

**Tax Map/Block/Parcel
No. 40-23-402**

**Building Permit/Zoning
Certificate No. 02-2319**

Case 4733

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

APPLICANT: Shari L. & Antonios Tourlitis
335 Shamer Run Drive
Hampstead, Maryland 21074

ATTORNEY: N/A

REQUEST: An appeal of the Zoning Administrator's decision denying a variance from the minimum lot size to house animals and a variance request for reduction of the distance requirement for a horse barn.

LOCATION: The site is located at 335 Shamer Run Drive, Hampstead, MD 21074, on property zoned "C" Conservation District in Election District 8.

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

HEARING HELD: November 1, 2002

FINDINGS AND CONCLUSION

On November 1, 2002, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator's decision denying a variance from the minimum lot size to house animals and a variance request for reduction of the distance requirement for a horse barn. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant raises various animals on the property as a hobby, including pheasants, goats, chickens and horses. A fence encloses approximately two-thirds of the property, which is 4.174 acres. The property is located in a rural residential area, and there are neighbors, which abut the site. The Applicant is seeking a reduction from the minimum lot size of five acres for more than two large animals and six birds, and variances from the setback requirements for the barn.

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The Board finds that the Zoning Ordinance provisions regarding the keeping of animals on an agricultural lot are rather unclear. In this case, the Board finds that the number of animals proposed is not inconsistent with the rural nature of the area. However, the Applicants should use common sense in limiting the number of animals and respect the rights of their neighbors in the process. With that in mind, the variance from the lot size for more than two large animals and six birds is granted.

The Board finds further that there is no necessity for the location of a horse barn to be less than 200 feet from the adjoining property owners. The lot is large enough to relocate the barn to a spot, which does not violate the setback requirements. Accordingly, the request for a variance from the 200- foot distance requirements for the horse barn is denied.

11/27/02
Date

Karl V. Reichlin
Karl V. Reichlin, Chairman