

**Tax Map/Block/Parcel
No. 67-18-603**

Case 5465

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

APPLICANT: Ellen M. Colwell, D.V.M., LLC
20-C Liberty Road
Sykesville, Maryland 21784

ATTORNEY: David Bowersox

REQUEST: Variance from the minimum distance requirements for a veterinary hospital established as a permitted use from 400 ft. to 65 ft. (alternatively 30 ft.) or greater.

LOCATION: The site is located north of MD Rte. 850, Old Liberty Road, Sykesville, MD, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Section 223-16 and 223-70

HEARING HELD: February 26, 2009

FINDINGS AND CONCLUSION

On February 26, 2009, the Board of Zoning Appeals (the Board) convened to hear a variance request from the minimum distance requirements for a veterinary hospital from 400 ft. to 65 ft. (alternatively 30 ft.) or greater. Based on the testimony and evidence presented, the Board made the following findings and conclusion.

The subject property is 3.04 acres in the Agricultural zone. The land is unimproved and fronts Old Liberty Road. The property consists of 2 parcels. Adjacent to the property are high tension power lines and vacant property that was purchased by the State Highway Administration (SHA) for a possible future road project. The current configuration of the property is the result of the SHA acquisition of the adjacent piece.

OFFICIAL DECISION

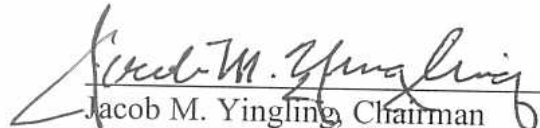
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The Applicant wishes to construct a 5,358 square foot 2-story veterinary clinic on the property. The building will be designed to have a residential appearance. The clinic will have approximately 9 employees. The property is partially screened by trees, which will be retained by the Applicant. There will be no outside kennels or any boarding or grooming of pets. The neighborhood is mixed use, with residential, commercial and agricultural uses.

Veterinary hospitals are principal permitted uses in Agricultural zone in accordance with Carroll County Public Local Laws and Ordinances, 223 § 70L. However, the Applicant needs a setback variance from 400 feet to 65 feet. The Board considered the following factors. First, the property is odd shaped and is unsuitable for agriculture. The configuration of the parcels is the result of prior SHA land acquisitions, and was not created by the Applicant or her predecessors in title. The lot has a sloping topography and a large septic disposal area. As a result, there is no place on the property where the building could be located absent a variance. A strict application of the setback required in this case would result in undue hardship and practical difficulty. Accordingly, the requested variance was granted.

3/18/09
Date


Jacob M. Yingling, Chairman