

Tax Map/Block/Parcel
No. 71-13-78

Building Permit/Zoning
Certificate No. 05-4060

Case 5171

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

APPLICANT: Timothy J. & Rachann E. Mayer
6628 Runkles Road
Mt. Airy, MD 21771

ATTORNEY: William R. MacDonald

REQUEST: Conditional use for a kennel for up to 30 dogs and variances from the required 10 acres to 8.34 acres and from the required 400 ft. to 68 ft.* to the lot (or curtilage area) on the east side of their property.

LOCATION: The site is located at 6628 Runkles Road., Mt. Airy, on property zoned "C" Conservation District in Election District 13.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-16, 223-34 B and 223-186 A (2) & (3)

HEARING HELD: January 26, 2006

FINDINGS AND CONCLUSION

On January 26, 2006, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a kennel for up to 30 dogs and variances from the required 10 acres to 8.34 acres and from the required 400 ft. to 68 ft* to the lot (or curtilage area) on the east side of their property. The Board made the following findings and conclusion:

The subject property was used as a dog kennel from 1965 to 2002, when the use was discontinued. The neighborhood is predominantly rural, with scattered residences.

The Applicants wish to re-open the kennel and board up to 30 dogs. They will upgrade some of the existing buildings for their kennel. Their closest neighbor is very supportive. The Applicants reside on the property and will run the kennel largely by themselves, with some help during daytime hours.

The Board finds that the subject property is unique, in that it already has a pre-existing kennel building. In addition, the parcel is oddly shaped, hilly, and is bisected by a stream and Runkles Road. There is no other feasible location on the property for the kennel. Accordingly, the requested variances are appropriate to avoid undue hardship.

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The Board also finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use is granted, subject to the following conditions:

1. In accordance with § 103-19 of the Carroll County Public Local Laws and Ordinances, a site plan must be submitted.
2. The conditional use is non-transferable.
3. There shall be no more than 30 dogs boarded at the kennel.
4. Hours of operation shall be Monday through Saturday 6:00 a.m. to 8:00 p.m. and Sunday hours by appointment.
5. There shall be no more than 2 non-resident employees.

*The variance request was amended at the hearing from 200 feet to 68 feet.

2/22/06
Date


Jacob M. Yingling, Chairman