



**MCPB**  
**Item No.**  
**Date: 03-05-2015**

**Daniel and Kathleen Albert S-2880**

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**Completed: 02-20-2015**

**Description**

**Special Exception S-2880: Daniel and Kathleen Albert**

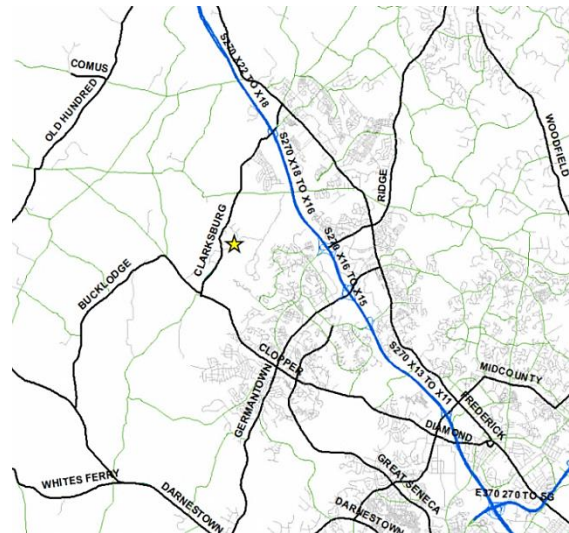
Request for a special exception to allow an equestrian facility in a residential zone to board horses for personal use. 14400 Chrisman Hill Drive, Boyds, at the southern terminus of the Chrisman Hill Drive, approximately 2,500 feet south of its intersection with Clarksburg Road (MD 121), lot 22, Block A, Black hill Estates, 2.76 acres, R-200 Zone, Clarksburg Master Plan

**Staff Recommendation: Approval with conditions**

**Application Filed:** October 10, 2014

**Public Hearing:** March 16, 2015

**Applicants:** Daniel and Kathleen Albert



**Summary**

- The Application proposes a special exception to allow an equestrian facility in a residential zone to board no more than two horses for personal use. The Property contains an existing barn and paddock. No expansion or addition to the existing barn is proposed.
- The Property is located in a subdivision designed as an equestrian community. Several homes within the community have horses and the neighborhood consists of equestrian trails connected to Black Hills Regional Park.
- With the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of an “equestrian facility in a residential zone” Special Exception (Section 59-G-2.49) of Montgomery County Zoning Ordinance that was effective on October 29, 2014) and the Development Standards under the R-200 Zone.
- The subject use is consistent with the recommendations of the Clarksburg Master Plan and is compatible with the residential character of the surrounding area. A corrective map amendment will be introduced at the end of February, 2015 to address a map error of the zone classification from the existing R-200 to RE-1 that was intended at the time of the adoption of the Master Plan. The proposed Map amendment covers the properties in Black Hills Estates and the surrounding area currently zoned R-200.
- There are no notable traffic, circulation, noise or environmental issues associated with the Application, provided that the recommended conditions are satisfied.

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**I. RECOMMENDATION**

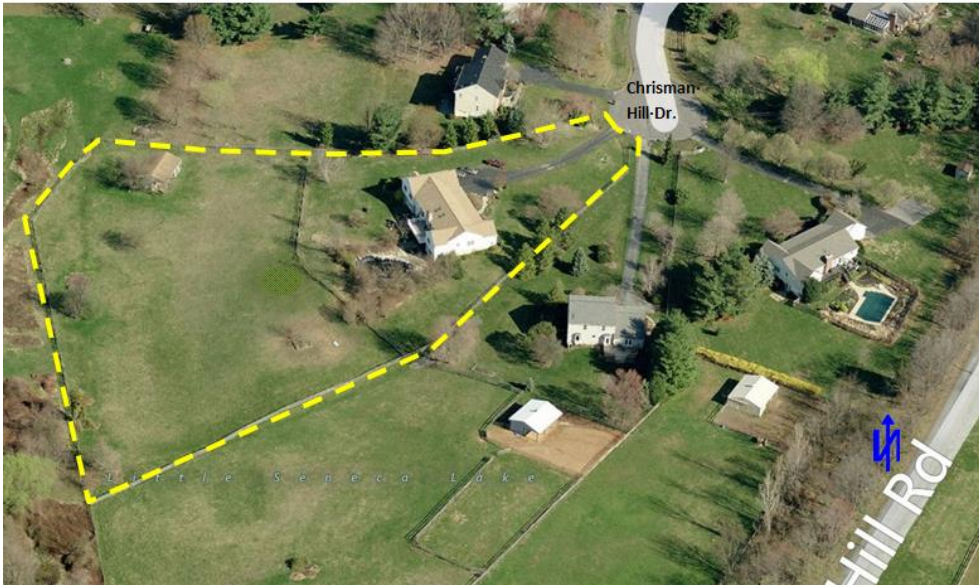
**Staff recommends APPROVAL of Special Exception S-2880 with the following conditions:**

1. No more than two horses may be kept on the property;
2. All horses on site must belong to the owners of the Property;
3. The Applicants must not rent any of the horses in the equestrian facility;
4. No equestrian events will be held on the subject property.

