

**Tax Map/Block/Parcel
No. 4-21-79
Case 4457**

**Building Permit/Zoning
Certificate No. 99-3250**

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

APPLICANT: Michael and Dorothy Martin
1148 Humbert Schoolhouse Road
Westminster, MD 21158

REQUEST: A conditional use for a kennel for less than ten dogs.

LOCATION: Located at 1148 Humbert Schoolhouse Rd. on property zoned "A"
Agricultural District in Election District 3

BASIS: Basis: Article 6; Section 6.3(j); Ordinance 1E (The Carroll County
Zoning Ordinance)

HEARING HELD: January 4, 2000

FINDINGS AND CONCLUSION

On January 4, 2000, the Board of Zoning Appeals (the Board) convened to hear the application of Michael and Dorothy Martin (the Applicants) for a conditional use for a kennel for less than ten dogs at their residence at 1148 Humbert Schoolhouse Road, Westminster, Maryland 21158. The property is zoned "A" Agricultural District and is made of 6.73 acres.

Based upon the testimony and evidence presented, the Board makes the following findings of fact. The Applicants currently own eight (8) boxer dogs and one (1) Brittany Spaniel and are housing the animals in their residence. A portion of their property is fenced, and the dogs are allowed to roam the fenced area when the Applicants are home. The fenced in area for the dogs is 30' x 60' with an 8' dog house which is 27' from the residence. The Applicants feel their dogs are docile and not dangerous.

Various neighbors testified of their fear of the dogs and concerns with loud barking and safety concerns. The neighborhood includes small children and the neighbors feel threatened by the number of dogs and their perceived viciousness. In addition, the neighbors cited concerns about sanitary conditions in the dog pen and felt that property values would be adversely affected if the use were granted.

The Zoning Ordinance (1E) defines "kennels" as "property which is used or designed for keeping, boarding, training or sale of more than three (3) dogs or other canines that are more than

one year old.” Kennels are permitted in the Agricultural zone as conditional uses. A conditional use must be granted unless the adverse effects at the proposed location would be greater than the adverse effects ordinarily associated with the particular use

In addition, kennels are subject to the requirements of Section 4.12 of the Ordinance, which requires that the use be located at least 200 feet from:

- (b) any lot of less than 3 acres occupied or intended to be occupied by a dwelling not located on the same lot as the said use or building
- (c) the curtilage area within a lot of 3 or more acres improved by a dwelling.

The Board finds that the pen and dog house as currently placed do not comply with Section 4.12 in that they are within 200 feet of the curtilage area of the Applicant’s dwelling and also within 200 feet of adjoining occupied lots. (No request for a variance from Section 4.12 was applied for or considered.) However, the Board finds that the substantial size of the lot may be sufficient to support the kennel. In addition, the Board notes that the concerns of the neighbors are genuine and not unreasonable. Accordingly, a conditional use for the operation of a kennel with less than ten (10) dogs is granted, subject to the following conditions.

1. Applicants’ kennel must meet all zoning requirements (including Section 4.12) and all State and County laws pertaining to the operation of a kennel.
2. The kennel shall be limited to nine (9) dogs and commercial breeding is not permitted without the approval of the Board.
3. The pens, once located in conformity with the Zoning Ordinance, shall be enclosed with fencing high enough to ensure that the dogs will not escape and/or menace the neighbors.

2/4/00

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman