

Case 3265

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Susan E. Foster
2401 Alpine Court
Finksburg, MD 21048

REQUESTS: A conditional use for a kennel for not more than 10 dogs, and variances reducing the minimum required lot area, lot width, yards, and distance requirements pertaining thereto

LOCATION: 2401 Alpine Court in Election District 4; Amended Plat of Flagg Meadows subdivision, lot 7-A recorded in Carroll County Records in book 27, page 174

BASES: Article 5, Sections 5.2(c) and 5.5; Article 15, Section 15.5, Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: October 23, 1989

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are here included by reference in this decision. Based on the record, the Board hereby authorizes the requests, subject to the conditions of authorization imposed below.

The pertinent findings justifying the authorization include the facts that the applicant proposes to maintain separate facilities for three dogs with an additional dog kept within the dwelling. The applicant proposes no commercial boarding, breeding, or grooming in conjunction with this request. The dogs are considered to be pets, that are breed infrequently.

Although the property is zoned "C" Conservation District, the lot does not comply with the minimum lot area and lot width requirements for that district. In addition to variances reducing the minimum lot area and lot width requirements, reduction of the minimum distance requirements as specified in Article 4, Section 4.12 of Ordinance 1E is necessary. However, in accordance with the applicant's testimony, the Board finds that authorization of the requests as 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. In accordance with the applicant's testimony no commercial boarding, breeding, or grooming of dogs is authorized in conjunction with the conditional use and variances. This condition shall not preclude breeding for an occasional litter.
2. No commercial business identification sign is authorized.
3. Not more than four adult dogs shall be maintained on the premises at one time. For purposes of clarification, the Board does not consider dogs to be adult until one year of age. Thus, any puppies from an occasional litter shall be placed elsewhere before they are one year of age, or the number of adult dogs shall be reduced, so as not to maintain more than four adult dogs on the premises at one time.
4. Due to particular circumstances in this case, including the variances which substantially relax the minimum applicable requirements pertaining to the conditional use, this authorization is hereby restricted solely to the applicant. The authorization shall not inure to the applicant's heirs or assigns. This restriction does not preclude application in the future by others for a conditional use in accordance with the provisions of the Zoning Ordinance.

The applicant's attention is directed to Carroll County Ordinance No. 26, which is known as the animal control ordinance, and to any future duly adopted amendment or ordinance pertaining to kennels or dogs.

Nov. 1, 1989
Date

John Totura
John Totura, Chairman