

Tax Map/Block/Parcel
No. 1-23-20

Building Permit/Zoning
Certificate No. 04-0126

Case 4909

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

APPLICANT: Dr. Morna Conway
5129 Harney Road
Taneytown, Maryland 21787

ATTORNEY: Andrew C. Stone

REQUEST: An application for a conditional use for a kennel for personal use for up to 15 dogs with a variance from 400 ft. to 34 ft. to the roadway.

LOCATION: The site is located at 5129 Harney Road, Taneytown, MD 21787, on property zoned "A" Agricultural District in Election District 1.

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

HEARING HELD: February 24, 2004

FINDINGS AND CONCLUSION

On February 24, 2004, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a kennel for personal use for up to 15 dogs with a variance from 400 ft. to 34 ft. to the roadway. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant currently owns 10 dogs that are living on the property. The dogs are mostly kept indoors. Three dogs live outdoors when the weather is appropriate. Since the Applicant works with the Yorkshire terrier rescue, she is asked occasionally to temporarily house a dog. The Applicant has no intention of breeding dogs for sale on the property and no kennel/boarding services will be offered to the public. A chain link fence surrounds a 100 x 50 ft. portion of the property. A 6-Ft. tall wooden picket fence surrounds the perimeter of the front and side yards of the house. As a result, the dogs come in and out from the kitchen onto the front porch, which has a gate allowing the dogs to go out to the front and side yards in a secured area. The kennel is at least 400 feet from any dwelling house. The house is approximately 34 feet from Harney Road. A variance is needed for setbacks from the house to Harney Road. It is

OFFICIAL DECISION

C4909

Page Two

believed the house predated Harney Road. The Harney Volunteer Fire Company is directly across from the Applicant's residence. The proposed kennel should have no adverse effect on traffic or the surrounding neighbors.

The Board finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. However the following conditions are appropriate:

1. The conditional use is non-transferable.
2. The kennel shall be private and is limited to no more than 15 dogs.
3. Waste disposal at the kennel shall comply with appropriate Health Department and environmental regulations.

The variance is also granted. The house was constructed prior to Harney Road, thereby creating a "unique" property that supports a front yard variance.

Date

3/17/04


Jacob M. Yingling, Chairman