

Tax Map/Block/Parcel
No. 71-24-68

Case 5286

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Kenneth W. Bauer
6925 John Pickett Road
Woodbine, MD 21797

ATTORNEY: Clark R. Shaffer

REQUEST: Variance from the required 200 ft. to about 150 ft. to allow the housing of farm animals in an existing barn/pole building and confirmation, if necessary, of the non-conforming status of other existing farm buildings used for sheltering farm animals on the property.

LOCATION: The site is located at 6925 John Pickett Road, Woodbine, on property zoned "A" Agricultural District in Election District 13.

BASIS: Code of Public Local Laws and Ordinances, Section 223-9, 223-16, 223-70 (A) and 223-186 (A) (3)

HEARING HELD: January 25, 2007

FINDINGS AND CONCLUSION

On January 25, 2007, the Board of Zoning Appeals (the Board) convened to hear a variance from the required 200 ft. to about 150 ft. to allow the housing of farm animals in an existing barn/pole building and confirmation, if necessary, of the non-conforming status of other existing farm buildings used for sheltering farm animals on the property. The Board made the following findings and conclusion:

The Applicant purchased this 4.95 acre (+-) property in 2000. It is zoned "A" Agricultural and has been used as part of a larger farm since prior to the adoption of the zoning ordinance. The property includes a farmhouse and it is served by well and septic.

The Applicant raises pigs on the property. The pigs have been housed in several outbuildings and outdoor pens. The Applicant is seeking a variance from the Board to use a newer, pole type barn building to house the animals. There have been up to 150 pigs and/or piglets on the property at one time. An older barn building which has housed pigs is 40 feet from the property line of the nearest neighbor. The new pole building requires a 50 foot (+-) variance to be able to be used to house the animals.

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The nearest neighbors testified credibly that the pigs generate intense, intolerable odors which have made it impossible to use the outdoor area of their property. Prior to the pigs, goats and sheep had been kept there, which were not as offensive.

The pole barn was erected in this location because of the sloping topography of the lot and to be able to use the water from the farmhouse well. In addition, the location of the septic system constrained other locations to the newer pole barn. A public road runs through the edge of a portion of the property. Also, there is an existing tree screen between the property and nearest neighbor.

Based on the above, the Board finds that the property has unique characteristics such that a strict application of the setback requirements to the newer pole barn building on the property would result in unnecessary hardship. However, the Board is also concerned with the effect of the pig operation on the nearest adjoining neighbors, who testified persuasively as to the hardship resulting from residing so near the pig farm. Accordingly, with the consent of the Applicant, the variance is granted and conditioned with a restriction that the older barn building located approximately 40 feet from the nearest property line may not be used to house livestock. The Board further confirms that all farm outbuildings (excluding the newer pole building) are nonconforming structures.

2-21-07

Date

Jacob M. Yingling
Jacob M. Yingling, Chairman