

Case 5350

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

APPLICANT: All Trade Enterprises, Inc.
c/o M. Joe Dorenfeld
1934 Littlestown Pike
Westminster, MD 21158

ATTORNEY: n/a

REQUEST: Conditional use for a dog kennel (up to 100 dogs) with runways, grooming facilities and pet cemetery¹ and variances from the required 400 ft. setback to 0 ft. to Lot 1; to 165 ft. to Lot 57; to 277 ft. to Lot 56; to 145 ft. to Lots 4 & 5.

LOCATION: The site is located at 1934 Littlestown Pike, Westminster, on property zoned "A" Agricultural District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (12), 223-16, and 223-186.

HEARING HELD: September 27 and October 31, 2007

FINDINGS AND CONCLUSION

On September 27 and October 31, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a dog kennel (up to 100 dogs) with runways, grooming facilities and pet cemetery and variances from the required 400 ft. setback to 0 ft. to Lot 1; to 165 ft. to Lot 57; to 277 ft. to Lot 56; to 145 ft. to Lots 4 & 5. The Board made the following findings and conclusion:

The Applicant, All Trade Enterprises, Inc., (c/o Joseph Dorenfeld) intends to purchase a 20 acre parcel zoned "A" Agricultural to be used as a commercial kennel. The property was previously used as a working horse farm from 1991 until 2000. There were up to 50 riding lessons given at the property per week. Eleven horses were boarded at the farm by patrons. A large barn (108' x 120') was constructed on the property for the horse farm business. Since 2000, the horse farm has substantially reduced its operations, and traffic to and from the farm has been sparse. Access to the property is gained via a private lane that serves 5 homes.

The Applicant would reside on the property with his spouse. He would use the large barn and another outbuilding to house the dogs. The kennel buildings would include outdoor dog runs, which would be accessible to the dogs from 7:00 a.m. to 9:00 p.m. The kennel would be open for pick up and drop off of dogs from 8:00 a.m. to 11:00 a.m. and 3:00 to 6:00 p.m. on Monday through Saturday. There would be no Sunday hours. Customers would be processed in

¹ Pet cemetery request was withdrawn by the Applicant at the hearing on October 31, 2007.

OFFICIAL DECISION

C5350

Page Two

approximately 10 minutes during the pick up or drop off period. The Applicant expects that the kennel would be at full capacity over the holidays and during the summer months.

The proposed kennel is to be located within a close proximity to several homes. To reduce noise, the Applicant intends to install soundproofing in the kennel buildings. The Applicant will also retain or plant tree lines and install privacy fencing.

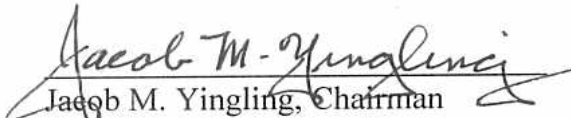
In addition to the boarding of dogs, the Applicant intends to offer other services. Grooming of dogs will be performed at the site. The groomer will be an independent contractor, with his or her own staff. In addition, the Applicant will offer dog obedience training at the property. The Applicant will need to hire 3 employees to manage the kennel when it is full.

A conditional use may be denied when it is determined from the facts and circumstances that the grant of the request would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effects that would otherwise result from such a use located anywhere within the Agricultural zone. The Board found that a 100 dog kennel at this location should not be allowed. First, the kennel is to be located off of Maryland Route 97. This is one of the busiest, heavily travelled and most congested roads in the County. The pick up and drop off times for the dogs would be at the peak traffic hours. This would inevitably lead to a significant increase in traffic at times when the highway is most congested. In addition, the Applicant presented no expert testimony or traffic study on this issue. The proposed use is far more intense than the horse farm, which at its peak generated only 50 cars per week for riding lessons. In addition to the boarding of dogs, the additional services (grooming and dog training) would result in even more traffic. Thus, the increase in traffic generated by the requested use would be greater here (adjacent to busy Maryland Route 97) than elsewhere in the Agricultural zone.

The Board also placed importance on the close proximity of the proposed use to other homes. The kennel would be located a mere 15 feet from one residential property and less than 200 feet from 3 other adjoining residential lots. These distances are well below the required 400 foot setback for a dog kennel found in Section 223-16 of the Code of Public Local Laws and Ordinances. Kennels, by Applicant's own admission, can be inherently noisy. An assembly of 100 dogs would invariably bark, particularly when they are in their outside runs. While the Applicant intends to make a good faith effort to soundproof the kennel, there will undoubtedly be noise that will be heard by nearby neighbors. This will adversely affect the peaceful enjoyment of the neighbors, and their property values could decline as a result of their close proximity to the use. Thus, the use here would adversely affect the neighborhood more here than elsewhere in the Agricultural zone.

Accordingly, the conditional use was denied.

11/28/07
Date


Jacob M. Yingling, Chairman