

Tax Map/Block/Parcel
No. 11-10-194

Building Permit/Zoning
Certificate No. 91-0066

Case 3504

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

APPLICANTS: Roy Henry and Marie Henry
4628 Babylon Road
Taneytown, Maryland 21787

REQUEST: A conditional use for a dog kennel for more than
10 dogs

LOCATION: 4628 Babylon Road in Election District 3

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

HEARING HELD: February 27, 1991

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 request, subject to the conditions imposed below.

The pertinent findings determining the authorization include the facts that the 50 acre property is zoned "A" Agricultural District. It is improved with a dwelling, which is the residence of the applicants. There are presently 10 individual dog houses, and a fenced kennel area used to contain several dogs.

The applicants provide care and attempt to place the dogs with individuals interested in adopting them and providing suitable homes. The service is not conducted for commercial reward, and no boarding or breeding is proposed. As proposed, the kennel will not generate significant vehicular traffic to the property.

The applicants testified that they propose to keep no more than 15 adult dogs at one time, contrary to the application which specified 20 adult dogs. Puppies, or adolescent dogs, not more than one year old and not considered to be adult, will also be cared for and placed.

The kennel facilities comply with the minimum distance requirements governing kennels for more than 10 dogs.

From the record, there is no evidence that operation of the kennel, as requested and conditioned below, will unduly affect residents of adjacent properties, the values of those properties,

or the public interest. Accordingly, the request conforms with the provisions of the zoning ordinance governing conditional uses.

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 applicants' testimony, operation of the kennel shall be limited to not more than 15 adult dogs at one time. For purposes of clarification, dogs are not considered to be adult until one year of age.
2. No commercial boarding, grooming, or breeding shall be conducted in conjunction with operation of the kennel.
3. No identification sign is authorized in conjunction with operation of the kennel.
4. Due to the particular circumstances in this case, the authorization for the kennel is restricted solely to the applicants, and shall not inure to the benefit of assigns or heirs. This condition shall not preclude reapplication by others to this Board in the future for a kennel on the premises in accordance with the provisions of the zoning ordinance.

March 5, 1991
Date

John Totura
John Totura, Chairman

JDN/bmh/c3504dec
March 1, 1991