

**Tax Map/Block/Parcel**  
**No. 39-22-66**

**Case 5382**

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

**APPLICANT:** Ruth Ann White  
311 N. Tannery Road  
Westminster, Maryland 21757

**ATTORNEY:** n/a

**REQUEST:** Conditional use for a kennel (less than 10 dogs), a variance from the required 200 ft. setback to 150 ft. and 62 ft. on the east side of the house and property and a variance from 200 ft. from any lot less than three acres occupied or intended to be occupied by a dwelling.

**LOCATION:** The site is located at 311 N. Tannery Road, Westminster on property zoned "C" Conservation District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-34 (B) and 223-16

**HEARING HELD:** January 23 and July 29, 2008

**FINDINGS AND CONCLUSION**

On January 23 and July 29, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a kennel (less than 10 dogs), a variance from the required 200 ft. setback to 150 ft. and 62 ft. on the east side of the house and property and a variance from 200 ft. from any lot less than three acres occupied or intended to be occupied by a dwelling.

Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant resides on 5.47 acres in the "C" Conservation Zone. She appeared before the Board on January 23, 2007, with her request for a variance and conditional use. Due to the significant opposition of the neighbors, who complained about noise from the dogs, the Board's decision on this application was deferred for six months. The deferral was intended to provide the Applicant with time to devise a method of addressing the neighbor's concerns about noise.

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The Applicant's seven dogs are her personal pets. The dogs are poodles ranging from 13 months to 2 years of age. The dogs are now kept inside in the Applicant's home, where several indoor kennels have been constructed. In addition, the Applicant has installed a six foot high privacy fence enclosing a 3,500 square feet outdoor area for the dogs. The dogs are only permitted to be outdoors when the Applicant or her husband are home. At the time of the initial hearing, the dogs were able to enter and exit the house during the day through a small door. They no longer have such access. The new fence and restriction of the outdoor access have resulted in a considerable reduction in the amount of barking by the dogs. No one appeared in opposition at the July hearing.

The Applicant hopes to breed 2 of the dogs. Each would be bred once a year. The puppies would be sold on the internet or through other means of advertising. There will be no boarding of other people's dogs or customer traffic to the residence. Although the Applicant has obtained a groomer's license, she has agreed not to perform grooming of other dogs at her residence.

The lot, while large, is an unusually shaped piece of land. It is long and narrow, and heavily wooded to the rear. In addition, the property includes steep slopes, and the house sits in a "bowl like" terrain.

The Board found that the Applicant's noise reduction methods, including keeping the dogs indoors and erecting an opaque privacy fence, have largely assuaged the neighbors' concerns regarding barking. There was no evidence of dust, fumes, odors, gases, traffic or other adverse impacts from the kennel, and any such impacts would be no greater here than elsewhere in the zone. Accordingly, the conditional use was granted.

As for the variance, the Board found that due to the long and narrow shape of this large lot, there is nowhere on the lot where a kennel could be placed without a variance. Accordingly, hardship and practical difficulty were proven and the requested variances were granted.

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The use was conditioned as follows:

1. The use is non-transferrable.
2. No commercial grooming should be conducted on the property.

8/20/08  
Date

Jacob M. Yingling  
Jacob M. Yingling, Chairman