

Case 5230

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

APPLICANT: Larry and Christine Barath
1230 Cherrytown Road
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: A conditional use for a kennel for less than 10 dogs (personal pets) and a variance from the 200 ft. required setback to 100 ft.

LOCATION: The site is located at 1230 Cherrytown Road, Westminster, on property zoned "A" Agricultural District in Election District 3.

BASIS: Code of Public Local Laws and Ordinances, Section 223-72 A (12), 223-16 and 223-186 A (3)

HEARING HELD: June 22, 2006

FINDINGS AND CONCLUSION

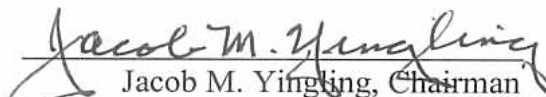
On June 22, 2006, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a kennel for less than 10 dogs (personal pets) and a variance from the 200 ft. required setback to 100 ft. The Board made the following Findings and Conclusion:

The subject property is on 3 acres in a rural neighborhood. The Applicants moved to the residence 3 years ago. They have acquired 5 dogs over the years and wish to obtain Board approval for a kennel. The dogs are personal pets and kept indoors. The Applicants will never have more than 5 dogs at a time. No boarding of other dogs occurs at the property.

The requested variance is a reduction in the setback from Cherrytown Road. The house is currently only 100 feet from the road. Absent moving the house (an unreasonable hardship), there is no way for this kennel to meet the setbacks. Accordingly, the requisite hardship has been proven and a variance is granted.

In addition, the Board finds that any adverse effects from this use (i.e., barking noise) will be no worse here than elsewhere in the zone. Accordingly, the conditional use is granted, with a maximum of 5 dogs permitted at this location.

7/19/06
Date


Jacob M. Yingling, Chairman