

Tax Map/Block/Parcel
No. 63-21-451

Building Permit/Zoning
Certificate No. 93-0897

Case 3840

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

APPLICANTS: Theodore D. Edmond and Evelyn M. Edmond
4424 Cherry Tree Lane
Eldersburg, Maryland 21784-9605

REQUEST: A conditional use for a kennel for not more than ten adult dogs, and variances reducing one minimum required side yard of 30 feet to about 15 feet and the minimum distance requirements of 200 feet pertaining thereto

LOCATION: 4424 Cherry Tree Lane in Election District 14; Lucke's Hill subdivision, lot 8 recorded in Carroll County Plat Records in book 21, page 7

BASES: Article 6, Sections 6.3(j) and 6.7; Article 4, Section 4.12; Article 15, Section 15.5.4; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: May 25, 1993

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 approved the conditional use and variances reducing one minimum required side yard of 30 feet to not less than 20 feet--not 15 feet as requested--and the minimum distance requirement of 200 feet subject to the following conditions of authorization:

1. In accordance with Mr. Edmond's testimony, authorization for the kennel is limited to not more than four adult rabbit beagles. For purposes of this decision and clarification, dogs are not considered to be adult until one year of age.
2. The small pen located between the larger pen and the easterly side property line shall be removed, or relocated adjacent to the front of the larger pen, but not closer than 20 feet to the easterly side property line.
3. No commercial boarding, grooming, or breeding shall be conducted in conjunction

with operation of the kennel.

4. No kennel identification sign is authorized.
5. 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.

The pertinent findings determining the Board's decision include the facts that only one additional adult dog is authorized to be kept on the premises, that the conditions of authorization imposed above will preclude the development of any other undesirable effects, and that any effects of the additional dog will not be unduly harmful to the residents of adjacent properties or the value of those properties.

While significant testimony and evidence were presented in opposition to the request, up to three adult dogs may be kept on properties in the "A" Agricultural District without constituting a kennel requiring Board authorization. In this case, the Board is persuaded that with appropriate management techniques by the applicants to minimize the noise of barking, four adult dogs can be kept in the dog pen without unduly affecting the peace and quiet of the neighborhood. However, the responsibility rests with the applicants.

6/8/93
Date


William Law, Chairman