

Tax Map/Block/Parcel
No. 70-24-186

Building Permit/Zoning
Certificate No. 94-2873

Case 3957

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

APPLICANTS: Gary Matlock and Susan Matlock
1220 East-West Boulevard
Apartment #1119
Silver Spring, Maryland 20910

REQUEST: A conditional use for a kennel for not more than ten dogs and a variance reducing the minimum required driveway width of 20 feet

LOCATION: 3915 Boteler Road in Election District 13; Hampton Knolls subdivision, Plat B, lot 6A recorded in Carroll County Plat Records in book 29, page 89

BASIS: Article 5, Sections 5.2(b) and 5.5; Article 14, Division I, Section 14.1(b)(3); Article 15, Section 15.5.4(d); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: September 26, 1994

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 and in accordance with the state Open Meetings Act, the Board authorized the conditional use and variance reducing the minimum required driveway width, subject to the conditions of authorization imposed below.

The pertinent findings determining the Board's decision include the facts that the purpose of the request is to allow the applicants to keep from five to nine purebred adult dogs on the premises for showing. Portable runs and doghouses will be established in compliance with the minimum distance requirements specified in Article 4, Section 4.12 of the zoning ordinance. The dogs will normally be kept within the dwelling, which should resolve any problems of noise resulting from excessive barking. However, if one or more of the dogs are kept within the portable runs, sound absorbing materials will have to be installed to minimize the noise of barking.

Although several adjacent property owners expressed concerns regarding establishment of the kennel, primarily due to excessive barking at night, the Board is convinced that the authorization of the kennel as proposed and conditioned below will not unduly affect the residents of adjacent properties, the values of those properties, or public interests.

The variance of the width of the use-in-common driveway serving the premises is warranted due to the nature of the request and the practical

difficulty and unnecessary hardship that would be experienced as a result of requiring the paved driveway, which is in excess of 700 feet long in length, to be widened. Due to the particular circumstances in this case, the Board imposes the following conditions of authorization:

1. The authorization is in accordance with the applicants' testimony pertaining to the nature of the kennel, sheltering the dogs in the dwelling, and implementing sound abatement practices including installation of sound absorbing materials in the portable runs to minimize the sound of dogs barking when kept in the portable runs.
2. 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.

10-3-94
Date

Claude R. Rash
Claude R. Rash, Chairman