

Tax Map/Block/Parcel
No. 72-21-565

Building Permit/Zoning
Certificate No. 06-2621

Case 5257

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

APPLICANT: John C. Maris
Janelle A. Burke-Maris
6481 Sacramento Drive
Sykesville, MD 21784

ATTORNEY: N/A

REQUEST: Conditional use request for a kennel for 4 adult dogs (personal pets), and a variance from the required distance setback of 200 ft. to 150 ft.

LOCATION: The site is located at 6481 Sacramento Drive, Sykesville, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Section 223-16, 223-71 (A) (12) and 223-186 A (3)

HEARING HELD: October 24, 2006

FINDINGS AND CONCLUSION

On October 24, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a kennel for 4 adult dogs (personal pets), and a variance from the required distance setback of 200 ft. to 150 ft.* The Board made the following findings and conclusion:

The Applicants own 3-1/2 acres in a residential community in the "A" Agricultural zone. The property is improved with a dwelling. They reside there with four adult dogs that are kept as pets. In addition, the Applicants periodically house up to 8 other puppies at a time on a temporary basis as participants in a dog adoption program. There are no sales of dogs and no commercial boarding of dogs. There is a fenced in area consisting of 1-1/2 acres in the rear yard. The neighborhood consists of large lot farmettes and residences. The distance between the closest neighbor's house is 125 feet (+-), which necessitates a request for a 75 foot variance. The dogs are kept primarily indoors.

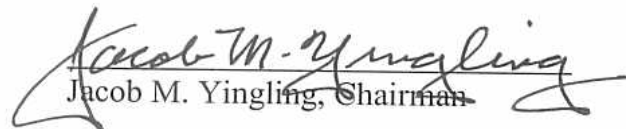
Neighbors testified that at times there are up to 11 canines on the property. They testified further that when the animals are outside in the fenced area, they bark constantly, resulting in a disruption to the peaceful enjoyment of their homes.

*amended at the hearing to 125 ft.

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Based upon the above, the Board finds the proposed use, namely a kennel for four adult dogs, will not generate adverse effects above and beyond those normally associated with such a use. However, the Board also finds that the lodging of up to 9 additional puppies at the property as part of an animal rescue program results in an unacceptable noise level that adversely affects the peaceful enjoyment of neighbors in their homes greater here than elsewhere in the zone. As such, a condition is imposed prohibiting the boarding of puppies from outside sources. In addition in accordance with Carroll County Public Local Laws and Ordinances §103-9, a site plan will be submitted addressing, among other requirements, tree screening or landscaping between the Applicant and the closes neighbor. As for the variance, the Board finds that the property is in several aspects unique. The parcel is irregularly shaped and is surrounded by larger agricultural parcels, which is unusual in the Eldersburg/Sykesville area. According, the variance is granted.

11-20-06
Date


Jacob M. Yingling, Chairman