

Tax Map/Block/Parcel
No. 61-24-657
Case 5967

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Christopher J. & Rhonda L. Andrews
4515 Gray Horse Drive
Westminster, MD 21157

ATTORNEY: Edward M. Miller, Esq.
202 E. Main Street, 1st Floor
Westminster, MD 21157

REQUEST: A request for a conditional use for a Commercial Kennel in order to operate a doggy day care facility and multiple variances to adjoining properties.

LOCATION: The site is located at 4515 Gray Horse Drive, Westminster, Maryland on property zoned "A" Agricultural District, in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Sections 90.03, 158.070(E)(1)(i) and 158.040.

HEARING HELD: August 30, 2016

FINDINGS AND CONCLUSION

On August 30, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a Commercial Kennel in order to operate a doggy day care facility and multiple variances to adjoining properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The Andrews moved into their property approximately twelve years ago. Christopher Andrews testified in favor of the application. They want to open a business in their home that will be a small licensed day care and kennel service. The business will include daily care for dog owners while they work, boarding services while families travel and light grooming services. The dogs would be cared for in a safe, fun and nurturing home environment. He spoke to all adjoining property owners about the kennel with the knowledge that no additional construction would occur for the business. The neighbors did not have an objection. (No neighbors showed up at the Board hearing.)

There was a covenant that only household pets could be kept on the property and it is referred to in number 14 PETS AND ANIMALS. Only two pets could be kept on the property. Pets could not be kept on the property for commercial purposes. The Andrews received a waiver of the covenant with regard to the kennel as long as the neighbors bordering the residence

consented to the kennel. There were numerous letters of support for the Andrews in the venture involving the kennel.

Rhonda Andrews has been a responsible dog owner for forty years. She has six years of veterinary tech experience with the Reisterstown Vet Center. She would be the primary care provider for the dogs. She would provide some training. The dogs would be kept in an unfinished portion of their basement. The back yard was already fenced in and would be where the dogs would have their outdoor time and exercise. In addition to the Andrews five dogs, they requested to commence the kennel for an additional five dogs for a total of ten dogs.

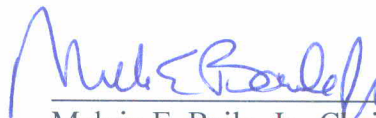
According to Clay Black, access for a commercial establishment was to be eighteen feet in width. He noted that the driveway did not meet the code requirement. The Board found that the existing driveway was adequate for the kennel. The Board agreed that with the addition of five additional dogs that there would be minimal new traffic and that the eighteen foot driveway was therefore unnecessary.

An August 15, 2016 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, and signed by Clare Williams, Planning Technician stated that "the staff finding is that this request is not inconsistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its environs." The Planning staff also did not perceive that a commercial kennel would have a major impact on traffic.

The Board was convinced that authorization of the request with regard to the accessory use for a conditional use for a commercial kennel with up to ten dogs 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 granted the conditional use for a commercial kennel with up to ten dogs as presented by the applicant. The Board approved the multiple variances requested by adjoining neighbors since all of the neighbors consented to the kennel. The Board also approved a waiver of the eighteen foot requirement for the driveway as noted by Clay Black.

9-13-2016

Date



Melvin E. Baile, Jr., 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 Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) 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.