

**Tax Map/Block/Parcel
No. 53-22-794 & Parcel B**

Case 5298

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

APPLICANT: Monika L. Klinefelter
2041 Arabian Drive
Finksburg, MD 21048

ATTORNEY: A. Jalynn Almond

REQUEST: Variance to lot size from the required 3 acres to 2.564± acres to permit a private stable; variance to permit more than two (2) animals; and a variance of the minimum distance requirements for the location of a private stable in relation to dwellings on adjoining properties.

LOCATION: The site is located at 2041 Arabian Drive, Finksburg, on property zoned "C" Conservation District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-16 and 223-35 B

HEARING HELD: January 24, 2007

FINDINGS AND CONCLUSION

On January 24, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a variance to lot size from the required 3 acres to 2.564± acres to permit a private stable; variance to permit more than two (2) animals; and a variance of the minimum distance requirements for the location of a private stable in relation to dwellings on adjoining properties. The Board made the following findings and conclusion:

The Applicant resides on a 2.5 acre (+-) parcel which she purchased in 1979. In 1985, when the property was only 1.4 acres (+-), the Applicant was granted a conditional use and variances in Case No. 2248 for a kennel for up to 10 dogs and a private stable for two horses. The approval for the horses was to expire when the horses died or were relocated. The Applicant was given additional acreage (to 2.5 acres +/-) by a developer who was developing the neighboring property.

The property is bounded by residences. It has a rolling topography, and is higher than other properties in the neighborhood. The pasture area is located on top of the hill.

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The Applicant wishes to keep additional animals on the property as pets. Specifically, the Applicant seeks relief from the restrictions imposed in BZA Case No. 2248 and wants to board miniature horses, goats and geese. These animals generate little or no noise.

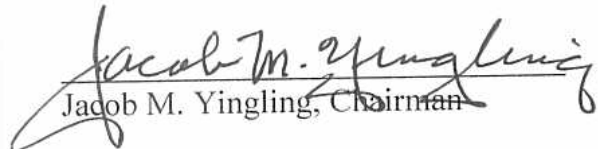
The Applicant needs variances from the required 3 acre lot size to 2.5 acres (\pm), a variance to permit more than 2 animals, and a variance from the minimum distance requirement of 200 feet to the nearest adjoining residence of 105 feet (+-) to the curtilage area of the nearest dwelling.

Based on the existing conditions of the lot, and pre-existing buildings, and the topography of the lot and its slopes, the Board finds that a strict adherence to lot size and the setback requirements would result in unnecessary hardship. The variances are granted subject to the following conditions, which are designed to take into account the residential development in the vicinity. The Applicant may board:

1. No more than four (4) miniature horses or two (2) full size horses.
2. No more than two (2) miniature goats.
3. No more than nine (9) geese.

In addition, the variances are non-transferable and granted to Applicant only. The decision does not otherwise modify the approval granted in Case No. 2288.

8-21-07
Date


Jacob M. Yingling, Chairman