CARROLL COUNTY GOVERNMENT
225 N. Center Street
Westminster, Maryland 21157
410-386-2980
Toll-free 1-888-302-8978
Fax 410-386-2451
MD Relay Service 7-1-1 / 1-800-735-2258

Jay C. Voight
Zoning Administrator
Office of Zoning Administration

Official Decision
Case ZA-1265
Zoning Administration
Carroll County, Maryland

APPLICANT:	**Roy J. Gregory**
REQUEST:	**Reduction of a side yard setback of 100 feet to 31 feet for a farm storage building**
LOCATION:	**7005 Di-Mar Drive Mt. Airy, MD 21771**
MAP/BLOCK/PARCEL:	**71/19/261**
APPLICABLE REGULATIONS:	**Chapters 223-72 and 223-181**
HEARING HELD:	**February 2, 2011 and March 2, 2011**

FINDINGS AND CONCLUSIONS

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

Facts which support the request for relief from the strict terms of the Ordinance, in this case, a variance of a side yard setback of 100 feet to 31 feet for a farm storage building are as follows:

The applicant had built a barn for farm animals without a permit which was too close to the property line and the adjoining property curtilage area. The applicant initially asked for a variance to the setback for a barn for farm animals in accordance with Section 223-16. Upon visiting the site and taking into consideration the neighbors concerns about the barn being too close to their well and house, the initial decision was to deny the variance and have the applicant relocate the barn to an area that did meet the required setbacks for farm animals. Upon further research, it was found that the existing barn that houses the animals was built before 1963; therefore, the use of that building can continue as a non-conforming use.

However, the new barn is located in an area that is not approved for use by animals, but could be used with the appropriate variances as a storage building ONLY. During the second hearing, the barn was looked at as a storage building only without any animals being kept in the building. The neighbor had a request of the applicant, that he move the feeding area outside of the existing barn to the other side of the barn, to put distance between her well and a high concentration of animal activity. The applicant was willing to agree to this and it will be made a condition of approval. The new barn storage building is approved in its location with a setback reduction to 31 feet from the property line.

However, the new storage barn will be allowed to be used for storage of farm equipment, personal equipment of the applicant, straw, hay and feed. NO farm animals of any kind will be allowed in the new farm storage building. It is for storage only. Any violation of animals in the farm storage building will be cause for revoking approval of the storage barn location.

This approval is valid for one year from the date of this decision or until a building permit is issued.

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 223-188 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.

March 11 2011
Date

Jay C Voight
Jay C Voight
Zoning Administrator