

Case 3155

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Gerald Miserandino and Karen Miserandino
418 Ridge Road
Westminster, Maryland 21157

REQUEST: A conditional use for a kennel for ten or less
dogs

LOCATION: 418 Ridge Road (Md. Route 27) in Election District
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BASIS: Article 5, Sections 5.2(c) and 5.5; Ordinance 1E

HEARING HELD: June 6, 1989

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in the decision. Based on the record, the Board hereby authorizes the request, subject to the conditions of authorization noted below. The pertinent findings justifying the authorization include the following facts.

The 86.59 acre property is improved with a dwelling and several accessory farm buildings. The property is zoned "C" Conservation District as shown on zoning map 45B. Mr. Miserandino testified that he and his family have ten dogs that are maintained as pets on the property. Three of the dogs are kept within the dwelling and the seven remaining dogs are sheltered within a dog house located next to the dwelling. As shown by attachment C of the Application for Hearing, portions of the side and rear yards are enclosed with a fence, and the exhibit notes that the fenced area is for the dogs. The three dogs that are sheltered within the dwelling are usually supervised when they are allowed outside. All of the dogs have been neutered. The applicants do not intend to board dogs owned by others, or to establish a breeding program. Vehicular access to and from the property is provided by a driveway connecting to Ridge Road (Md. Route 27). The driveway extends between the dwelling and accessory farm buildings. In addition to serving the applicants' property, the driveway is a right of way providing vehicular access to an adjoining property. Although the adjoining property owner, Mr. Myers, expressed concern regarding dogs creating a safety hazard within the right of way, the Board finds that authorization of the kennel as requested will not adversely affect the use of the right of way. The dogs not kept within the dwelling are restricted to the fenced area and are not allowed to be roam freely on the property. Therefore, it would be unusual for any

of these dogs to be outside of the fenced area and within the right of way. When the three dogs sheltered within the dwelling are allowed outside, they are normally under supervision, and should not present a vehicular traffic safety problem in the use of the right of way. As the driveway is essentially one lane in width, it can be reasonably concluded that vehicular operators should exercise care and caution in using the right of way.

In order to promote the intend and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. Authorization for the operation of the kennel is restricted to not more than ten dogs owned and licensed by the applicants.
2. No commercial boarding, grooming, or breeding shall be conducted in conjunction with the kennel.
3. No identification sign is authorized in conjunction with the kennel.

Date

June 15, 1989

John Totura
John Totura, Chairman

Case 3153

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Charles E. Bode
1417 Wakefield Valley Road
New Windsor, Maryland 21776

REQUEST: A variance of about 24 feet for the existing dwelling to extend beyond the minimum building line into the nonbuildable area of the lot.

LOCATION: 1417 Wakefield Valley Road in Election District 11; Stevenson Garden Estates subdivision, Section 2, Lot 9 recorded in Carroll County Plat Records in Book 23, Page 45.

BASES: Article 66B, Section 5.04 of the Annotated Code of Maryland; Article 15, Section 15.5; Ordinance 1E

HEARING HELD: June 1, 1989

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes the request. The pertinent findings justifying the authorization include the facts that the location of the dwelling was probably changed due to encountering subsurface rock formations on the property; the violation of the minimum building line was only recently discovered; and, authorization of the variance is now necessary in order to preclude practical difficulty and unreasonable hardship that would otherwise occur with use and ownership of the property.

June 12, 1989
Date

John Totura
John Totura, Chairman