

Case 5348

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

APPLICANT: David M. Freeland
3087 Church Lane
Taneytown, MD 21787

ATTORNEY: Clark R. Shaffer

REQUEST: Amended request for a variance to allow a private stable to be located 144 ft. from a dwelling on an adjoining lot (3093 Church Lane) from the required 200 ft.

LOCATION: The site is located at 3087 Church Lane, Taneytown, on property zoned "A" Agricultural District in Election District 3.

BASIS: Code of Public Local Laws and Ordinances, Section 223-16 B and D.

HEARING HELD: September 26, 2007, and April 30, 2008

FINDINGS AND CONCLUSION

On September 26, 2007* and April 30, 2008 the Board of Zoning Appeals (the Board) convened to hear a request for a variance to allow a private stable to be located 144 ft. from a dwelling on an adjoining lot (Degroft property) from the required 200 ft. The Board made the following findings and conclusion:

The Applicant owns two horses and wishes to keep them in a stable on his 3.88 acre (+/-) lot in the Agricultural zone. The surrounding neighborhood is rural residential and agricultural in nature.

The property is served by a private well and septic system. The septic system is a "stone mound" system which includes a large "replacement system area" as required by the Health Department. The septic system encompasses much of the rear of the property and renders this area unusable for the stable. The shape of the property is rectangular, and it is located within a small lot subdivision surrounded by large agricultural tracts. The Applicant moved the stable several times to attempt to accommodate neighbors' concerns. A stream also runs through a portion of the property rendering that area unusable for the stable. The proposed location of the stable is centrally located on the property.

Based on the above, the Board found that the Applicant has met the burden for the grant of the requested variance. The property has unique characteristics, including its small size for this zone, its rectangular shape, and the innovative septic system which renders a large portion of the property unusable for the stable. These conditions were not created by the Applicant, and a strict application of the setback provisions would result in unnecessary hardship. The selected

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location for the stable is the best and only feasible spot for the stable. Accordingly, the Board granted the variance to allow the stable to be located 144 ft. from the dwelling on the adjoining lot (3093 Church Lane), rather than 200 ft.

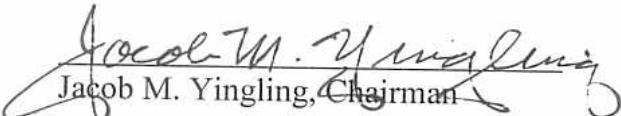
In granting the variance, the Board imposed the following conditions to address the neighbors' concerns regarding flies and odors allegedly emanating from the stable:

1. The Applicant is limited to no more than two (2) horses.
2. The Applicant will continue to use lime in the stables to neutralize odors.
3. The Applicant will not disperse manure on or near the side property lines.

*The original request for variances from the 200 foot side yard setback to 42 feet and 65 feet and a variance from 200 feet to 156 feet of a neighbor's cartilage. The Application was amended by the Applicant by letter dated March 20, 2008.

Date

5/21/08


Jacob M. Yingling, Chairman