

Case 4973

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

APPELLANT: Deborah Zamencki
150 Sullivan Road
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: An appeal of a Notice of Violation issued by the Zoning Administrator concerning the number of dogs on a residential property.

LOCATION: The site is located at 150 Sullivan Road, Westminster, MD 21157, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-2, 223-83, 223-85, 223-86, 223-87 and 223-186A(1)

HEARING HELD: September 23, 2004

FINDINGS AND CONCLUSION

On September 23, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation issued by the Zoning Administrator concerning the number of dogs on a residential property. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellant resides at the above address with her mother, her granddaughter, her friend, her father and her son. It is undisputed that a total of five adult dogs (dachshunds) live at the house. The R-10,000 zoning district allows only three adult dogs per residence. The Appellant presented evidence that two of the dogs are essential to the emotional health of two of the residents, who are currently in treatment.

Based on the undisputed facts, the Board finds that the issuance of the Notice of Violation was appropriate. However, there are unique attenuating circumstances, which merit a stay of eighteen (18) months of enforcement of the Zoning Administrator's order. During that eighteen month period, if the Appellants are able to obtain a "therapy dog" certification from a recognized national, state or local animal therapy organization for the two dogs cared for by the

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residents currently in treatment, they may keep all five dogs. In no event may the Appellant obtain any more dogs than the existing five dogs. If they are unable to obtain the certification in the 18 month period, they must remove two of the dogs.

10/20/04
Date


Jacob M. Yingling, Chairman