

**Tax Map/Block/Parcel  
No. 74-4-370**

**Building Permit/Zoning  
Certificate No. 99-3344**

**Case 4478**

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

**APPELLANTS:** Bethanne and Mark Smith  
5974 Mineral Hill Road  
Eldersburg, MD 21784

**ATTORNEY:** Jeff Griffith, Esquire  
147 East Main Street  
Westminster, MD 21157

**REQUEST:** An appeal of the Zoning Administrator's decision denying a variance from lot size and distance setback requirements for a private stable.

**LOCATION:** Located at 5974 Mineral Hill Road, Eldersburg, MD 21784 on property zoned "C" Conservation District, in Election District 5

**BASIS:** Basis: Article 5, Section 3(b); Zoning Ordinance 1E

**HEARING HELD:** March 29, 2000

**FINDINGS AND CONCLUSION**

On March 29, 2000, the Board of Zoning Appeals (the Board) convened to hear the appeal of Bethanne and Mark Smith, (the Appellants), from the Zoning Administrator's decision denying a variance from lot size and distance setback requirements for a private stable. The site is located at 5974 Mineral Hill Road, Eldersburg, Maryland 21784 on property zoned "C" Conservation District in Election District 5. The Appellants were represented by Jeff Griffith, Esquire and Protestants (Virginia Farver and Richard Krider, 6000 Oakland Mills Road, Sykesville, MD 21784), were represented by Charles Preston, Esquire. The Board makes the following findings of facts.

The Appellants purchased the property in September 1996. Prior to the purchase, the Appellants were advised by their Realtor that horses were permitted on the property. The prior owners boarded horses on the property, and the Appellants noticed several indications of the prior boarding of horses (i.e., a fenced area and bite marks on the existing shed). There are nine properties within a one mile area of the property with horses.

The Appellant's lot, which consists of 2.5 acres in the Conservation zone, does not meet the requisite 3 acres needed for a private stable. The Appellants have leased an additional 3 acres of adjoining property owned by the County. In addition, the proposed location of the housing for the horse does not meet the minimum required setbacks for a private stable set forth in Article 5, Section 5.3(b). The central complaint of the Protestants is that the stable will attract flies and result in offensive odors which will hinder the peaceful enjoyment of their property.

The Zoning Ordinance at Section 15.5(d) provides that the Board may grant a variance only in cases where strict compliance with the terms of the Ordinance would result in practical difficulty or unreasonable hardship which was not caused by the appellant or the appellant's predecessor in title. The Board may not grant a variance if to do so would violate the spirit and intent of the regulation, or cause or be likely to cause substantial injury to the public health, safety and general welfare. In considering variance requests, the Board should be guided by the requirements of Section 17.7 of the Ordinance (i.e., noise, dust and fumes; property values; traffic, etc.)

In the instant case, the Board is convinced that the heavy burden for supporting a variance request has been met. The Board finds that any reasonable buyer of the property would have been convinced that horses were permitted there. In addition, the Board notes that the Applicants have expanded their lot size by leasing an additional 3 acres of the adjoining property and the proposed stable, while not meeting setback requirements, will be located as far as is practicable from the Protestants' lot. The Board is also convinced that the Appellants' expertise in the care and boarding horses will minimize noise, smells, flies and dust, and the Appellants have indicated they will remove a dilapidated shed from the property and will cooperate with their neighbors by providing screening with landscape trees to provide privacy.

All of these factors, and the inequities which would result from a strict adherence to the terms of the Ordinance, justify the variances requested in this case. Accordingly, the following variances from the requirements of Article 5, Section 5.3, are granted:

1. Acreage Requirement Variance - A variance from 3 acres to 2.5 acres is granted.
2. Setback Requirement - A variance from the 50' setback for the placement of a building to 30' is granted.
3. Distance from Surrounding House Requirement - A variance from the 200' requirement to 142' is granted.

4/28/00  
Date

Karl V. Reichlin  
Karl V. Reichlin, Chairman