

Tax Map/Block/Parcel
No. 44-21-233
Case 5654

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPELLANT: Howard Martin
800 S. Springdale Road
New Windsor, Maryland 21776

ATTORNEY: N/A

REQUEST: An appeal of the Zoning Administrator's decision regarding the abatement of a zoning complaint concerning setback requirements.

LOCATION: The site is located at 790 S. Springdale Road, New Windsor, MD 21776, on property zoned "A" Agricultural District in Election District 11.

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

HEARING HELD: August 28, 2012

FINDINGS AND CONCLUSION

On August 28, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for an appeal of the Zoning Administrator's decision regarding the abatement of a zoning complaint concerning setback requirements. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

Howard Martin testified that he owned property next to 790 S. Springdale Road. He is appealing the decision of the Zoning Administrator that allowed his neighbors, Michael and Sherry P. Ducker, to have a chicken coop in their yard. It was his contention that a permit for the chicken coop was required. He further believed that the chicken coop was not built pursuant to zoning laws. His residence is approximately 300 feet from the chicken coop. He testified that the chickens have not been outside the chicken coop, and that the chickens have never been on his property. He further testified that the area of the Duckers' property was 1.01 acres. Based on the July 1, 2010 Declaratory Ruling on the Keeping of Domestic Animals as Pets [appellant's Exhibit 1], Mr. Martin believed that the chicken coop had to "meet setbacks of seventy-five (75) feet from all property lines."

Mr. Ducker testified in favor of the chicken coop. He also submitted several letters from neighbors who did not object to the chicken coop. He and his wife made phone calls to county

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officials to inquire about getting a chicken coop. The housing part of the chicken coop is 6 X 6 feet and the run part of the chicken coop is 8 X 6 feet. The total square footage is 84 square feet. On April 20, 2012 it was determined by the Bureau of Permits and Inspections that no building permit would be required for the chicken coop Mr. Ducker wanted to construct.

Jay Voight, Zoning Administrator, testified that the chicken coop was approximately 50 feet from Mr. Martin's property line. He abated a violation of the chicken coop. He believed that the chicken coop was far enough from Mr. Martin's property line and Mr. Martin's residence that there was a sufficient buffer between the two properties. Therefore, there was no zoning violation. He testified that the chicken coop did not require a building permit because it was movable and the floor area was less than 150 feet. The Carroll County Code Chapter 97 Article II states that a building permit is required unless the structure is "constructed on skids and movable...[and] provided the floor area is not greater than 150 square feet." Since the chicken coop did not require a building permit, it could be placed anywhere on the property. Based on the July 1, 2010 Declaratory Ruling, Mr. Voight decided that when the chicken coop was 50 feet away from Mr. Martin's property line that no zoning violation occurred. The Declaratory Ruling, which was in effect before its creation, allowed up to twelve chickens on lots of less than two acres. It also noted that chicken coops "would not be regulated as to location and would not require building permits." The chicken coop did not genuinely affect any other properties.

In considering the testimony and evidence comprising the record, the Board found that the placement of the chicken coop at its location was not a violation of the zoning laws and that the placement did not unduly affect residents of adjoining properties, the values of those properties, or public interests. The Board therefore approved the Zoning Administrator's decision in total.

August 30, 2012
Date


Richard J. Simmons, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.