

Tax Map/Block/Parcel
No. 38-08-138
Case 5573

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

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

ATTORNEY: N/A

REQUEST: An application for a conditional use for a commercial kennel for the purpose of training up to 12 dogs and a variance from 40 ft. front setback to 27 ft and any other variances as needed.

LOCATION: The site is located at 1443 Old Taneytown Road, Westminster, MD 21158, on property zoned "A" Agricultural District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (12), 223-75 A and 223-16

HEARING HELD: December 28, 2010

FINDINGS AND CONCLUSION

On December 28, 2010, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a commercial kennel for the purpose of training up to 12 dogs and a variance from 40 ft. front setback to 27 ft. and any other variances as needed. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The applicant resides with her family on 3.45 acres (+/-) in the "A" Agricultural zone. She is a professional dog trainer and currently owns three dogs. She would like to open a training school in her home for up to nine other dogs. Clients will leave their dog with the applicant for weeks at a time until the completion of the desired training. The training will occur in the home, in a garage on the property, and weather permitting, outdoors. There will be no outside kennels for the dogs and they will be kept largely indoors. Customer traffic is estimated to be one visit per dog during the week, and the visits will be by appointment only. There will be no customer visits during the evening and on Sundays.

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The home was constructed in its current location circa 1860. It fronts Old Taneytown Road in Westminster, which is lightly traveled. The neighborhood is rural with scattered residences. The applicant's lot is rectangular shaped. There will be no employees.

Based on the above, the Board found that client traffic from this use will be negligible. Noise will be minimal, as the dogs will not be kept outside. The use is consistent with other uses in the neighborhood and the agricultural zone. Property values will not be reduced by this dog school. There will be no employees or evening hours. The exterior of the residence will be unchanged. In short, the adverse effects from this use, minimal as they are, will be no greater here than elsewhere. Approval is granted with the following conditions:

1. There will be no outdoor kennels or runs put on the property.
2. The use is non-transferable and is granted to the applicant solely. The applicant agreed to this condition at the hearing.

Turning to the variance request, the residence in its current location was constructed well before the enacting of zoning laws in the County, as was the highway. Thus, a strict application of the front setback to the street would result in undue hardship and practical difficulty not of the applicants' making, and the requested variance was granted. Based on the Zoning Administrator's written comments in the file, it appears additional variances will be necessary. However, the applicant did not request the specific variances or provide the Board with any information regarding the distances from this use and adjoining residential uses. Accordingly, these variances could not be addressed at this hearing.

19 January 2011
Date

Howard B. Kramer
Howard B. Kramer, Chairman

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Pursuant to Section 223-192C of the County Code, this approval will become void within 1 year from the date of this decision unless the use or variance is implemented. Please contact the Zoning Administrator at (410) 386-2980 to obtain a zoning certificate.

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.