CARROLL COUNTY GOVERNMENT
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Office of Zoning Administration
Neil M. Ridgely
Zoning Administrator

Notice of Decision

Case # ZA-959
Permit # 05-3331

Variance Request: For a variance from the required minimum setback of 200 feet to 25 feet as stated in the application or in the alternative a reduction from the required minimum setback stated in § 223-35A of the Carroll County Code of Public Local Laws and Ordinances from 100 feet to 25 feet for a two stall private stable at 3535 Hoffman Mill Road, Hampstead, MD in Election District 08 by Mandi and Chuck Cregger. The Creggers were represented at the hearing by attorney Brad Webb.

Basis for Variance: § 223-75, 223-72 H, 223-35 A, 223-16 and § 223-181 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Approved.

Basis for Decision:
It is the opinion of the Zoning Administrator that approval of the variance request will not:

- Adversely affect the public health, safety, security, morals, or general welfare.
- Result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood.

In making this determination, the Zoning Administrator cannot answer in the affirmative to the criteria provided in Section 223-191 of the Carroll County Code that:

- There would be a detrimental effect on the people working or residing in the area
- There would a negative impact on the orderly growth of the community
- There would be a detrimental effect on the peaceful enjoyment of people in their homes.
- That the use would have a negative effect on the conservation of property values.
- That there would be any effect from odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon surrounding property values.

Attorney Brad Webb provided an outline of how the Carroll County Code provides for setback requirements for private stables in the Agricultural Zone. The Creggers have provided a pasture and run-in shed on their property for two horses but have been keeping straw and supplies in their garage. A barn is needed for the horses for the winter months and feed storage. The Creggers testified that they are constrained in locating the stable by the topography of the lot and an underground geothermal HVAC system. Additionally they want to locate the barn near their home and as far away from neighboring residences as possible. Neighbors Anthony Nolan and Linda Lawrence-Nolan provided a letter supporting the variance. It is their residence that is closest to the proposed barn location. Another neighbor, Mr. Steve Smith testified in favor of the variance, remarking the condition of the pasture was an improvement over the previously unmowed fallow field. Another adjoining neighbor, Ms. Tina Lowder, testified in opposition to the variance, stating that the barn may attract vermin and that the pasture condition is unsightly. Ms. Lowder submitted seven photographs of the Cregger property.
While Ms. Lowder's concerns are not taken lightly, they cannot be considered reason to deny this variance. Whether a stable is constructed there or not, the horses are allowed on the property. A barn will provide much more humane shelter of the horses in winter months than the existing

run-in shed. Although much of Carroll County has changed to residential use in recent years, § 223-67 of the County Code specifies the agriculture, including the raising oflivestock is the preferred dominant use of the land in the Agricultural Zone. In this instance, the County Code does limit the number of horses allowed with a "private stable" in the Ag zone. Additionally, Carroll County has adopted Chapter 173 of the County Code, the "Right to Farm" ordinance which provides additional protections for traditional agricultural practices.The property meets the criteria for uniqueness and there is a practical hardship encountered if the variance were not granted.

8 November 2005

Neil M. Ridgely
Zoning Administrator

Per Section 223-182 or the Carroll County Code of Public Local Laws and Ordinances, appeals of this decision must be made within 30 days of the date of the decision to the Board of Zoning Appeals pursuant to Section 223-188 of the Carroll County Code. Unless timely appealed, parties may not thereafter contest the Zoning Administrator's decision.