have proceeded with his plans prior to this adoption to take advantage of the "grandfather" provisions of the law.

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The Board finds that the Acting Zoning Administrator's decision in this matter was technically correct. However, given the unique facts of this case, a closer look is required. The Board believes that the Appellant commenced serious efforts with the County to undertake construction of the home. At no time was he advised of the pending Ordinance change, although it had apparently been under consideration for some time. In addition, Appellant's property can easily accommodate another house. Timing is also important in this case. It is clear that the Appellant would certainly have raced to meet all deadlines had he been aware of the pending Ordinance change. For decades, the County permitted what he is now proposing. Finally, the Board notes the accident involving the in-laws, which undoubtedly played a large part in the delay.

Under these unique circumstances, the Board agrees that the Acting Zoning Administrator's determination was correct, however, the Board grants the Appellant the remedy requested; namely, that he be treated as having been "grandfathered" under the Accessory Dwelling Unit Ordinance with all the development rights that entails.

6/17/02  
Date

Karl V. Reichlin  
Karl V. Reichlin, Chairman