

Tax Map/Block/Parcel
No. 53-07-274
Case 5825

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Linda Kaim
1443 Old Taneytown Road
Westminster, MD 21158

ATTORNEY: Matthew Luzuriaga, Esq.

REQUEST: A request for a Conditional Use and various variances for a commercial kennel.

LOCATION: The site is located at 1907 Bethel Road, Finksburg, Maryland 2104 on property zoned "IR" Industrial Restricted in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 158.079 (D)(2), 158.078 (D), 158.077 (D), 158.070(E), 158.133 and 158.30 (F).

HEARING HELD: March 24, 2015

FINDINGS AND CONCLUSION

On March 24, 2015, the Board of Zoning Appeals (the Board) convened to hear the request for a Conditional Use and various variances for a commercial kennel. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Linda Kaim, the owner of Lionheart K-9, wants to expand her business by buying an existing block building that houses an antique shop. A conditional use for the antique shop was granted by the Board in 2004. Ms. Kaim runs a family business in the training of dogs. She was going to keep her existing kennel license at another location. Her husband and son also work in the business. She conducts dog training sessions all over the country. She stated that she served the mid-Atlantic region. A small percentage of her customers were from Carroll County. In the block building at the new location, 99% of her activities would be inside of the building. The dogs would have to relieve themselves outside of the building. She would not board dogs at the new location nor have dogs stay overnight there. There would be no runs at the new location either. She would also not be taking the dogs from her current location to the new location. All of the training would take place inside of the block building.

Randy Bachtel works for BPR Inc. He completed a plat for the Board in this case. The Board accepted Mr. Bachtel as an expert witness in land use, land planning and engineering. He testified that the property was located on 2.65 acres and was in the industrial zone. He stated that there was an active septic system on the property. There were also streams around the property. He stated that the property was unique and unusual. The block building would be an indoor facility for the owner/dog trainer to train other owners and trainers.

Nokomis Ford, of Planning, wrote a March 13, 2015 letter to the Board. She wrote that the request is compatible with the vision and goals for the area as expressed in the Master Plan. She also wrote that the staff finding was that “this appeal is consistent with the ... Master Plan and would not have an effect on the current use of the property or its surrounding environs.”

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board also approved the requested variances.

Date

Gary Dunkleberger, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.