

Tax Map/Block/Parcel
No. 26/25/121

Building Permit/Zoning
Certificate No. 90-0413

Case 3340

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Elizabeth B. Overhulse Ferro
8212 Sixes Bridge Road
Detour, Maryland 21725

ATTORNEY: M. L. Smith, Esquire
12317 Tilbury Lane
Bowie, Maryland 20715

REQUEST: A conditional use for a kennel for not more than
10 dogs, and variances as may be necessary

LOCATION: 8212 Sixes Bridge Road in Election District 10

BASES: Article 5, Sections 5.2(c) and 5.5; Article 15,
Section 15.5; Ordinance 1E (The Carroll County
Zoning Ordinance)

HEARING HELD: April 25, 1990

On April 25, 1990, the Board of Zoning Appeals heard testimony and received evidence regarding the conditional use request for a kennel for not more than 10 dogs, and variances as may be necessary for establishment of the kennel at 8212 Sixes Bridge Road.

The Board visited the property on April 18, 1990, prior to the public hearing.

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board will authorize the conditional use request.

From undisputed testimony presented to the Board during the public hearing, the location of the dwelling complies with the minimum required lot area, lot width, yards, and minimum distance requirements pertaining to the kennel. Therefore the requested variances to the respective requirements are not necessary.

The pertinent findings determining the Board's decision include the following facts.

FINDINGS OF FACT

The 17 acre farm is located within a rural area of the county where agriculture is the primary land use. The property is improved with a dwelling which was constructed in 1754. The principal uses of the property will continue to be the residence of the applicant and agriculture.

Presently, the applicant has seven dogs that are considered to be pets and are kept within the dwelling. No separate kennel building is proposed for use. The dogs are allowed outside for exercise twice a day when Ms. Ferro is present. A fenced exercise area adjoining the residence will be completed to contain and prevent the dogs from straying from the property.

Ms. Ferro proposes no boarding, breeding, or grooming for commercial purposes. In addition, no business identification sign for the kennel is requested.

In weighing the testimony presented regarding the location of the dwelling, the Board is persuaded that the dwelling complies with the location requirements governing its use as a kennel, and no variances are necessary in order to permit its use as a kennel.

The substance of opposition to the request presented to the Board involved issues other than provisions of the zoning ordinance and land use.

It is evident that operation of the kennel as proposed will have no unusual or particular effects upon the residents of adjacent properties or the value of their properties.

CONCLUSION

The Board hereby authorizes the conditional use for the kennel for not more than 10 dogs, and imposes the following conditions of authorization:

1. In accordance with the applicant's testimony, the exercise area shall be completely fenced. The fencing shall be adequate to prevent any dog from escaping the exercise area.
2. No boarding, breeding, or grooming for commercial purposes shall be permitted.
3. No kennel identification sign is authorized.

The applicant's attention is directed to Carroll County Ordinance Number 26, which is known as the Carroll County Animal Control

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Law, and to any future duly adopted amendment or ordinance
pertaining to kennels or dogs.

May 4, 1990
Date

John Totura
John Totura, Chairman

JDN/bmb/C3340DEC
May 3, 1990