

Tax Map/Block/Parcel
No. 79-16-169

Building Permit/Zoning
Certificate No. 97-0496

Case 4214

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANTS: John J. and Connie Veise
7564 Ridge Road
Marriottsville, Maryland 21104

REQUEST: A conditional use request for a kennel for less than ten dogs including boarding and grooming

LOCATION: 7564 Ridge Road on property zoned "C" Conservation District in Election District 5

BASIS: Article 5, Section 5.2(b); Ordinance 1E (The Carroll County Zoning Ordinance)

On March 17, 1997, the Board of Zoning Appeals received an application filed by John J. and Connie Veise for a conditional use to construct and operate a dog kennel for 15 or less dogs on property located 7564 Ridge Road, Marriottsville, Maryland 21104. On April 24, 1997, the Board held a hearing on the above captioned application. At the hearing, the applicants modified their request to reflect a request for a kennel for ten or less dogs. (This request was precipitated by the different distance requirements associated with the different kennels.) The following are the Board's findings and conclusions.

The property in question is 7564 Ridge Road, Marriottsville, Maryland and serves as the residence of Connie and John Veise. The property comprises 12 plus or minus acres and is zoned "C" Conservation. The applicants propose to construct a kennel on the property where grooming will take place and some occasional overnight boarding of dogs. The applicants propose to construct an indoor facility and to improve the driveway. They would not cater to the larger dogs but rather to smaller dogs. The principle business would be the dog grooming business and occasionally dogs would be boarded there. It is the intent of the applicants to start small with a few dogs at first and then increase the number as business progresses. There will be no breeding of dogs in the kennel. Hours of operation initially proposed are 9:00 a.m. to 4:00 p.m., Monday through Saturday, with no hours on Sunday. No sign will be erected.

The property currently is used as a residence for the applicants as well as a horse farm. The applicants have several horses which they breed. They would not employ any employees. Fencing would be constructed around the kennel to act as an enclosure for the kennel. The applicants testified that they are

not sure of the distance between the proposed kennel and the nearest curtilage area of the adjoining property. Mrs. Veise, testified that she believes that the proposed kennel is more than 200 feet from any adjoining curtilage area.

Neighboring property owners appeared in opposition to the request and testified that the proposed use was closer than the required distance requirements to their curtilage areas. The Board notes that the distance requirements for a kennel for ten or less dogs is 200 feet from the site of the kennel to the curtilage area of the adjacent properties.

In addition, numerous neighboring residents appeared in opposition to the request. Primary opposition to the request was that the area is a quiet, residential neighborhood and the proposed kennel would be disruptive to the people's quiet enjoyment of their property.

The applicants currently have two dogs who constantly bark and are disruptive to the neighbors. The neighbors collectively feel the additional dogs would increase the noise level and be disruptive to the neighborhood. In addition, several neighboring residents complained that Ridge Road is a narrow road and cannot accommodate additional vehicle traffic. One individual testified that when faced with an oncoming vehicle on Ridge Road, the individual had to drive into the driveway of the Veises' to avoid the oncoming vehicle. The Board is deeply concerned with, the probable noise problem created by the construction of the kennel as well as the safety consideration associated with the traffic at this rural setting.

The Board finds that applicants have failed to establish that the distance of the proposed kennel is 200 feet from the adjoining curtilage area. The burden of establishing the distance requirement is squarely on the applicants. The Board cannot speculate on such matters when the applicants fail to meet their burden. The Board hereby disapproves the application.

The Board makes the following findings in the event that the applicants had been able to establish the requisite distance requirement. The proposed kennel is likely to cause noise which is disruptive to the neighbors and would require substantial efforts to mitigate the problem.

1. The kennel building would have to be constructed in accordance with the American Boarding Kennel Association's specifications for kennels.
2. The walls and ceiling would have to be soundproofed using state-of-the-art materials.
3. The exterior runs would have to be constructed of a

solid material such as wood or brick block to aid in the reduction of the noise and the barking. The wood or solid material would have to extend at least thirty inches in height and thereafter can be other fencing material.

4. Landscaping would have to be installed around the kennel area as noted on the sketch plan submitted with the application by the blue hatch marking, to include at least 20 trees, 5 feet in height, measured from the ground, planted in a double row to be located in the north/northeast quadrant so as to shield the adjoining property owner on Ridge Road from the kennel.
5. The kennel would have to be limited to not more than a total of six dogs.
6. A site plan review would also be a requirement for the proposed use.
7. The driveway would have to be improved to include a turnaround.
8. Parking for the customers would have to be provided.
9. Suitable perimeter fencing would have to be constructed around the entire kennel area.
10. The driveway would have to be improved to provide suitable access.

5/27/97

Date



James L. Schumacher, Chairman

IM/bmh/c4214dec.bmh
May 21, 1997