

**Tax Map/Block/Parcel
No. 23-3-487**

Case 5417

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

APPLICANT: Craig B. & Robin D. Singhaus
2559 Ebbvale Road
Manchester, Maryland 21102

ATTORNEY: n/a

REQUEST: A conditional use for a kennel for less than 10 dogs (personal pets/show dogs); a variance from the required 3 acres to 2.73 acres and a variance from the required 200 ft. setback to 50 ft.

LOCATION: The site is located at 2559 Ebbvale Road, Manchester, MD 21102, on property zoned "A" Agricultural District in Election District 6.

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

HEARING HELD: June 24, 2008

FINDINGS AND CONCLUSION

On June 24, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a kennel for less than 10 dogs (personal pets/show dogs); a variance from the required 3 acres to 2.73 acres and a variance from the required 200 ft. setback to 50 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicants reside on 2.7 acres in "A" Agricultural zone. They wish to keep up to ten pet dogs in the property. The dogs will be kept outside in a pen during the day and will be brought inside to sleep at night. The Applicants purchased the property in 2004. It is served by a use-in-common driveway.

The property consists of rolling hills, and it levels off where the residence is located. The lot is long and narrow, and is only 200 feet wide. There is no place on the property where a kennel could be located absent the grant of a variance. The dogs are personal pets, and there is no commercial breeding or boarding of other dogs. One neighbor, at 2585 Ebbvale Road, testified that the dogs bark constantly when they are outside. Conversely, the resident closest to

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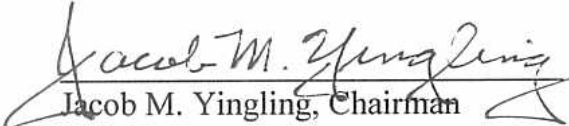
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the kennel at 2563 Ebbvale Road testified that there was no excessive barking or any other problems associated with the Applicants' dogs. The Board found this neighbor's testimony to be more persuasive and credible.

Based on the above, the Board found that any adverse effects from the keeping of up to 10 dogs at this location (including barking) would be no worse here than elsewhere in the "A" Agricultural zone. The dogs are personal pets, and no customer traffic will be generated. The dogs are kept indoors at night. They stay on the property. No odors, dust or fumes are generated here. Property values were not shown to be affected. Also, the Board found that due to the topography of the lot, and its unusually narrow width, a strict application of the lot size and setback provisions of the Ordinance could result in undue hardship and practical difficulty in this particular case. Accordingly, the conditional use and variance were granted. The approval includes the following conditions:

1. During the site plan process mandated by Carroll County Public Local Laws and Ordinances, Section 103-19, the Board requests that a non-deciduous tree buffer be required to screen the area between the outdoor kennel and 2585 Ebbvale Road.
2. The Applicants may keep no more than eight (8) dogs on the property.

7/23/08
Date


Jacob M. Yingling, Chairman