

Tax Map/Block/Parcel  
No. 30/19&20/271

Building Permit/Zoning  
Certificate No. 90-0678

Case 3352

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND

**APPLICANT:** Raymond E. Beck and Patsy S. Beck  
1515 South Pleasant Valley Road  
Westminster, Maryland 21157

**ATTORNEY:** John T. Maguire, Esquire  
189 East Main Street  
Westminster, Maryland 21157

**REQUEST:** A conditional use for a kennel for not more than  
10 dogs, and variances to the requirements  
pertaining thereto

**LOCATION:** 1515 South Pleasant Valley Road in Election  
Districts 2 and 7; Lookabout subdivision, lot 3,  
recorded in Carroll County Plat Records in book 7,  
page 84

**BASES:** Article 6, Sections 6.3(j) and 6.7; Article 15,  
Section 15.5; Ordinance 1E (The Carroll County  
Zoning Ordinance)

**HEARING HELD:** April 25, 1990

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision.

The Board visited the premises on April 18, 1990.

Based on the record, the Board hereby authorizes the conditional use and variances for the kennel as requested.

The pertinent findings determining the Board's decision include the following facts:

The exercise yard of the proposed facility is attached to the existing dwelling, and is located in excess of 600 feet from Pleasant Valley Road. The kennel building, 12 feet by 16 feet, adjoins the exercise yard. The kennel building and exercise yard comply with the minimum distance requirements relative to the dwellings and properties located to the west. As depicted by the site plan presented to the Board, Applicants' Exhibit 1, the exercise area is approximately 18 feet from the northerly side property line, and the kennel building is estimated to be about

20 feet. Accordingly, a variance to the minimum required side yard of 30 feet is necessary.

The property to the north, immediately adjacent to the exercise area and kennel building, may be subdivided into two lots. At least one of the lots would abutt the rear portion of the northerly property line, and fall within the radius of the minimum distance requirements.

For purposes of this case, the Board will presume that the lot, or lots, will have an area of less than 3 acres and are intended to be improved with a dwelling. Based on that presumption, the Board will also authorize the variance to the minimum distance requirements pertaining to the kennel facility.

In doing so, the Board notes that due to the configuration of the applicants' property, it would be impossible to relocate the exercise area and kennel building to comply with the minimum distance requirements. Accordingly, authorization of the variances is necessary in this case in order to preclude practical difficulty and unreasonable hardship in use of the property that would otherwise result from the strict application of the terms of the ordinance.

With respect to the conditional use for the establishment and operation of the kennel, it is evident that the kennel facility, as proposed, will not unduly affect the residents of surrounding properties, or the values of their properties, and complies with the intent and purpose of the zoning ordinance.

The applicants' attention is directed to Carroll County Ordinance Number 26, which is also known as the Carroll County Animal Control Law, and to any duly adopted amendment or ordinance.

May 2, 1990  
Date

John Totura  
John Totura, Chairman

JDN/bmb/C3352dec  
May 1, 1990