

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Edward Joseph Griffin
3340 Warehime Road
Manchester, Maryland 21102

REQUEST: A conditional use for a kennel for more than 10 dogs.

LOCATION: 3340 Warehime Road in Election District 6.

BASES: Article 5, Sections 5.2(c) and 5.5; Zoning Ordinance 1E.

HEARING HELD: January 26, 1988

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 denies the request. The pertinent findings include the following facts:

The applicant's plot plan presented with the application indicates a dog kennel and boarding facility, 28 feet in width by 60 feet in length with an unidentified number of exterior runs. No other plans for the facility were presented during the public hearing. Upon inspection of the plot plan it is evident that the dimensions supplied by the applicant between the proposed location of the facility and the stream to the north and the adjoining property to the north are incorrect. In the course of the testimony, the applicant indicated that a maximum of 30 dogs would be boarded in the facility. No testimony was presented regarding operational plans for the boarding kennel or plans and methods to minimize adverse affects of barking dogs upon residents of adjacent properties. Article 17, Section 17.6 of Zoning Ordinance 1E governs this Board in considering conditional use requests. However, the burden of proof rests with the applicant regarding the factors which must be considered by the Board, and which are set forth in Section 17.6. These factors include the number of people residing in the area, the orderly growth of the community, the affect of the use upon the peaceful enjoyment of people in their homes, conservation of property values, and the affects of noise on the surrounding area.

The Board finds that the applicant has not met the burden of proof in establishing that the dog kennel and boarding facility can be conducted on the premises without unduly affecting the peaceful character of the surrounding neighborhood, the orderly growth of the area, and depreciation of residential property values to the noise of barking dogs generally associated with a commercial boarding kennel. Accordingly, the request is hereby denied.

Feb. 17, 1988

Date

John Totura

John Totura, Chairman