

**Tax Map/Block/Parcel**  
No. 12-21-429

**Building Permit/Zoning**  
Certificate No. 01-1278

Case 4599

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

**APPLICANT:** Edward C. and Bonita N. Pundt  
125 Morning Frost Street  
Taneytown, Maryland 21787

**ATTORNEY:** Daniel Murphy

**REQUEST:** An application for a conditional use for a kennel for 10 or more dogs and a variance to allow the use to be located 75 Ft. from a lot of less than 3 acres.

**LOCATION:** The site is located at 3846 Turkeyfoot Road., Westminster, MD 21158, on property zoned "A" Agricultural District in Election District 3.

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

**HEARING HELD:** June 26, 2001

**FINDINGS AND CONCLUSION**

On June 26, 2001, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a kennel for 10 or more dogs and a variance to allow the use to be located 75 Ft. from a lot less than 3 acres.

The Applicants are requesting a conditional use for a kennel of 10 or more dogs. The proposed kennel will be used to raise and breed Yorkshire terrier dogs as a personal hobby. No grooming or boarding of other dogs will take place at the proposed kennel. The Applicants will be showing Yorkshire terrier dogs that are registered with the AKC. For the majority of the time, the dogs will be kept inside the house. These dogs are quiet in nature and they respond more to humans than to other dogs. Currently, the Applicants have five adult dogs and two puppies. The Applicants propose to breed one dog per year. As a result, the number of puppies should not exceed six at any one given time period and the total number of dogs on the property would not exceed 15. Veterinary care is provided by the Taneytown Veterinary Clinic.

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The Applicants have a contract to purchase a property located at Turkeyfoot Road in which a variance is being requested to locate the kennel 75 Ft. from another lot of less than 3 acres. Undue hardship would be created for the Applicants to comply with the 400 Ft. setback requirement, since an existing house would have to be relocated. The proposed property is located on an unpaved road. The house sits back from the road, which is accessed by a long driveway. The house cannot be seen from the road and there is a wooded lot past the road. There is a working farm behind the property, a residential property on the left and a kennel across the street for Mastiff dogs. There is a second kennel in the same neighborhood. Any necessary improvements will be done to the interior of the home and a fence will be erected on the outside of the property.

The conditional use request and variances under this unique situation will generate few, if any, adverse effects to any of the adjoining property owners. However, the Board believes that the following conditions are appropriate. The kennel may not exceed 15 Yorkshire terrier dogs. Due to the peculiar circumstances of this case, no other breed shall be kept on the property. No outside runs or sheds are permitted. Requests for any different type of kennel will need to be presented before the Board for its approval. The variance for 75 Ft. from the property line from a lot less than 3 acres and a 3-acre minimum lot size required is granted, as hardship was proven as mentioned previously in this decision.

July 11, 2001

Date

Ronald F. Hoff

Ronald F. Hoff, Chairman