## II. STATEMENT OF THE CASE

The Special Exception Applicants, Daniel and Kathleen Albert (“Applicants”, The Applicants) request a special exception to allow an equestrian facility in a residential zone to board horses for personal use. The Applicants propose an equestrian facility to keep no more than two horses in an existing 180 square -foot barn on their property (the Property, Subject Property). The barn has two stalls and is located to the rear of the property, approximately 30 feet from the closest property (north) and approximately 60 feet from the adjoining property to the west (rear) and more than 100 feet away from any residential house on adjoining properties.

### *The Subject Property*



## III. APPLICATION

### A. The Subject Property

The Subject Property is located at the southern terminus of Chrisman Hill Drive approximately 2,500 feet south of its intersection with Clarksburg Road (MD 121) at 14400 Chrisman Hill Drive in Boyds, Maryland. The Property is identified as Lot 22, Block A, Black Hills Estates Subdivision. The Property is irregularly shaped and consists of 2.76 acres (120,650 square feet) of land. The topography slopes to the west, towards a small stream located on the adjoining property along the property line. It is improved with a one-story 4,116 square-foot, single-family home with a basement. The front yard is lightly landscaped with grass, shrubs and a few ornamental and shade trees. The rest of the Property is covered with grass.

The Property is accessed from a cul-de-sac at the southern terminus of Chrisman Hill Drive through a paved driveway. The driveway runs from the cul-de-sac approximately 135 feet to the attached two-car garage on the north side of the house. The apron in front of the garage

had been widened to accommodate two vehicles. The house contains an accessory apartment that was approved by special exception in 2003. There are six on-site parking spaces on The Property, two garage spaces and the remaining located on the driveway. The existing barn contains two stalls. A portion of the rear yard is fenced, creating one large paddock with split-rail fencing. The fencing separates the paddock from the residence on the Property and the adjoining properties to the north, south, and west. Manure is composted in the central portion of the Property within the fenced area approximately 135 feet from the dwelling on the property and well over 100 feet from any house on the adjoining properties.

**Frontage on Chrisman Hill Drive**



**B. Neighborhood and Its Character**

**Neighborhood Boundaries**



The Property is bounded to the north, west and south by single-family dwellings on large lots in the R-200 Zone. Two of the lots to the immediate east of the subject Property have horses and private riding stables approved by special exceptions.

The neighborhood is characterized by single-family residential homes in the R-200 Zone, with most of the properties consisting of lots with sizes much larger than the typical (20,000 SF) R-200 Zone property. The Black Hills estates subdivision consists of 50 homes and was

designed as an equestrian community, with equestrian trails crisscrossing the community and connecting to Black Hill Regional Park. The Property is within 300 feet of the eastern edge of Black Hill Regional Park. The Up-County headquarters of the Park Police is located within the Black Hill Park approximately 900 feet east of the subject property and maintains horses in a pasture within 450 feet of the subject property.

### **C. Planning and Zoning History**

The 1968 Clarksburg and Vicinity Master Plan placed the Property in the RR (renamed R-200 in 1973) Zone. The 1994 Clarksburg Master Plan recommended the Property for RE-1 zoning. However, due to a drafting error the change was not reflected in the Sectional Map Amendment (G-800). A corrective map amendment to place the property in the RE-1 Zone is in preparation and will be reviewed by the Planning Board this month.

## **IV. ANALYSIS AND FINDINGS**

### **A. Consistency with the Master Plan**

The proposed riding stable is consistent with *the 1994 Clarksburg Master Plan*. The Subject Property is located within the Cabin Branch neighborhood of the Clarksburg Master Plan. The Master Plan states the following as one of its objectives for properties within the Cabin Branch neighborhood.

“South of West Baltimore Road, the key planning objective along MD 121 is to maintain the present rural character so a strong transition is provided between the Cabin Branch and Ten Mile Creek East Neighborhoods and the rural community of Boyds. For this reason, a low density residential land use pattern (one dwelling unit per one acre) is recommended.”(Page 69).

The Master Plan recommended that the Black Hills Estates Subdivision, along with other properties northwest of the subdivision, to be reclassified from the R-200 zone to the RE-1 Zone in order to maintain a low density–residential land use pattern. As noted, due to a drafting and mapping error, the intended RE-1 zone, as recommended on the adopted Master plan, was not reflected on the SMA sheet Map 229NW14. The proposed use would not contradict the Master Plan’s recommendation. The Master Plan makes no recommendations concerning special exceptions.

### **B. Environment**

There are no environmental issues or concerns associated with the subject proposal. The Property is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code. The Application does not propose any clearing or grading activities on or near the special exception site.

## V. SPECIAL EXCEPTION FINDINGS

### A. Standard for Evaluation (59-G-1.2.1)

**Section 59-G-1.2.1 of the Zoning Ordinance specifies that a special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.**

Staff finds that the size, scale and scope of the proposed equestrian facility will not adversely affect the residential character of the equestrian community or result in any unacceptable noise, odor, traffic disruption, or environmental impact. There are no inherent or non-inherent adverse effects associated with this Application sufficient to warrant a denial of the subject special exception.

Seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. What must be determined is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. The inherent, generic physical and operational characteristics associated with an equestrian facility in a residential zone include: (1) a barn with low level lighting (2) a fenced paddock,(3) sight, odor, and sounds associated with horses, (4)a manure/compost area (5) a single family dwelling in which the owners of the horses live.

Many of the characteristics of the proposed Special Exception are inherent. The scale and design of the barn and the paddock are operational characteristics typically associated with an equestrian facility in a residential neighborhood and would not be unusual in any respect.

The number of horses would be limited to two, consistent with the zoning requirement of a maximum of two horses per two acres (The Property consists of 2.76 acres). The Subject Property is in an equestrian community with a network of equestrian trails connected to the Black Hills Regional Park. Two of the Applicants' neighbors to the east keep one to two horses on their properties. The proposed Application would blend with the prevailing character of the immediate neighborhood.

**B. General Development Standards (59-G-1.23)**

- a. Development Standards-59-G-1.23 (a): Special Exceptions are subject to the development standards of the applicable zone where the Special Exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.**

*The following table summarizes the relevant R-200 Zone development standards.*

<b>Current Development Standard: R-200</b>	<b>Standard</b>	<b>Proposed</b>
Minimum Lot Area	20,000 sf	120,650sf (2.76 ac±)
Minimum Lot width:		
• @ Front building line	100 ft	±150 ft
• @ Street line	25 ft	±60.0 ft
Minimum Building Setback:		
Front	40 ft	±134 ft
Side		
▪ One side	12 ft	±20 ft
▪ Sum of both sides	25 ft	±65 ft
▪ Rear	30 ft	±280ft
Minimum Setback- Accessory Building (barn)		
• From street line	65	±320 ft
• From Rear Lot line	7	±60 ft.
• From a side Lot line	12	±27 ft.
Maximum Building Height	50 ft	<50 (1story +basement)
Maximum Building Coverage Including accessory building	30%	±3 % (3775 sf)

- b. Parking Requirements—59-G-1.23 (b): Special exceptions are subject to all relevant requirements of Article 59-E.**

*There is no parking requirement for the subject use separate than the required parking for the residential use on the Property. There are six- onsite parking spaces to serve the main dwelling and the existing Accessory Apartment use on the Property.*

- c. Forest Conservation-59-G-23 (d): If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception Application and must not approve a special exception that conflicts with the preliminary forest conservation plan.**

*A Forest Conservation Plan is not required as part of the requested special exception because “the total disturbance area for the proposed special exception use will not exceed 10,000 square feet and clearing will not exceed a total of 5,000 square feet of forest or include any specimen or champion tree.” (See attached exemption approval letter). No external modification or expansion is proposed. No forest or individual trees will be disturbed.*



**d Signs—59-G-23 (f):** The display of a sign must comply with Article 59-F.

*Not applicable.*

**e. Building compatibility in residential zones —59-G-23(g):** Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its sitting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

*No change is proposed to the exterior of the existing dwelling or to the existing barn.*

**f. Lighting in residential zones—59-G-23(h):** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:

**(1) Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.**

**(2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.**

*Existing lighting on the Property is adequate and consistent with the residential character of the neighborhood and meets the objectives of the standard. The existing barn has one set of two switch activated 45-watt flood lights on the front (east) corner of the barn on the top of the wall under the roof edge. The lights are facing downwards and are not likely to intrude into the adjoining residential property. No new lighting will be added.*

### **C. General Conditions (59-G-1.21)**

**(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:**

**(1) Is a permissible special exception in the zone.**

*An equestrian facility is a permissible special exception in both the existing R-200 Zone and the intended RE-1 Zone.*

**(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.**

*As noted below (IV D), the proposal is in compliance with the specific special exception requirements of Section 59-G-2.49 for an equestrian facility in residential zone and it is compatible with existing residential uses in the surrounding area.*

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.**

*There are no major master plan concerns that are associated with this Application. The equestrian facility is consistent with the land use objectives of the 1994 Clarksburg Master Plan. The proposed project is compatible with the development pattern of the existing equestrian community and neighborhood, in terms of height, size, scale, traffic and visual impacts of structures and presence of horses on the Property.*

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.**

*The proposed use will be in harmony with the character of the residential neighborhood, which is designed to accommodate equestrian activities. The proposed use will be operated in such a manner that it will not interfere with the orderly use, development, and improvement of surrounding properties. The proposed use does not require additional construction or modification. The barn was constructed in 1992. An equestrian facility had existed on the Property in the past.*

*The proposed Special Exception will not result in any notable negative impact on the residential neighborhood, in terms of increased traffic and noise. The proposed use has little or no impact on traffic and parking. The design, scale and bulk of the existing barn and the intensity and character of activity associated with the proposed use are compatible with the surrounding low density residential neighborhood. The Applicants indicated that there are other homes (including two of the Applicants' neighbors to the east) with private riding stables and extensive equestrian trails in the area.*

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

*The low-intensity activities generated by the proposed use, the size and design of the existing barn is in harmony and compatible with the general character of the existing*

*equestrian community within which the subject property is located. There is no indication that the proposed use would be detrimental to the use, peaceful enjoyment, economic value or development of adjacent properties or the general neighborhood.*

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

*Due to its nature and with the recommended conditions, it is unlikely that the use would cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site.*

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.**

*The proposed use will not exacerbate the concentration of special exception uses in the area. The proposed use, although permitted by special exception, is an integral part of the neighborhood, which is identified as an "equestrian community". The Black Hills Estates Subdivision was designed for equestrian uses and consists of large-lot residential development with equestrian trails. Given the limited nature of the proposal and the prevailing character of the neighborhood, the proposed use would not increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area.*

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

*The proposed use will not adversely affect the health, safety, security, morals or welfare of residents, visitors or workers in the area.*

- 9) Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.**

**(A) If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.**

*The subject Special Exception is not subject to approval of a Preliminary Plan of Subdivision because no building permits are required for this Application or requested by the Applicants.*

**(B) If the Special Exception:**

- (i) does not require approval of a new Preliminary Plan of Subdivision; and**
- (ii) the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the Special Exception's impact; Then the Board of Appeals or the Hearing Examiner must determine the adequacy of public facilities when it considers the Special Exception Application. The Board of Appeals or the Hearing Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the Application was submitted.**

*As noted, the Special Exception does not require approval of a Preliminary Plan of Subdivision. The Application does not propose any new structures. Existing public facilities—public roads, storm drainage, fire, and police protection are adequate to serve the proposed use. The Application is exempt from the Local Area Transportation Review (LATR) because it generates less than 30 peak hour trips. As an Application in the Potomac Policy Area, it is not subject to Transportation Policy Area Mobility Review (TPAR) according to current Subdivision Staging Polices.*

**(C) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.**

*The proposed use will be adequately served by existing public roads. The Local Area Transportation Review (LATR) Guidelines require that a traffic study be performed if the use generates 30 or more peak hour trips. The proposed riding stable will not generate more than 30 peak hour trips; therefore, a traffic study is not needed to satisfy LATR requirements. Since there is no increase in the size of the building, TPAR does not apply and the proposed group will not have to pay the transit impact tax associated with the Clarksburg Policy Area. The proposed use is not likely to negatively impact the safety of vehicular or pedestrian traffic.*

- (b) Nothing in this Article relieves an Applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department, which approves or licenses the project.**

*The Applicants are aware of these requirements.*

- (c) **The Applicants for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.**

*The Applicants have met the burden of proof under the requirements of Section 59-G-2.49 (equestrian facility in a residential zone), Section 59-G-2.13.1 (General Development Standards) and Sections 59-G-1.21 (General Conditions) of the Zoning Ordinance.*

#### **D. Standards and Requirements (59-G-2)**

##### **Section 59-G-2.49: Equestrian Facility in a Residential Zone.**

**The following provisions apply to an equestrian facility in any residential zone where a special exception is required:**

- (a) **Minimum number of gross acres per horse:**

(1) **For 1-2 horses, 2 acres;**

(2) **For 3-10 horses, one acre per horse;**

(2)\* **For more than 10 horses, an additional one-half acre per horse.**

**\*Editor's note—Ord. No. 15-21, which added the text of paragraph (a), contained two subparagraphs numbered "(2)".**

**A 5-acre riding stable accommodating more than 10 horses for which a petition was filed with the board prior to March 25, 1986, is a conforming use and may be amended in accordance with the modification provisions of section 59-G-1.3(c).**

*The Subject Property consists of 2.76 acres of land. The Applicants will have no more than two horses on the Property.*

- (b) **Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.**

*The barn, paddock, and the manure compost area are located at distances well over 100 feet from houses on adjoining properties as well as the home on the Subject Property*

- (c) **In order to prevent adverse impact on adjoining uses, the board may limit or regulate:**

(1) **The number of horses that may be kept or boarded.**

*The Applicants will not board any horses that they do not own*

(2) **The number of horses that may be rented out for recreational riding or instruction.**

*The Applicants will not rent any of the horses in the equestrian facility.*

**(3) The number and type of equestrian events that may be held in a one-year period.**

*No equestrian events would be held on the subject property.*

**(4) The hours of operation of any equestrian activity or event.**

*See (3) above*

*The Applicants have indicated that the equestrian facility is for the personal and recreational use of them and their family only. Staff recommends that if the proposed use is to be approved, activities listed as items 1-3 above, should be restricted as conditions of approval of the Special Exception.*

**(d) Any equestrian facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan and any other document the Board requires, that The Property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of The Property.**

