

**Tax Map/Block/Parcel
No. 38-15-284**

Case 5457

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

APPLICANT: Vanessa Kay Armstrong
1219 Old Taneytown Road
Westminster, Maryland 21158

ATTORNEY: Isaac Menasche

REQUEST: Conditional use for a kennel for more than ten (10) dogs in an existing barn and variances from the distance requirements of 400 ft. to 165 ft. and 99 ft. and from any lot less than 3 acres occupied or intended to be occupied by a dwelling.

LOCATION: The site is located at 1219 Old Taneytown Road, Westminster, MD 21158, on property zoned "Agricultural" District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (12), 223-16, 223-2, 223-186 and 223-181 (D)

HEARING HELD: January 6, 2009

FINDINGS AND CONCLUSION

On January 6, 2009, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a kennel for more than ten (10) dogs in an existing barn and variances from the distance requirements of 400 ft. to 165 ft. and 99 ft. and from any lot less than 3 acres occupied or intended to be occupied by a dwelling. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is 7.18 acres (+-) in the Agricultural zone. The lot is improved with a residence, house paddocks, a barn and several outbuildings. The property is served by private well and septic system. Much of the property has been fenced in. The Applicant resides in the house with her three pet dogs.

OFFICIAL DECISION

Case 5457

Page Two

The Applicant wishes to use the property as a dog daycare facility where she will provide supervised care of other people's dogs for a fee during daytime hours. The daycare would include some bathing, training and exercising of the dogs. The daycare would operate from 7:00 a.m. to 7:00 p.m., when the dogs would be retrieved by their owners. In addition, the Applicant is seeking Board approval to board no more than five dogs overnight for a fee on the property. The Applicant hopes to remodel the existing barn on the property for use as the dog kennel. The barn is over 100 years old and was previously used in a dairy farm operation. The kennel will encompass 35 square feet of the barn area, and the building will be insulated with a soundproofing material to muffle any dog barking. The kennel will be air conditioned and will have a laundry facility. There will be no outdoor dog runs for the kennel but there will be a fenced outdoor play area. The Applicant estimates that this business will generate 10 automobile visits to and from the property for a total of 20 trips per day. The driveway will be modified to a horseshoe shape to facilitate safe customer ingress and egress onto Old Taneytown Road. The rest of the property will be used to house sheep rams, horses and a donkey. The property is heavily wooded except for the portion facing the street. There will be no weekend daycare. The kennel/daycare will have 2 full time employees. Animal waste will be either composted or removed with the trash. Although it is located in a rural area, traffic noise from the heavily travelled Maryland Route 140 can be heard from the property. Due to the shape and size of this property, there is no location on the lot which would not necessitate a variance for the requested uses.

The Board found that this is an ideal location for this small scale kennel operation. The area is predominantly rural, and dog kennels, like the keeping of other animals, are a logical use in the Agricultural zone. Furthermore, the keeping of 10 dogs during the day and no more than 5 at night will not generate noise, traffic or dust, or decrease property values greater here than elsewhere in the zone. In fact, the noise from nearby Route 140 will likely exceed any occasional barking noise. In addition, the driveway improvements will increase traffic safety by creating better entrance and exit points to the property. The opponents' concern that this use constitutes a "business" in the Agricultural zone was noted. However, businesses such as horse boarding operations, cattle and dairy farms are also businesses prevalent in this zone. Traffic from visitors and employees will be negligible.

Furthermore, the Board found that due to the odd shape of the property and its size, there is nowhere on the property where the proposed use could be located absent the requested variances. In addition, moving the kennel/daycare location to another spot on the lot would require demolition of the barn and a new septic/well system. All of this would constitute practical difficulty and undue hardship from a strict application of the setbacks in this case. Accordingly, the requested variances were granted.

Based on the above, the conditional use was granted, subject to the following condition: The Applicant may keep no more than 18 dogs on the property. This includes her three personal pet dogs.

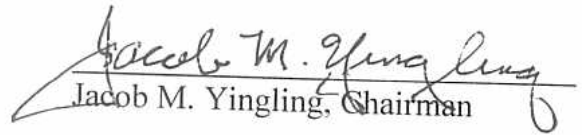
OFFICIAL DECISION

Case 5457

Page 3

1/27/09

Date


Jacob M. Yingling, Chairman

H:\Zoning Administration\BZA_Case.doc\c5457decision.wpd