Tax Map/Block/Parcel
No. 52 12 639

Building Permit/Zoning
Certificate BP-02-2326

Case ZA-662

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Noel and Sandra Wheeler 4928 Montgomery Road Ellicott City, Maryland 21043
REQUEST:	A variance from the required minimum setback of 200 Ft. to 100 Ft. for the construction of an agricultural building for horses.
LOCATION:	Parcel 639 Bollinger Road Finksburg, MD 21048
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Chapters 223-16 and 223-181
HEARING HELD:	July 2, 2002

FINDINGS & CONCLUSIONS

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

Facts, which support the request for relief from the strict terms of the Ordinance, in this case, a reduction of the minimum required setback of 200 feet to 100 feet for the construction of an agricultural building for horses, are as follows:

The Applicant is proposing to construct a 36 Ft. x 48 Ft. pole structure to house five horses on 12.528 acres with is zoned agricultural. The property was purchased for the intended use of a small horse farm. The proposed building will be located on a section of the property that requires a variance from the required 200 Ft. setback. When the property was surveyed for the proposed location of the building, it was discovered that RTF made a mistake. The proposed building will not disturb the wooded area on the property. The location of the building was selected due to the topography of the land, location of the septic area, and the optimal drainage area. Relocation of the building would create a hardship and practical difficulty for the Applicants since it would be difficult to obtain water and electricity into the building on any other location of the property. The Applicants will provide riding lessons to family members at this time. It is to be noted that a riding academy and boarding stables are permitted uses in an Agricultural Zoned District.

Neighbors were present at the hearing opposing the Applicant's request due to an increase in nuisance pests and insects created with such a use and by granting a reduction in the setback distance to 100 Ft. Other concerns of the neighbors included the possible expansion plans of the stable as a commercial enterprise that would place added pressure on the

water table, increased traffic, noise and wear-and-tear on the access lane. There was also a concern with the Applicants providing future night lessons, which would diminish the residential quality of living for neighboring properties due to bright lights and increased noise levels. The neighbors feel they should not have to suffer for a mistake made by RTF.

The request for a reduction from the distance requirement of 200 feet to 100 feet for the construction of a horse barn is denied. Although I believe that Mr. and Mrs. Wheeler may have been the innocent victims of some wrong information from their surveyor, there is adequate acreage to construct the barn and be in compliance with the zoning ordinance without granting the variance.

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.

July 16, 2002
DATE

Ralph E. Green
RALPH E. GREEN
ACTING ZONING ADMINISTRATOR

cc: Zoning Enforcement