

Tax Map/Block/Parcel
No. 40-4-194

Building Permit/Zoning
Certificate No. 97-2767

Case 4357

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

APPLICANT: Allysia A. Cirka
2818 Hampstead-Mexico Road
Hampstead, Maryland 21074

REQUEST: A request for the modification of the conditional use for a 50 run dog kennel/grooming facility to a 75 run dog kennel/grooming facility and a 25 cat boarding facility with an attached caretaker apartment on property zoned "A" Agricultural District.

LOCATION: 2818 Hampstead-Mexico Road in Election District 8.

BASIS: Basis: Article 6, Section 6.3(j); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: October 28, 1998

FINDINGS AND CONCLUSION

On October 28, 1998, the Board of Zoning Appeals (the Board) convened to hear the request to modify the conditional use authorization for a 50 run dog kennel/grooming facility by the addition of 25 runs with an attached caretaker apartment located at 2818 Hampstead-Mexico Road on property zoned "A" Agricultural District in Election District 8. The request is made pursuant to Article 6, Section 6.3(j) of the Zoning Ordinance which authorizes the Board to hear requests for conditional uses for kennels with runways.

The request for a caretaker apartment and a cattery are not properly before this Board. Section 6.4(e) of the Zoning Ordinance permits living quarters for persons employed on the premises as a accessory use. Accessory uses are authorized by the

Zoning Administrator and not by the Board. The keeping of cats is not regulated by the Zoning Ordinance.

The Board previously heard cases 1422, 2156, 2261, and 4321 concerning conditional use requests for a kennel at this location. Case 4321 was recently approved with conditions allowing an increase from 23 indoor\outdoor kennel runs to 50 indoor/outdoor kennel runs including bathing, food preparation, and storage areas. The applicant now seeks to modify the latest authorization.

The expansion authorized in Case 4321 was never constructed. The plan in Case 4321 was to expand on the existing kennel. This applicant seeks to erect a totally new kennel for 50 dogs and to refurbish the existing kennel for another 25 dogs. The new building will be a 56' x 140' kennel structure, with 4' x 5' runs containing insulated foam board. It will be built more energy efficient than the existing kennel. The existing kennel, with 3' x 4' runs, will be used for overflow purposes only. Dogs will be kept inside the kennels during the evenings. The driveway apron will be widened to comply with State Highway Administration requirements. There will be no breeding on the premises. The hours of operation will be 7:30 a.m. to 7:00 p.m. Weekend hours would be reduced.

Mr. Wayne R. Leppo of 2817 Hampstead Mexico Road, and Ms. Edna Leppo of 2801 Hampstead Mexico Road testified in opposition to the request due to noise concerns. Both were concerned about the noise from barking dogs which has been previously heard coming from property. Both are also concerned the noise level will increase due to the

proposed expansion.

The applicant believes that the noise problem was due in part to the breeding operation on the property that has since stopped. Dogs used for breeding were kept in the front of the property. The applicant plans to reduce noise levels by use of soundproofing materials and techniques during the construction of the new kennel. The Board will only approve the expansion if additional methods to reduce noise at the new structure are implemented.

The Board hereby authorizes the request subject to:

- 1.) A maximum 75 dogs is permitted.
- 2.) Noise insulating material is to be installed on the interior walls of both the existing and new kennel buildings.
- 3.) Covers are to be placed over the outside runs in both the existing and new kennel buildings.
- 4.) Kennels in both the existing and new kennel buildings are to contain four (4) foot high panels to screen each dog's view from the view of other dogs.
- 5.) A mixture of 40 deciduous and evergreen trees, each at least 3 feet in height, is planted to screening and reduce the noise.

A site plan may be required pursuant to the Zoning Administrator.

11/30/98
Date

Ronald Hoff
Ronald Hoff, Acting Chairman

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November 23, 1998