

Tax Map/Block/Parcel
No. 26-12-14
Case 5891

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Jessica & Curtis Thornton
2034 Keysville Bruceville Road
Keymar, MD 21757

ATTORNEY: N/A

REQUEST: Appeal of Zoning Administrator's Decision in Case #ZA-1521 regarding a private stable.

LOCATION: The site is located at 2034 Keysville Bruceville Road, Keymar, Maryland on property zoned "A" Agricultural in Election District 10.

BASIS: Code of Public Local Laws and Ordinances, Section 158.070(F)(5).

HEARING HELD: October 29, 2015

FINDINGS AND CONCLUSION

On October 29, 2015, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator's Decision in Case #ZA-1521 regarding a private stable. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

No one appeared at the original time of the hearing. At that time the Board dismissed the appeal. It was determined that the applicant was present during the scheduled hearing time. It further appears that a County employee may have been the reason the applicant did not enter the hearing room. The Board vacated its earlier decision in the morning to dismiss the appeal.

The original complaint for two horses on the property was lodged in 2014. Two horses are not allowed on a property of less than three acres in the county. The applicants requested a variance in the zoning code to be permitted to have two horses. In case ZA-1521 before the Zoning Administrator, the applicant was permitted to have two horses on the property. The August 12, 2015 Formal Notice of Violation from the Zoning Administrator was issued to the applicants because they had three horses on the property.

Jessica Thornton testified that the applicants had three horses on the property. The third horse was purchased for their daughter in May 2015. The first two horses on the property belonged to her and her husband. The new third horse was bought for their daughter. The

daughter wanted to compete for the American Quarter Horse Association (Halter Class). However, in order to compete in this Association they discovered that the horse had to be registered. Neither of the two horses kept at the property was a registered horse. The horse purchased for their daughter is registered. She was aware that they could only have two horses on the property at the time they purchased the third horse. She decided not to get approval from county officials before purchasing the third horse. The third horse was bought as the result of the sale being a good deal for them. She stated that her husband was responsible for the unlicensed vehicles on the property.

Curtis Thornton testified that only one neighbor was complaining and that neighbor was present at this hearing. He stated that he collected nice vehicles. He addressed the issue of unlicensed vehicles on the property since he was the owner of the vehicles. He did not want to liquidate all of his vehicles quickly. The vehicles were valuable and he did not want to just give them away.

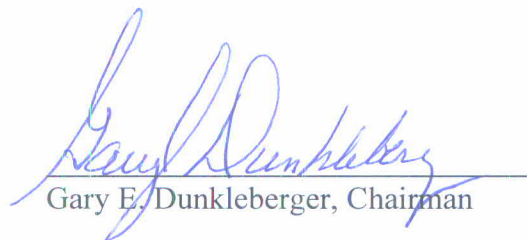
Glenn Reifsnider testified in opposition to the request for three horses on the property. He has property across the street from the subject property. He did not believe that the subject property would accommodate three horses on less than three acres. He called the zoning office to notify them of the three horses being kept on the property. His main issue was what would happen to the manure created by the horses. Flies near the manure was also an issue.

In an October 8, 2015 memorandum Nokomis Ford, Planning Technician, with the Bureau of Comprehensive Planning sent a document to the Board. The case was reviewed for consistency with the policies and recommendations contained in the *2014 Carroll County Master Plan*. The request was not compatible with the vision and goals for the area as expressed in the laws. The staff finding was that this request was inconsistent with the *2014 Carroll County Master Plan* and would have an adverse effect on the current use of the property and its environs.

The Board found that the applicant must limit the number of horses on the property to two. The Board upheld the Zoning Administrator's decision to limit the applicants to the previously approved two horses. The Board believed that three horses were too many for a 1.96 acre property. The Board also believed that the applicants should have asked for permission from county officials and obtained an approval before bringing a third horse onto the property. There was an approval for two horses that could remain on the property, and the two horses to remain would be the decision of the applicants.

6 November 2015

Date


Gary E. Dunkleberger, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.