Tax Map/Block/Parcel
No. 29-14-364

Building Permit/Zoning
Certificate 94-2322

Case ZA-132

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

**APPLICANT:** David L. & Colleen F. Corum
3299 Old Taneytown Road
Taneytown, MD 21787

**REQUEST:** A variance reducing the minimum setback requirement from 100 feet to about 50 feet for a private stable located within 175 feet of the dwelling on an adjoining lot.

**LOCATION:** 3299 Old Taneytown Road, in E.D. 2, Lot 7 in Sec. 2 of Joel C. Greer's property; a subdivision recorded at 26/93

**APPLICABLE REGULATIONS:** Art. 5, Sec. 5.3(b), Art. 6, Sec. 6.4(b); Art 15, Sec. 15.5

**HEARING HELD:** August 3, 1994

## BACKGROUND

The stable which is the subject of this request was erected prior to application for a building permit. (By the applicants' testimony the building was started over the July 4th holiday weekend. The Building Permit/Zoning Certificate application was filed on Tuesday, July 5, 1994.)

Upon review of the application, it was discovered that the building location complies with neither the minimum yard requirement nor the distance requirement specified in Section 4.12 for an Agricultural Barn.

If use of the structure is limited to a "Private Stable" as defined in Article 20 (for no more than two horses or ponies) the setback and distance requirements vary depending on the relative location of dwellings on adjoining properties. In this case, dwellings on several adjoining lots are within 200 feet of the boundaries of the subject property. As a result, the minimum setback from the property line is 100 feet, provided the stable is at least 200 feet from the dwelling on the adjoining property.

In its present location, within 45 feet of the common property line with lot 8 and approximately 130 feet from the dwelling on lot 8, the stable does not comply with zoning requirements for a Private Stable. Hence the variance request. (It should be noted that in preparation of the notice for the variance hearing, the dimension between the stable and the dwelling on lot 8 was misinterpreted from the drawing. The notice referred to a location within 175 feet of the dwelling on the adjoining lot; whereas, the location is actually within 130 feet of the dwelling.)

The applicant testified that the area along the northwest side of his lot tends to be wet and holds standing water after a rainfall, making it unsuitable for placement of a stable. He presented written statements from several adjoining property owners and users of the adjoining property which support his testimony.

The applicant also testified that the center portion of his lot is affected by a swale which carries stormwater drainage from some of the properties located to the southwest across his property.

The owners and occupants of lot 8, Mr. and Mrs. Ernest Trimper, appeared in protest, stating their concerns as follows: proximity of the stable to their well, a possible negative effect on their property values, and the effects of manure accumulation near the stable (namely flies and odor).

## FINDINGS

In response to the concern expressed by the owners of lot 8 regarding the proximity of the stable to their well, the Carroll County Health Department has been consulted. The minimum separation between a well and a barn or stable is 100 feet. The distance between this stable and Trimpers' well was measured in the field by County staff to be 122 feet. Therefore the stable complies in that respect.

As a result of the neighbors' concerns the decision was postponed and a second site visit was conducted on August 8, 1994. The purpose of this site visit was to evaluate the practical difficult(ies) presented by the applicant in support of the variance request and to re-measure the actual location of the stable. The field measurements taken on August 8, 1994 confirm that the stable is located within 130 feet of the residence on lot 8 and within 45 feet of the common property line with lot 8.

Technically speaking, a Private Stable could be located on the subject property in compliance with the applicable regulations by placing it at least 100 feet from every boundary. Practically speaking, placement of a stable at the resultant location would severely limit its usefulness because of the drainage swale described above. Relocation of the stable to the northwest portion of the lot would likewise prove impractical and unwise because of the wet weather characteristics of the land.

## CONCLUSIONS

setback

Acknowledging that the neighbors' concerns regarding the close proximity of the present stable location to their dwelling are legitimate, **the requested variance to allow the stable to remain within 45 feet of the property line is denied.**

distance

However, in consideration of conditions and characteristics of this particular property, some relief from the requirements is warranted. **A variance from the minimum distance requirement of 200 feet from the dwelling on lot 8 to not less than 185 feet is granted.** Relocation of the stable accordingly will require that it be moved at least 55 feet forward on the lot and will result in a location approximately 100 feet from the common property line with lot 8.

Approval of this variance is subject to the following conditions:

1) A 100 foot setback requirement must be maintained from all other lots.

2) Applicant is directed to secure County approval through the Bureau of Permits and Inspections for the revised location prior to construction.

DATE: 8-12-94

Solveig L. Smith

Solveig L. Smith, Zoning Administrator

CC: Zoning Enforcement

Code: Case 132.DEC