

**Tax Map/Block/Parcel  
No. 50-7-175**

**Building Permit/Zoning  
Certificate No. 01-0821**

**Case 4592**

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

**APPLICANT:** Heath Eric Ogburn  
1437 Hallowell Lane  
New Windsor, Maryland 21776

**ATTORNEY:** Michelle Ostrander

**REQUEST:** An application for a conditional use request to establish a kennel for ten or more dogs and a request for a variance from the required 400-foot setback to adjoining residences.

**LOCATION:** The site is located at 1437 Hallowell Lane, New Windsor, MD 21776, on property zoned "A" Agricultural District in Election District 11.

**BASIS:** Code of Public Local Laws and Ordinances, Chapters 223-71(12) and 223-16.

**HEARING HELD:** May 30, 2001

**FINDINGS AND CONCLUSION**

On May 30, 2001, the Board of Zoning Appeals (the Board) convened to hear the application for a conditional use to establish a 20 run private kennel for Jack Russell Terriers that the Applicant, breeds, raises and shows. In addition, a variance from the required 400 foot setback to adjoining residences was requested.

The request is being made as a private kennel and there will be no boarding of animals. The Applicant breeds, raises and shows Jack Russell Terriers only.

The Applicant and his parents reside on the property. The property consists of approximately 27 acres, several outbuildings, workshop, 2-car garage, barn and a machine shed. The Applicant will construct an enclosed 24 Ft. x 54 Ft. concrete block building with windows and ventilation which would include individual 4 Ft. x 10 Ft. concrete runs for each dog. The property is served by a well. There are four rows of 16 Ft. pine trees that will serve as a screen surrounding the kennel. A variance is being requested in order to shield the dogs from the adjoining property owner's pasture and to allow for access to water and electric. Locating the

**OFFICIAL DECISION**

**Case 4592**

**Page Two**

building on another spot on the property would create a hardship for the Applicant. The Applicant is a registered member of The Jack Russell Terrier Club of America, Inc. Noise from the dogs can be alleviated by the wearing of "bark collars", which deliver a harmless electronic stimulus to prevent nuisance barking.

The Board finds that no additional traffic would be generated since the kennel is private and the lighting will be similar to that used on any typical exterior building or shed. Since the property is zoned Agricultural, this use is harmonious with the zoning and there is no indication that it would be detrimental to the neighbors if the business is run properly. The variance is needed due to the placement of the well and electric. The Applicant has met the test of a hardship, since a second well would be necessary and the possibility of the realignment of the electric to go around corners to get to his new building would be necessary to place the building at 400 Ft.

Based on the testimony, the Board approves the conditional use and grants the variance for a 400 Ft. setback to a 200 Ft. setback. The conditional use requires that bark collars be used at all times on all of the animals being kept in the kennel.

June 15, 2001

Date

Ronald F. Hoff

Ronald F. Hoff, Chairman