***Area Dedicated for the Proposed Use***



*As noted, the use is limited to a personal and recreational use of the Applicants who are residing on the Property. No more than 2 horses are kept on the Property. Approximately 2.0 acres of area—about 70 percent of the Property—is dedicated to the paddock. In a supplemental statement, the Applicants have indicated that the horses would be fed daily with hay available for winter nourishment supplemented with grain in accordance to the instruction of their veterinarian. The Applicants further stated that in the spring, summer*

*and fall, the horses can eat from the grass in the pasture, supplemented with hay, grain, grass, and vitamins in accordance with the instruction of the veterinarian. The Applicants also indicated that there will be interaction with the horses at least two times a day to ensure that their physical and psychological health is in good condition.*

*The Applicants have stated that the stalls and paddock would be cleaned up daily with the manure composted in the small area at the center of the property behind the main dwelling. The composted manure is used on flower and vegetable gardens of the Applicants and homes in the neighborhood.*

*The Applicants have agreed to abide by the recommended conditions as stated in Part V.D (c) above and Part I on page 3 of this report. Moreover, the Department of Permitting Services conducts periodic inspections to ensure the equestrian facility is maintained properly. Staff is of the opinion that given the above stated facts, a formal pasture maintenance plan and feeding plan would not be necessary in this particular case.*

- (e) All animal waste must be handled in accordance with state requirements for nutrient management.**

*The Applicants will comply with this requirement.*

- (f) Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The land owner must obtain all plans within one year after commencement of operations. Any equestrian facility existing before April 5, 2004 must comply with the requirements of this subsection no later than March 2, 2005.**

*Not Applicable.*

- (g) Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m. except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. The Board may require that a lighting plan be submitted to Planning Board staff for approval.**

*The existing barn has one set of two switch activated 45-watt flood lights on the front (east) corner of the barn on the top of the wall under the roof edge. The lights are facing downwards and do not produce glare onto the adjoining residential property.*

## **VI. COMMUNITY OUTREACH**

*At the time of this writing, no communication has been received from the community either in support or in opposition of the proposed Special Exception. As noted, the Black Hills Estates was designed as an equestrian community with large lots and equestrian trails.*

## **VII CONCLUSION**

*The proposed Special Exceptions satisfies all applicable requirements for approval of a special exception as specified in the Montgomery County Zoning Ordinance (prior to October 30, 2014). Moreover, the proposed development is consistent with the recommendations of the 1994 Clarksburg Master Plan notwithstanding the fact that a corrective map amendment is underway to address a map error of the zone classification—the use is permitted by special exception in both the recommended RE-1 zone and the current R-200 Zone. There is no unacceptable traffic, circulation, noise or environmental impacts associated with the Application provided that the recommended conditions are satisfied.*

### **ATTACHMENTS:**

- A. Plans and drawings
- B. Supplemental information

*Tesfaye/S2880/021915*



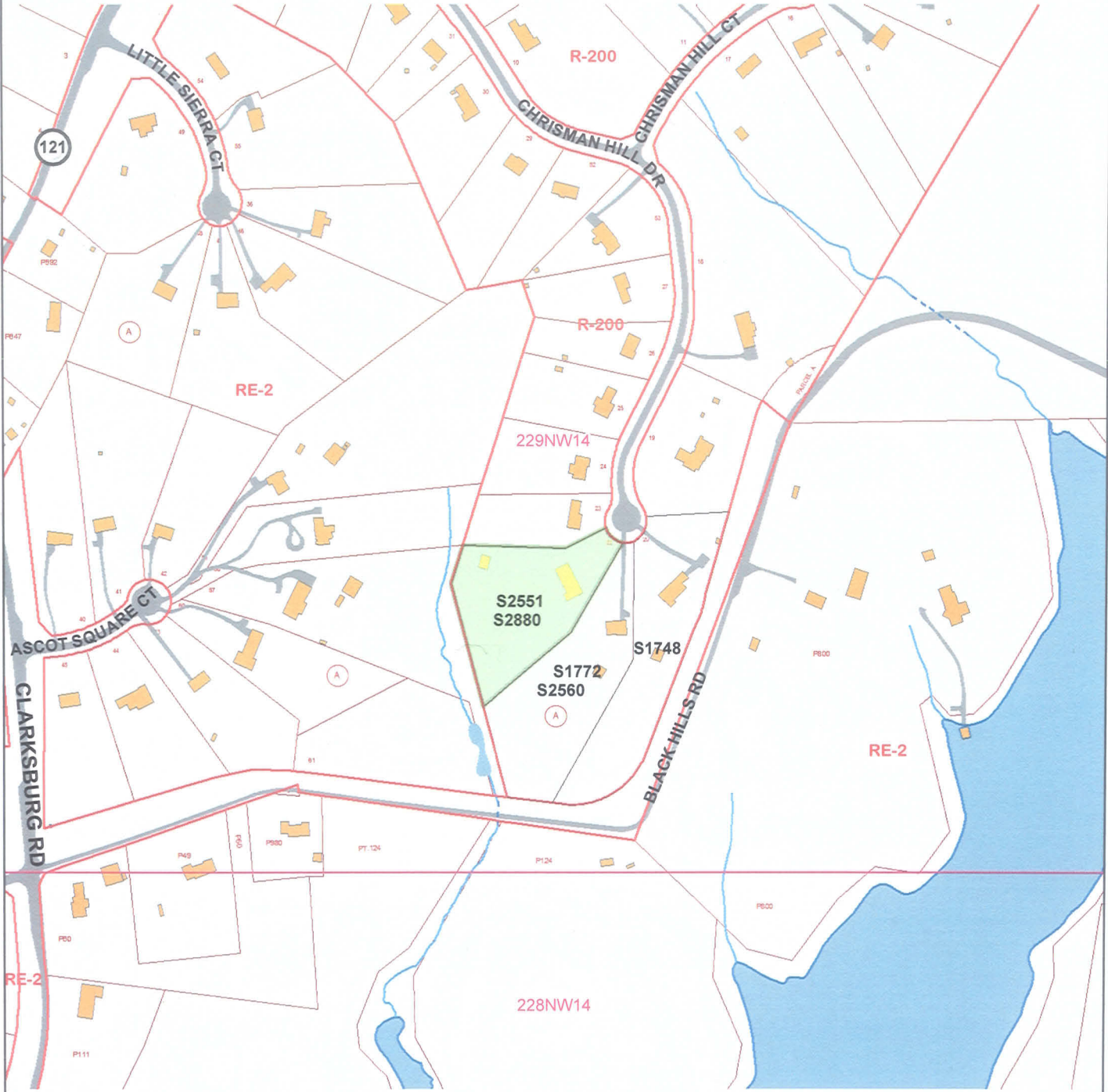
**PLANS AND DRAWINGS**

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**Attachment-A**



General Location Map



LEGEND

-  Subject Site
-  Paved Area
-  Parcel
-  Lake and Pond
-  Building
-  Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

