

Tax Map/Block/Parcel
No. 59/6/371

Building Permit/Zoning
Certificate No. 90-0362

Case 3337

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

APPLICANTS: Robert P. Smart and Deborah D. Smart
2332 Emory Road
Reisterstown, Maryland 21136

REQUEST: A request to allow additions to the existing
kennel facility, classified as a nonconforming use

LOCATION: 2332 Emory Road (Md. Rt. 91) in Election District
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BASIS: Article 4, Section 4.3(a)(1); Ordinance 1E (The
Carroll County Zoning Ordinance)

HEARING HELD: March 27, 1990

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board hereby authorizes the proposed addition of 10 feet by 20 feet to building # 1 for office space, and a separate pre-constructed building 10 feet by 20 feet, for use solely as a cattery, as depicted on the plot plan submitted with the Application for Hearing.

The pertinent findings determining the Board's decision include the facts that the kennel was established prior to the adoption of Ordinance 1E on August 17, 1965, and has been operated continuously since that time. On August 5, 1981, the Board of Zoning Appeals authorized replacement of an existing kennel building by construction of a two-story building. (Case 1731.) In that case, the Board found that the new structure and additional improvements would be beneficial to the use, as well as the adjoining properties. On June 18, 1985, following the public hearing on May 29, 1985, the Board authorized the enlargement of the kennel including construction of a new building. (Case 2310.) In that case, the Board found that the kennel had not unduly affected the adjoining properties or surrounding neighborhood, and that there was no indication that the proposed enlargement would unduly affect the adjoining properties or public interest.

Testimony presented in opposition to this request confirmed that substantial residential growth has occurred near the kennel, and that the peace and quiet of residents of adjacent properties may

be adversely affected by the barking of dogs boarded and cared for in the kennel. Accordingly, the Board recommends that the applicants endeavor to minimize the dogs barking and disturbing the peace and quiet of the neighborhood.

However, from the testimony and evidence presented in this case, the Board is convinced that establishment of the additional office space and cattery will not substantially affect the existing operation of the boarding kennel, and therefore will not unduly affect the adjoining properties or public interest.

April 2, 1990
Date

John Totura
John Totura, Chairman