

Case 5351

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

APPLICANT: Anita M. Moxley
3797 Roop Road
New Windsor, MD 21776

ATTORNEY: n/a

REQUEST: Variance from the required 200 ft. setback to 183 ft. and 36 ft. and a variance from the required 3 acre lot size to 1 acre for a proposed private stable.

LOCATION: The site is located at 3797 Roop Road, New Windsor, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Section 223-16, 223-75 and 223-181.

HEARING HELD: October 24, 2007

FINDINGS AND CONCLUSION

On October 24, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a variance from the required 200 ft. setback to 183 ft. and 36 ft. and a variance from the required 3 acre lot size to 1 acre for a proposed private stable. The Board made the following findings and conclusion:

The Applicant owns a 9 year old horse which has been stricken with blindness. Due to this condition, the horse cannot be boarded with other horses. An Animal Rescue Service would not accept the horse into their care.

The Applicant owns a nonconforming undersized lot in the Agricultural zone. She wishes to board the horse at her home until she moves to a larger property. The lot is uniquely shaped and can be described as trapezoidal. The rear portion of the lot is wooded. The property is served by a well and septic system, which limits the possible locations for the 12' x 12' portable stable building. There is nowhere on the lot where the stable could be located without the grant of the requested variances.

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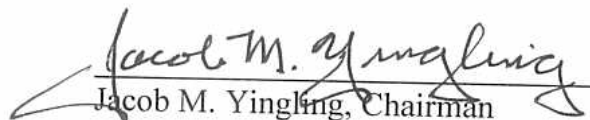
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Based on the above unique characteristics of the lot, the Board found that the failure to grant the requested variances would result in practical difficulty and unnecessary hardship to the Applicant. Accordingly, the variances were granted, with the following conditions:

1. The variance is non-transferable and for the benefit of the Applicant only.
2. The variance is granted to accommodate this horse only.

11/14/07
Date/


Jacob M. Yingling, Chairman