

Tax Map/Block/Parcel
No. 45-7-652

Building Permit/Zoning
Certificate No. 98-2752

Case 4355

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

APPLICANT: John N. and Alice L. Davis, Jr.
446 Rockland Road
Westminster, Maryland 21158-4020

REQUEST: A conditional use request for a boarding kennel for dogs and cats, through change of use on existing building; and a variance reducing the minimum distance requirements where necessary on property zoned "A" Agricultural District in Election District 7.

LOCATION: 446 Rockland Road

BASIS: Basis: Article 6, Section 6.3(j) and Article 4, Section 4.12; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: October 27, 1998

FINDINGS AND CONCLUSION

On October 27, 1998, the Board of Zoning Appeals (the Board) convened to hear the application for a conditional use for a boarding kennel for dogs and cats¹, through change of use on the existing building; and a variance reducing the minimum distance requirements where necessary at 446 Rockland Road on property zoned "A" Agricultural District in Election District 7.²

The subject property received approval by the Board of Zoning Appeals in Case 3727 on June 4, 1992, for a conditional use for a boarding kennel for 24 dogs and a variance reducing the minimum distance requirements of 400 feet. Since that time, Mr. John N. Davis and Mrs. Alice L. Davis erected a structure for the use of the kennel approximately 38' x 56' (herein the Kennel Building). However, the kennel was never established. An adjoining 20' x 30' structure was then added to the structure for grooming and is currently in use as such. The applicants seek permission to establish the kennel in the Kennel Building. The kennel would be for boarding of dogs only. No breeding of dogs is

¹ The Board notes that the request for boarding cats cannot be properly considered since the Zoning Ordinance does not regulate cats.

²Although a variance was requested the record reflects that none was needed.

contemplated. The new facility will have a center aisle leading to 24 runs. The runs will be heated and air conditioned. The runs are attached to 24 additional enclosed non-heated and non-air conditioned runs. The Davises also requested 16 outside runs to be utilized during the summer months. The runs will be used to house a maximum number of 49 dogs. No runs will be utilized for dogs being groomed. Dogs waiting to be groomed, or if they have just been groomed, are kept in the 20' x 30' structure, inside 2' x 4' crates. In the future the applicants may wish to increase the number of dogs that may be kept. They realize that they would have to petition the Board at that time.

Mr. Charles Shriver of 159 Ruth Shriver Road, Westminster, Md. was concerned about the noise that would be generated by the dogs. Ms. Debra Smart of 2332 Emory Road, Reisterstown, Md., was concerned about a contemplated proposal of double-decking the runs to increase the number of dogs that could be kept. Her concern was for the health of the dogs. In response to questions raised, the Davises have agreed to limit their request to 49 dogs.

The Board finds the conditional use request for a boarding kennel for 49 dogs, through change of use on existing building to be an appropriate use of the land at this location. The Board hereby approves the boarding kennel for 49 dogs as requested. The kennel is authorized to contain 24 temperature controlled interior runs and 24 interior runs without temperature control. Sixteen (16) outside runs for exercise purposes only are authorized. The approval is conditional upon approval from any other state or county agencies including a site plan if required.

11-23-98

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

bmb\h:\bblack\bza_case.doc\c4355dec.798

November 20, 1998