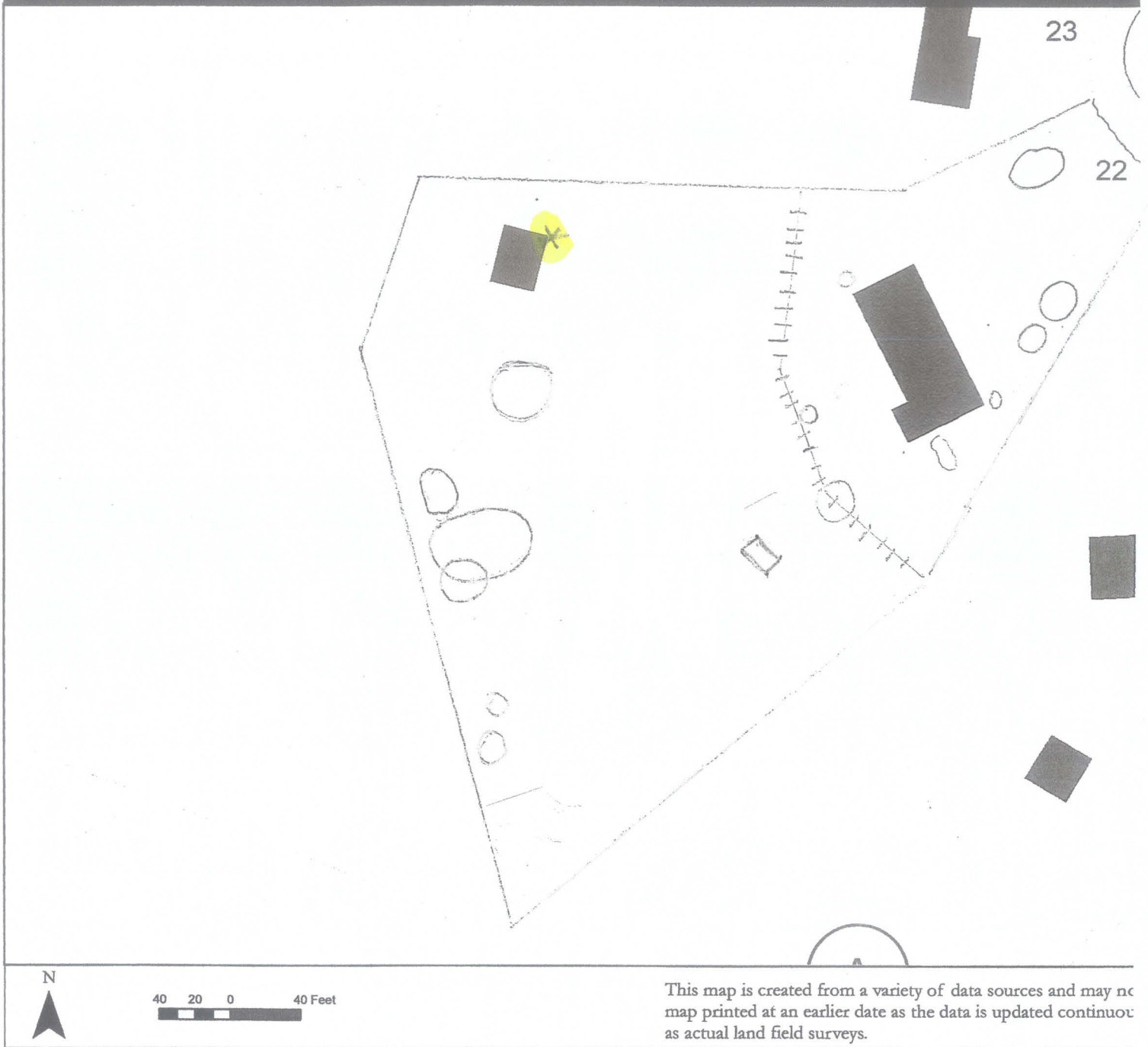
1 inch = 400 feet

Address: 14400 Chrisman Hill Drive, Boyds, MD 20841

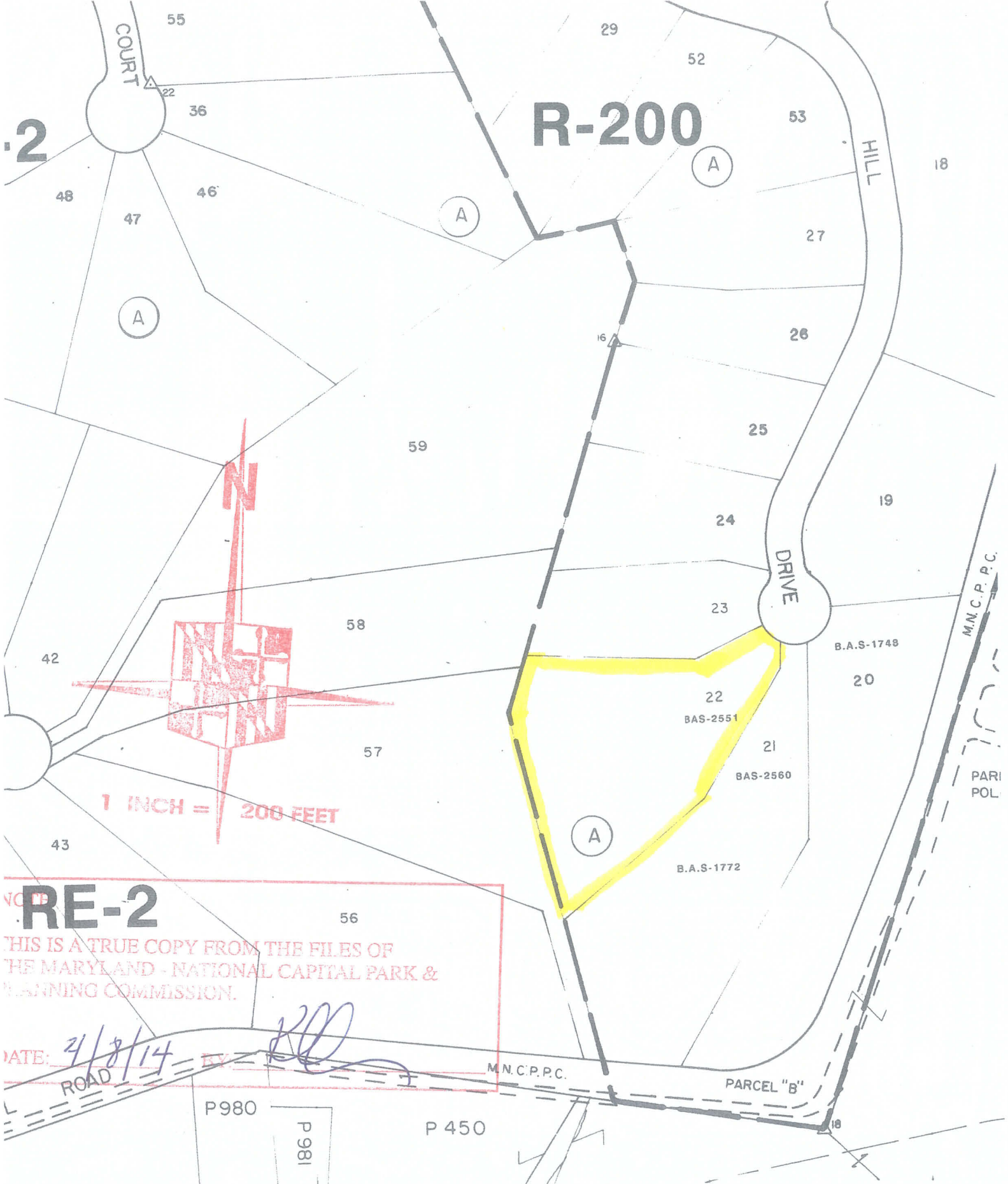
Key Map

NTS





- Existing trees and shrubs on property
- No additional lighting will be needed. -
- Fence
- ★ - light - 2-45 WATT spot lights
- - proposed manure pit location



6/1/94 P.R.

