

**Tax Map/Block/Parcel
No. 21-4-608**

Case 5507

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

APPLICANT: A. Jalynn Almond
3642 Cemetery Lane
Westminster, Maryland 21157

ATTORNEY: n/a

REQUEST: A conditional use for a kennel for less than 20 dogs for showing, raising and breeding on site and a variance from the required minimum setback of 400 ft. to 275 ft. (+/-).

LOCATION: The site is located at 3642 Cemetery Lane, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 3.

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

HEARING HELD: July 28, 2009

FINDINGS AND CONCLUSION

On July 28, 2009, the Board of Zoning Appeals (the Board) convened to hear a request conditional use for a kennel for less than 20 dogs for showing, raising and breeding on site and variance from the required minimum setback of 400 ft. to 275 ft. (+/-). Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant resides on the subject property and she raises whippet dogs. The property is 3.076 acres in the Agricultural zone and is buffered by woods. The dogs are usually kept in an outdoor kennel. She currently owns 9 dogs. The dogs are let out into the outdoor runs at 7:30 a.m. and are brought in at night. The Applicant works out of her residence and is accessible to the kennel all day.

There is no boarding of other dogs and no public grooming services are performed at the property. Occasionally, some dogs will be bred and the puppies sold. This typically generates no more than 10 customer trips to the home each year. At most, there will be 2 litters of puppies per year.

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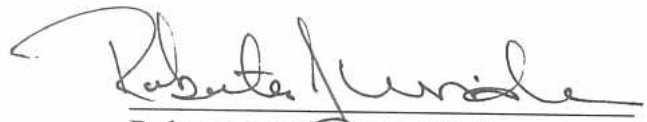
The existing kennel building was constructed in the same location as a former outbuilding which had fallen into disrepair and was razed. The kennel site was excavated prior to the erection of the new building to create a natural noise and sight barrier.

From the Board's visit and review of the plot, it appeared that due to the shape of the property, there was no location for the kennel building on the property that would not require a variance. Failure to grant the variance would necessitate demolishing the existing kennel building which constitutes practical difficulty and undue hardship.

In addition, the Board found that this is a nonintrusive use. Noise from the dogs is minimal. Traffic to and from the kennel by persons visiting to purchase a dog is negligible. There is no dust or fumes generated by this use. There was no evidence of any decrease in property values from the kennel. The kennel at this location does not generate any adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use was granted. This use is non-transferable and for the benefit of the Applicant only, based upon her testimony that this kennel is strictly for her personal use.

24 Aug 2009

Date


Roberta J. Windham, Chair