

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY MARYLAND

APPLICANTS: Michael Paxton and Kathleen Paxton  
9506 Glade Avenue  
Walkersville, Maryland 21793

REQUEST: A conditional use for the establishment of a kennel for not more than 10 dogs, for the purpose of raising and breeding Newfoundland dogs.

LOCATION: 3101 Benjamin Lane in Election District 2; Bear Run subdivision, Section 2, lot 4 recorded in Carroll County Plat Records in Book 28, page 150.

BASIS: Article 6, Section 6.3(j) and 6.7; Zoning Ordinance 1E.

HEARING HELD: September 30, 1987

FINDINGS AND CONCLUSION

The record of this case is hereby included by reference in this decision. Based on the testimony and evidence comprising the record, the Board hereby authorizes the conditional use request for the establishment of the kennel, subject to the conditions set forth below. The pertinent findings include the following facts:

The 3.277 acre lot is located in a rural agricultural area. The kennel will be constructed as an integral part of the dwelling, and include exterior runs with appropriate fencing. Although the request was opposed by neighbors and a prospective developer of an adjoining lot who cited disturbance of the peaceful environment of the area and depreciation of residential property values, the Board finds that establishment of the kennel as requested and conditioned below will not unduly affect the adjoining properties or public interest. In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. Establishment of the kennel shall be as generally indicated by the floor plan submitted by the Applicant and identified as Applicant's Exhibit 6.

2. Operation of the kennel shall be limited specifically to Newfoundland dogs, and not more than 10 adult dogs and 10 dogs less than one year old--a total of 20 canines--shall be kept on the premises.
3. No commercial boarding, grooming, or training shall be conducted in conjunction with operation of the kennel.
4. The kennel shall not be enlarged, nor shall the number of canines be increased beyond the limit noted above.
5. No employees shall be hired to operate the kennel.
6. Authorization for the establishment and operation of the kennel shall be limited to the applicants. The authorization shall become null and void upon the transfer of the subject property, except that the applicants' heirs or contractor purchasers of the property may reapply to the Board for reauthorization of the conditional use.
7. One small sign not to exceed two square feet may be erected for identification purposes if desired, in conjunction with the establishment of the kennel.

The applicants' attention is directed to the Carroll County Ordinance Number 26, the Animal Control Ordinance, and to any future duly adopted amendment or ordinance pertaining to kennels or dogs.

Oct. 30, 1987  
Date

John Totura  
John Totura, Chairman