

Case 2982

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Robert W. Daniels
4369 Fringer Road North
Taneytown, Maryland 21787

REQUEST: Conditional use for a kennel for more than 10 dogs.

LOCATION: 4369 Fringer Road North in Election District 1.

BASIS: Article 6, Section 6.3(j); Zoning Ordinance 1E.

HEARING HELD: July 28, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes the request, subject to the conditions imposed below. The pertinent findings justifying the authorization include the following facts:

The property is a 97 acre parcel currently being improved with a dwelling for Mr. Daniels' family. The property is zoned "A" Agricultural District as shown on Zoning Map 10A. Mr. Daniels proposes a building, 25 feet in width by 75 feet in length, with exterior runs extending about 10 feet from both 75 foot sides of the building for breeding and boarding Labrador retrievers. The boarding is proposed in conjunction with the breeding program, and as a service to customers who have bought a dog from Mr. Daniels. The kennel is not proposed to be operated as an unrestricted boarding facility.

The width of the individual exterior runs will vary from about 6 to 10 feet to provide 10 separate outside runs on each side of the building. The tops of each run will also be enclosed. A security fence, approximately 4½ feet in height, will be erected around the building and outside runs. Shrubbery will be established outside of the security fence to minimize distractions to the dogs. A space of about 30 feet will be maintained between the fence and building or runs to provide a secure exercise and training area for the dogs. The proposed location of the kennel is about 200

feet to the southeast of the dwelling under construction. No employees, other than members of Mr. Daniels' family, are proposed in conjunction with establishment and operation of the kennel.

Although the Board noted concerns of adjacent property owners regarding barking at night and dogs running loose in the area, it is reasonable to assume that compliance with the minimum distance requirements of at least 400 feet in this case and efforts to reduce or eliminate the problems resulting from such barking will provide reasonable protection to nearby residents in the area.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. The applicant is directed to prepare a revised plot plan, drawn approximately to scale, and showing the actual location of the dwelling under construction as well as the proposed location of the kennel and security fence. In addition, a floor plan for the kennel including the exterior runs, security fence and landscape screening shall be prepared and submitted to the Zoning Administrator.
2. Authorization for the establishment and operation of the kennel includes breeding and boarding in accordance with the applicant's testimony.
3. In accordance with the applicant's testimony, no employees other than members of the family are authorized in conjunction with establishment and operation of the kennel; and, no business identification sign is authorized in conjunction with establishment of the kennel.
4. In accordance with the applicant's testimony, the kennel shall be limited to a maximum of 25 adult dogs.
5. Due to the particular circumstances in the case, the authorization is limited solely to the applicant, and is not transferable.

Aug. 5, 1988

John Totuna

John Totuna, Chairman