

Case 2994

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Melvin Carr
3300 Mail Road
Westminster, Maryland 21157

ATTORNEYS: David E. Kartalia, C. Rogers Hall
2 North Court Street, P.O. Box 850
Westminster, Maryland 21157

REQUESTS: Conditional use for a private kennel for not more than
20 dogs, and variances reducing the manimum required
lot area and one minimum required side yard.

LOCATION: 3300 Mail Road in Election District 9

BASES: Article 5, Section 5.2(c); Article 15, Section 15.5
Zoning Ordinance 1E.

HEARING HELD: September 2, 1988

FINDINGS AND CONCLUSION

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

The property is zoned "C" Conservation District as shown on Zoning Map 56B. The area of the property is 4.78± acres and is improved with a single-family dwelling. The principal kennel building, approximately 23 feet square, is located adjacent to the dwelling and to the easterly side property line. Small individual shelters, which are portable, are located to the north of the dwelling and south of the principal kennel building. The perimeter of the property is heavily wooded, effectively screening the kennel building and portable shelters near the building from the surrounding properties.

The shelters and principal kennel building are used by the applicant in pursuing his hobby of raising and field training beagles and coonhounds. The dogs are

bred for their tracking abilities, and compete in field trials. Mr. Carr has permission for the use of three adjacent properties for purposes of training the dogs. Mr. Carr's plans include several litters of beagles, but no definite plans regarding the coonhounds. Each litter of beagles may produce from four to seven pups. As the dogs mature and are field trained, one or more may be selected to be retained. Those not kept are either sold or placed in homes. The decision of whether to retain a particular dog can usually be made before the dogs are one year of age. Mr. Carr proposes neither commercial breeding or boarding, however dogs that have been either sold or placed with others may be boarded temporarily. No identification sign is proposed in conjunction with operation of the kennel.

Although concerns regarding the requests, types of dogs, enforcement provisions, and potential problems of noise and odors affecting property values and resale of residences were expressed in a letter to the Board, there is no probative evidence indicating that the authorization of the requests and operation of the kennel as proposed and conditioned below will unduly affect the adjoining properties or public interest. In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization.

1. Not more than fifteen adult dogs in excess of one year of age, and a total of 30 dogs under the age of one year shall be maintained on the premises in conjunction with the operation of the kennel.
2. No commercial boarding, breeding, or grooming is authorized in conjunction with the operation of the kennel. For clarification purposes the limited breeding program proposed by the applicant for the beagles, and possibly coonhounds shall not constitute commercial breeding. In addition, the limited boarding of dogs previously sold or placed in homes shall not constitute commercial boarding.

3. No business identification sign shall be erected in conjunction with operation of the kennel.
4. In accordance with the applicant's testimony, the dogs constituting the kennel shall be restricted to beagles and coonhounds.
5. Due to the particular circumstances in this case, the conditional use and variance requests necessary for operation of the kennel are hereby restricted solely to the applicant, and shall not inure to the benefit of heirs or assigns. Although the conditional authorizations for the operation of the kennel shall expire on transfer of the property, this condition will not preclude the Board of Zoning Appeals from considering a subsequent request of operation of a kennel on the premises by heirs or assigns.

Oct. 11, 1988

Date

John Totura

John Totura, Chairman