

**Tax Map/Block/Parcel
No. 72-12-515**

**Building Permit/Zoning
Certificate No. 02-4390**

Case 4777

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPELLANT: Melvin T. and Carol Ann Laney
6927 White Rock Road
Sykesville, Maryland 21784

ATTORNEY: J. Brooks Leahy & John Maguire (with Gregory Dorsey)

REQUEST: An appeal of the Zoning Administrator's declaratory ruling that 15 alpacas are permitted under the maximum animal limit in the private stable definition of § 223-2, and a variance from 223-2, 223-35B, and 223-181.

LOCATION: The site is located at 6295 Wild Lake Drive, Sykesville, MD 21784, on property zoned "C" Conservation District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-188 B

HEARING HELD: March 26, 2003

FINDINGS AND CONCLUSION

On March 26, 2003, the Board of Zoning Appeals (the Board) convened to hear the appeal of Melvin T. and Carol Ann Laney (Appellants) of the Zoning Administrator's declaratory ruling that 15 alpacas are permitted under the maximum animal limit in the private stable definition of § 223-2, and a variance from 223-2, 223-35B, and 223-181.

Procedurally, this case originated with a request by Mr. & Mrs. Lewis for a variance from the maximum limit of two "horses, ponies, cattle or equivalent numbers of sheep, goats or other ruminants" to be considered a private stable under Section 223-2 of the Zoning Code to allow them to keep up to 15 alpacas. The Zoning Administrator granted the variance in a decision issued December 10, 2002. Later, the decision was "corrected" and characterized as a declaratory ruling issued February 19, 2003, in which the Zoning Administrator concluded that up to 5 alpacas were the equivalent of two horses, ponies or cattle and constituted a private stable. For purposes of this hearing, the Board considers the within action an appeal from an order, request determination or decision of an administrative official under Section 223-188 of the Zoning Code, namely the declaratory ruling.

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Based on the testimony presented, the Board makes the following findings and conclusions. An alpaca is a ruminant and a species of camelid with a fine woolly fleece. They are herd animals weighting up to 190 pounds. They make very little noise. According to the Maryland Department of Agriculture, 18 alpacas would only generate as much waste as two horses. They are fairly docile and are frequently raised as pets. Mrs. Lewis testified that income generated by fleece sales has been negligible. Odors are managed by proper waste disposal. The Board did not detect odors on our visit to the site.

The Board concurs with the conclusion of the Maryland Department of Agriculture regarding the equivalency between 18 alpacas and two horses. In addition, the Board finds that Mr. & Mrs. Lewis are not operating a commercial stable, but are keeping pets. So long as the property is cleared regularly, and the alpacas are not commercially bred and sold, the private stable designation for up to 15 alpacas is appropriate.

Finally, there was some confusion regarding the necessity of a setback variance in this case. The Board finds that all setback requirements in 223-35 (B) of the Code have been met, as no variance is required.

4/17/03

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman