

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

**CASE NO. S-2560**

**PETITION OF GREGORY AND SUSAN TASSEY**

OPINION OF THE BOARD

(Public Hearing Date: April 8, 2003)  
(Effective Date of Opinion: August 20, 2003)

Case No. S-2560 is an application for a special exception pursuant to Section 59-G-2.49 (Riding Stable) of the Zoning Ordinance to permit the operation of a private riding stable. The petitioner proposes to have a maximum of two horses for private use.

The subject property is Lot 21, Block A, Black Hills Estates Subdivision, located at 14401 Chrisman Hill Drive, Boyds, Maryland, 20841 in the R-200 Zone.

Pursuant to the provisions of Section 59-A-4.125 of the Zoning Ordinance, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct the public hearing. The Hearing Examiner held a hearing on April 8, 2003, and issued a Report and Recommendation for approval of the special exception on May 8, 2003.

Decision of the Board:                      Special Exception Granted subject  
to conditions enumerated below.

The Board has carefully considered the Hearing Examiner's Report and Recommendation. At its Worksession on June 4, 2003, the Board voted to adopt the Report and Recommendation, subject to the following conditions:

1.        Petitioner shall be bound by his testimony and exhibits of record, including but not limited to Exhibit No. 15, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.

2. There shall be no horse shows on site.
3. All horses on site must belong to the property owner.
4. No horses may be rented out for recreational riding or instruction.
5. A setback waiver is granted as follows: the fenced, two-acre paddock may sit directly on the east property line as shown on Exhibit 15.

On a motion by Angelo M. Caputo, seconded by Allison Ishihara Fultz, with Louise L. Mayer and Donald H. Spence, Jr., Chairman in agreement and Donna L. Barron necessarily absent:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County Maryland that the Report and Recommendation of the Hearing Examiner in Case No. S-2560, Petition of Gregory and Susan Tassej (OZAH Referral No. 03-55) be adopted as the Resolution required by law as its decision in the above-entitled case.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 20<sup>th</sup> day of August, 2003.

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Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of

the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.