Tax Map/Block/Parcel
No. 12 18 211

Building Permit/Zoning
Certificate BP-01-0219

Case ZA-546

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Jeffrey Lee Czajkowski 191 Kirkhoff Road Westminster, Maryland 21158
REQUEST:	A variance to allow three (3) pygmy goats on property
LOCATION:	191 Kirkhoff Road Westminster, Maryland 21157
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Chapters 223-75 and 223-181
HEARING HELD:	March 7, 2001

FINDINGS & CONCLUSIONS

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

The applicant had requested a variance to allow three pygmy goats on his 1± acre property, which is located in an Agricultural zone. The applicant now requests that his application be amended from three pygmy goats down to two pygmy goats. Goats have existed on this property for ten years, with seven goats being the maximum number on the property at one time. Currently there is one neutered male and one female goat on the property. The goats are located in the rear section, at the bottom of a hill on their property. The goats have a 20 x 20 pen and an 8 x 6 area covered area in which they are housed. A wire and an electrical fence have been installed to keep the animals inside their designated area. The applicant raised these animals as pets only. This assertion was undisputed during the hearing. When the last goat dies the applicant has no intention of obtaining additional goats.

Anthony Dubas testified in support of the variance request. He indicated that he has never been inconvenienced or suffered nuisance resulting from the keeping of goats. In addition, the applicant contacted adjoining property owners and there were no objections.

Brooks Leahy, Esquire, represented Ms. Brower who opposes the applicant's request due to the fact that the acreage is less than three acres, as well as the location of the animal pen in proximity to the property line and neighboring residences. The applicant's property is 150 feet wide and the pen is approximately 90 feet from the back of the

property line, which is parallel with Ms. Brower's property. Under the zoning ordinance a livestock pen needs to be 200 feet from the property line. Ms. Brower also opposes this request due to the odor that is emitted from the animals and destruction of property, since the animals ate shrubbery when they got out of their pen in December, 2000. The December, 2000, property damage was the only property damage ever incurred by Ms. Brower during the entire time the goats were kept by the applicant.

Since the ordinance is being interpreted as being intended for livestock operations, as opposed to non-livestock operations, the raising of animals in this request is considered pets as opposed to commercial livestock.

This approval is valid for one year from the date of this decision.

NOTE:

Appeals of decision made pursuant to Chapter 223-183 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrators decision in accordance with Chapter 223-188 of the Code of Public Local Laws & Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-183 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

3/15/01
DATE

Robert A Bair
ROBERT A. BAIR
ZONING ADMINISTRATOR

cc: Zoning Enforcement