Jay C. Voight, Zoning Administrator

410-386-2980, fax 410-386-2451
Toll-free 1-888-302-8978
MD Relay service 7-1-1/1-800-735-2258

Office of Zoning Administration

Department of
Land Use, Planning, & Development
Carroll County Government
225 North Center Street
Westminster, Maryland 21157

Official Decision
Case ZA-1333
Zoning Administration
Carroll County, Maryland

APPLICANT:	Paul Schaeffer
REQUEST:	A variance request to the maximum 800 sq. ft. for an attached accessory dwelling to 1,152 sq. ft.
LOCATION:	5613 Old Washington Rd.
MAP/BLOCK/PARCEL:	67/24/415
APPLICABLE REGULATIONS:	Chapters 223-35 (G) and 223-181
HEARING HELD:	December 7, 2011

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing the variance is Denied.

Facts which support the denial for relief from the strict terms of the Ordinance; in this case, a variance to the maximum 800 sq. ft. to 1,152 sq. ft. for an accessory dwelling, are as follows: The applicant has applied for an expansion of the maximum square footage of 800 sq. ft. for an attached accessory dwelling to 1,152 sq. ft. for an addition to the existing dwelling. There are no restrictions for the size of an addition in the zoning ordinance, as long as it meets all the setback requirements.

The intent of the 800 sq. ft. restriction for an attached accessory dwelling is to maintain the single family dwelling, but allow for care and assistance to family members. It is not the intent to allow for a second family to reside there and create an impact on infrastructure. In deciding a variance request there must be proven a practical difficulty or an unreasonable hardship, which has not been caused
by the applicant.

The applicant originally applied for an attached accessory dwelling that did not exceed the 800 sq. ft. requirement and that application was approved. After the applicant received approval, the plans for the attached accessory dwelling were changed to reflect a greater sq. footage than allowed;

Therefore, this application for a variance was applied for. The change in the plans is not a hardship, nor is it considered to be a practical difficulty; therefore, the variance request is **denied.**

As for the additions to the existing house of 1,152 sq. ft., no approval is needed other than the addition meeting setback requirements per the ordinance, which it does. As an addition to an existing dwelling, no kitchen facilities are to be provided in the addition, and there must be an interior connection between the addition and the existing house.

Note: An appeal of a Decision made pursuant to Chapter 223-181.2 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrator's decision in accordance with Chapter 223-182 and 223-181 of the Code of Public Local Laws and Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-181 is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

December 14, 2011
Date

Jay C. Voight
Zoning Administrator