

Tax Map/Block/Parcel
No. 24-23-13

Building Permit/Zoning
Certificate No. 90-3681

Case 3476

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

APPLICANT: Carrollton Hounds, Inc.
1022 Fridinger Mill Road
Westminster, Maryland 21157

REQUEST: A conditional use for a kennel on the premises

LOCATION: 2833 Rohrbaugh Road in Election District 8

BASIS: Article 6, Sections 6.3(j) and 6.7; Ordinance
1E. (The Carroll County Zoning Ordinance)

HEARING HELD: December 27, 1990

On December 27, 1990, the Board of Zoning Appeals heard testimony and received evidence concerning the request for the establishment of a kennel as a conditional use on the premises of 2833 Rohrbaugh Road.

The Board visited the site on December 19, 1990.

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 will authorize the request, subject to the conditions imposed below.

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

FINDINGS OF FACT

The 20.05 acre property is located to the east of Rohrbaugh Road, with access from Rohrbaugh Road by means of a right-of-way connecting to the road about 1,900 feet northeast of Maple Grove Road intersection. The property is improved with a dwelling, large barn, a wagon shed, and a smaller storage shed. The principal uses of the property are the dwelling and agriculture. These uses will continue to be the principal uses of the property.

As depicted on the site location map used to post the public hearing notice, the property is surrounded by similar tracts of land. The driveway connecting to Rohrbaugh Road and providing access to the premises, crosses two smaller parcels of land.

The proposed kennel facility is planned to be about 28 feet by 40 feet with two connected fenced exercise areas. In addition

to the exercise areas, the kennel facility will have four runs. The kennel facility, which will occupy less than an acre, will comply with the minimum lot, yard, and distance requirements specified in the zoning ordinance.

The applicant, Carrollton Hounds, Inc., is a nonprofit organization, and establishment of the kennel is not intended for any commercial purpose.

The owner of the property Mr. Edwin R. Osborn, Jr. is a member of the Board of Directors of Carrollton Hounds, Inc., and is the huntsman for the organization. Mr. Osborn and volunteers of the organization will care for the dogs and maintain the kennel facilities.

The dogs are foxhounds and are used in hunts several times a week. About 22 hounds will be transported by pickup truck to hunting areas elsewhere in the county and returned to the kennel after the hunt. A breeding program of one to two litters a year provides for replenishment of dogs that are no longer used in hunting.

Operation of the kennel in accordance with the testimony presented to the Board will result in only a few more vehicular trips to and from the property a week. Such an increase could result from numerous reasons not associated with operation of the kennel. However, for purposes of this request, the Board finds that the minor increase in vehicular traffic will not affect the adjacent properties, or use of the right-of-way providing access to the property significantly.

It must be recognized that the Board is governed by the provisions of the zoning ordinance and decisions of the courts. Establishment and enforcement of the right-of-way as a covenant or restriction within the respective deeds of the properties involved is beyond the jurisdiction of this Board.

Although concerns were expressed regarding vehicular traffic using the right-of-way, the Board finds that the use as proposed, and conditioned below, will not unduly affect the adjacent properties or public interest.

CONCLUSION

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 testimony presented to the Board, establishment and operation of the kennel is limited to the Carrollton Hounds, Inc. Upon ceasing, or abandonment, of the kennel by the Carrollton Hounds, Inc., the authorization for the conditional use shall become null and void.

2. No commercial boarding, grooming, training, or breeding shall be permitted in conjunction with the operation of the kennel. Noncommercial activities conducted by the Carrollton Hounds, Inc. shall be permitted.
3. Authorization for the establishment and operation of the kennel is limited to not more than 40 foxhounds.
4. The dogs that are kept for foxhunting purposes shall be maintained within the kennel building, attached runs, and exercise areas, except when under supervision of at least one member of the Carrollton Hounds, Inc.
5. A revised and properly detailed plot plan shall be filed with the division of Zoning Enforcement in accordance with the provisions of Article 16, Section 16.2(b) of the zoning ordinance, and with the Office of Administrative Hearings for placement in the records of this case.
6. Due to the fact that vehicular access to the premises is by way of right-of-way, no kennel identification sign is authorized for erection at the driveway connection to Rohrbaugh Road.

Jan, 28, 1991
Date

John Totura
John Totura, Chairman

JDN/bdc/C3476DEC
January 25, 1991