Zoning is not depicted within public rights-of-way for roads, streets, alleys, easements or transit routes, nor is zoning depicted within privately owned railroad rights-of-way. Such rights-of-way are zoned in accordance with the provisions of Section 59-A-1.7 of the zoning ordinance entitled Zoning and Development Within Rights-of-way.

< 34 FT >



2 45 watt  
Spot  
lights



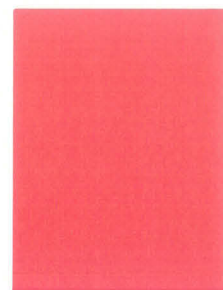
Spot  
light

< 22 FT >

# SUPPLEMENTAL INFORMATION

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**Attachment-B**



August 6, 2014

## **PETITION STATEMENT**

Owners:

Kathleen M Albert  
Daniel Albert Jr

Property Address:

14400 Chrisman Hill Drive  
Boyd's Maryland 20841

We are requesting a permit to board horses for our personal use. No commercial purposes are intended. Our neighborhood was developed as an equestrian friendly area with bridal paths and right of ways connected directly into the network of riding trails in Black Hills Park. The Black Hills Estates covenant addresses horses in paragraph 8, stating that "horses may be kept, provided that they are not kept, bred or maintained for any commercial purposes". Our lot size of 2.76 acres adjoins our neighbors who currently keep horses for their private use. Additional neighbors with horses are located through-out the neighborhood.

**From:** [KATIE14400@aol.com](mailto:KATIE14400@aol.com) [mailto:[KATIE14400@aol.com](mailto:KATIE14400@aol.com)]

**Sent:** Friday, February 06, 2015 10:37 AM

**To:** Tesfaye, Elsabett

**Cc:** [dan14400@aol.com](mailto:dan14400@aol.com)

**Subject:** Re: Equestrian facility--Kathleen and Dan Albert

Dear Elsabett,

1-There is only one set of two lights-not sure if they are flood or spot--both 45 watt--on the front corner of the barn on the top of the wall under the roof edge. THEY ARE FACING DOWNWARD and as the barn is a lower elevation than all of the surrounding homes, there is no chance that the lights would shine onto the neighbor's property or home. The light is a manual switch on/off and does not have a motion detection function.

2-Our house is on a hill, with a walk out in the back. So it is one story in front and two stories in the back. I am not sure what measure to use here.

3-We have only verbal support from the neighbors, as these homes were built with horses and the trails and park access in mind. HOWEVER if you have a form of a letter, perhaps one that has been used in the past, we would be interested in copying it and get the neighbor signatures.

Let us know what ever else you need,

Kathleen and Dan Albert



**From:** [katie14400@aol.com](mailto:katie14400@aol.com) [<mailto:katie14400@aol.com>]  
**Sent:** Tuesday, February 10, 2015 5:37 PM  
**To:** Tesfaye, Elsabett  
**Cc:** [dan14400@aol.com](mailto:dan14400@aol.com)  
**Subject:** Re: FW: Equestrian facility--Kathleen and Dan Albert

Dear Elsabett,

The horses would be fed daily with hay available for winter nourishment supplemented with grain in accordance to the instruction of our Vet. In the spring, summer and fall they can eat from the grass in the pasture, and supplemented with hay again per the instruction of the Vet. (Hay, grain, grass, vitamins).

The stalls and paddock would be picked up daily with the manure composted in the rectangle site shown on my hand drawing included in the application packet. The composted manure is used on flower and vegetable gardens in the neighborhood.

Sorry for the delay in getting this information to you.

Kathleen Albert



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 7, 2014

Ms. Kathleen Albert  
14400 Chrisman Hill Drive  
Boysds, MD 20841

Re: Forest Conservation Exemption Request  
Property Name: 14400 Chrisman Hill Dr.  
Plan Number: 42015066E

Dear Ms. Albert:

Based on the review by Development Applications & Regulatory Coordination staff of the Montgomery County Planning Department, the request for a Forest Conservation Exemption submitted on October 2, 2015 for the plan identified above, is confirmed.

The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(q) a special exception application if:

- (1) The application is for an existing structure and the proposed use will not result in clearing of existing forest or trees.
- (2) The application modifies an existing special exception use which was approved before July 1, 1991 and the revision will not result in the clearing of more than a total of 5000 additional square feet of forest or any specimen or champion tree; or
- (3) The total disturbance area for the proposed special exception use will not exceed 10,000 square feet and clearing will not exceed a total of 5000 square feet of forest or include any specimen or champion tree

Any unauthorized changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If you have any questions regarding these actions, please feel free to contact by email at [douglas.johnsen@montgomeryplanning.org](mailto:douglas.johnsen@montgomeryplanning.org) or at (301) 495-4712.

Sincerely,

A handwritten signature in blue ink that reads "Doug Johnson".

Doug Johnson, PLA  
Development Applications & Regulatory Coordination Division

Cc: 42015066E  
Josh Maisel, PLA (Benning & Associates)