

Tax Map/Block/Parcel
No. 65-12-071
Case 5751

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Jennifer Fry
4827 Buffalo Road
Mt. Airy, MD 21771

ATTORNEY: N/A

REQUEST: Case 5751, Request for a Conditional use for the installation of a smoke free, odor free, pet crematoria in accordance with Ordinance 2012-07 on property in an area zoned Agricultural.

LOCATION: The site is located at 4827 Buffalo Road, Mount Airy, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71(35).

HEARING HELD: May 27, 2014

FINDINGS AND CONCLUSION

On May 27, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for a Conditional use for the installation of a smoke free, odor free, pet crematoria in accordance with Ordinance 2012-07 on property in an area zoned Agricultural. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jennifer Fry testified as the applicant in this matter. She operates the business known as Faithful Memories LLC, which has been operational in Carroll County for five years. She requested to use her property to operate the equipment needed to perform cremation services for pets. The company strives to provide the best service to Carroll County residents for the care of their pet families. Representatives from Faithful Memories LLC would go to residents' homes and veterinary establishments to pick up the dead pets for cremation services. People would not bring their dead animals to the location. Faithful Memories LLC intends to have the cremation equipment placed into a building. Neighbors would not be able to see the dead animals at any part of the cremation process. The animals would be transported into a building which would house the vehicle delivering the animals. The dead animals would always be transported in enclosed vehicles and not in open air vehicles. The largest animal that has been transported was

a Mastiff at about 180 pounds. The cremation process would reduce the pets to bones and ashes with no liquids being present.

Jennifer Fry testified that she planned to obtain the equipment for the crematory process from Matthews International Cremation Division. A letter dated April 23, 2014 was included as Exhibit 2. The company is the largest service and repair organization for cremation equipment, and they service all brands. The equipment operates without smoke or odor, and each and every installation must be permitted by the environmental authorities for the jurisdiction where it is located. Exhibit 2 states that “residents of the area will not be aware that the equipment is operating.” Because of the equipment’s high quality standards, the byproducts are not visible following the cremation process. There is also “no odor of the material being combusted.” The equipment operates automatically and has built-in pollution detection equipment that constantly supervises the operation, safeguarding against pollution and environmental impact. Cycle time is approximately one to one and one-half hours per pet. The literature states that a 200 pound animal could be cremated in approximately one hour.

Charles Georgius testified as a neighbor who lives near the location of the proposed pet crematoria. He was concerned how the pets would be transported to the location. He had another concern involving the odors of the animals. He also did not want his family and guests to see dead carcasses being delivered for the crematory process. He wanted to know where carcasses would be stored on the property. He stressed that the maintenance of the equipment was important so that the odor factor did not become a problem. His concern was about air quality and his shared driveway. He stated that he might be considered a NIMBY or not in my back yard type of objector.

Based on an April 29, 2014 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and an April 28, 2014 memorandum from Lynda Eisenberg, Bureau Chief of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the Carroll County Master Plan for Water & Sewerage, and other functional plans. The surrounding area is comprised primarily of single-family residential and agricultural uses. Planning staff did not perceive that a pet crematoria at this location would have an adverse impact on the immediate neighborhood. The Board accepted and agreed with these findings.

The Board found that traffic would not be a concern in this matter, because the representatives of the company would be responsible for the transportation of the animals. Clients would not come to the property as company representatives would go to the client’s home. Odor would not be a problem based on the literature from Matthews International Cremation Division and the testimony from Jennifer Fry. If odor was a problem Ms. Fry would also be exposed to the same odors since she lives there. The process was deemed to be smoke free and odor free and would not disturb Mr. Georgius. The Board was also satisfied that Ms. Fry would not be storing dead carcasses, another concern of Mr. Georegius.

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 approved the requested conditional use.

Date

Brian DiMaggio, 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 223-192C 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.

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