

**Tax Map/Block/Parcel
No. 37-2-346**

**Building Permit/Zoning
Certificate No. 01-2672**

Case 4625

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

APPLICANT: Tracey and David Kaul
1175 Baust Church Road
Union Bridge, Maryland 21791

ATTORNEY: N/A

REQUEST: A remand by Circuit Court to address variances associated with the conditional use request for a kennel (30 to 35 indoor runs) that was granted on September 25, 2001. Variances requested from the 400 ft. distance requirement to 86 ft. and 215 ft. side yard setbacks and 275 ft. rear yard setback for the proposed building which is to be 77 ft. x 26 ft.

LOCATION: The site is located at 1175 Baust Church Road, Union Bridge, MD 21791, on property zoned "A" Agricultural District in Election District 2.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 and 223-16

HEARING HELD: December 3, 2002

FINDINGS AND CONCLUSION

On November 27, 2002, the Board of Zoning Appeals (the Board) convened due to remand by the Circuit Court to address variances associated with the conditional use request for a kennel (30 to 35 indoor runs) that was granted on September 25, 2001. Variances were requested from the 400 ft. distance requirement to 86 ft. and 215 ft. side yard setbacks and 275 ft. rear yard setback for the proposed building which is to be 77 ft. x 26 ft. They were not sufficiently addressed in the prior decision (attached as Exhibit "A").

The subject property is "L" shaped and is a rolling rural hillside area. The front of the property is a flood plain and unable to be used for a building. The proposed kennel is to include a building, which would be constructed behind an existing building. Due to existing constraints, there is no location on the parcel where the kennel could be erected without impinging on the 400 Ft. setbacks.

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The Board finds that the standard for hardship has been met. The topography, flood plain issue and the fact that there is nowhere on the parcel to place the building without encroaching on the 400 Ft. setback, all establish the requisite hardship. Accordingly, the variance is granted.

12-23-02

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman