

**Tax Map/Block/Parcel
No. 67-14-584**

**Building Permit/Zoning
Certificate No. 99-1843**

Case 4428

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

APPLICANT: Patrick A. DiNenna
1443 Buckhorn Road
Sykesville, Maryland 21784

ATTORNEY: David K. Bowersox
Hoffman, Comfort, Galloway & Offutt, LLP
24 North Court Street
Westminster, MD 21157

REQUEST: A conditional use request for a kennel for less than 10 dogs.

LOCATION: Located at 1443 Buckhorn Road on property zoned "C" Conservation District in Election District 14.

BASES: Article 5, Section 5.2(b) and Article 4, Section 4.12; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: July 28, 1999

FINDINGS AND CONCLUSION

On July 28, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of Patrick A. DiNenna for a conditional use for a kennel for less than 10 dogs located at 143 Buckhorn Road on property zoned "C" Conservation District in Election District 14. The following are the Board's Findings and Conclusions.

The Applicant, Patrick A. DiNenna lives on and owns 7 acres at 1443 Buckhorn Road. The Applicant purchased the property in 1995 and has made significant improvements to the existing house. The area surrounding the Applicant's property includes three (3) acre lots with residential homes and businesses (i.e., nursing home, dog grooming business, and a tree farm). The Applicant runs a business, Liberty Run Golden Retrievers, and he submitted a business plan to the Board demonstrating a need for such a facility. The mission of Liberty Run Golden Retrievers is to breed and raise healthy and obedient purebred Golden Retrievers. The breeding dogs possess certifications and the parents must have obedience titles. The Applicant currently has two (2) Pomeranians which are "house dogs" and seven (7) Golden Retriever dogs (three (3) adults and four (4) puppies). The

Applicant plans to increase the number of adult dogs at the location to less than ten (10) adult dogs for the breeding of Golden Retriever dogs and the raising and training of Golden Retriever puppies. The dogs will be kept in an existing 20 foot by 50 foot pole building covered by a roof. The pole building was constructed below grade to minimize noise leaving the area. The pole building has five (5) runs. The front and back of the pole building is open and the sides are enclosed with lattice. The pole building is enclosed by a 150 foot by 150 foot fence. The north side of the pole building is concealed by two (2) rows of 30 foot pine trees. No boarding of dogs other than those owned by the Applicant will be conducted at the location. Customers are received by appointment only and only one customer is present at any given time. The Applicant will buy supplies from retailers when needed. In approximately two (2) years, the Applicant plans to erect an additional concrete building containing central air conditioning and heating, sanitary facilities, and indoor and outdoor runs.

There was no one present that testified in opposition to the request.

Diann Paarmann, Ruth Marie Campbell, and Kenneth Stafford testified concerning the Applicant's good character as well as of his good business practices.

The Board finds the request to be an appropriate use of the property and it is consistent with other uses in the neighborhood. The Board finds that the Applicant has presented a sound business plan demonstrating a need for the facility. In addition, the Board finds that any adverse effects generated by the proposed use at this location do not exceed those inherently associated with such use elsewhere in the zone. The Board hereby approves the application of Patrick A. DiNenna for a conditional use for a kennel for less than 10 dogs located at 143 Buckhorn Road on property zoned "C" Conservation District in Election District 14.

8/6/99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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August 4, 1999