

Tax Map/Block/Parcel
No. 37-16-345

Building Permit/Zoning
Certificate No. 97-1667

Case 4242

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Robert L. Hux
17110 Ridge Road
Upperco, MD 21155

REQUEST: A conditional use request for a kennel for ten or more dogs

LOCATION: 2529 Uniontown Road on property zoned "A"
Agricultural District in Election District 2

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

On June 16, 1997 the Board of Zoning Appeals (the Board), received the application of Robert L. Hux for a conditional use for a kennel of ten or more dogs on property located at 2529 Uniontown Road and zoned as "A" Agricultural. The use is authorized under Section 6.3(j), of the Zoning Ordinance. On July 23, 1997 the Board held a hearing on the request where the applicant appeared in support his application. At the onset of the hearing the applicant modified his request, with approval of the Board, to reflect that the application is now for ten or less dogs.

Mr. Hux testified that he recently purchased the subject property wherein he would like to have a kennel to keep ten or less dogs. The dogs that he keeps are Golden and Labrador Retrievers. He operated a boarding and breeding kennel in Baltimore County. He does not intend to breed or board dogs; he simply would like to have opportunity to show his dogs. He occasionally has less than ten dogs but never more. At night the dogs are confined to the house. During the day he would like to let the dogs stay in a fenced area behind the house. He intends to construct a 42 x 17 feet concrete slab with a chain link fence for this purpose. Mr. Hux testified that the closest property is approximately 800 feet away. Mr. Hux also presented a letter signed by his surrounding neighbors wherein he outlined his intentions and received their support. Mr. Hux indicated also that he would request the conditional use be limited to himself only and not be transferable with the property. Several neighbors appeared in support of his request and collaborated his testimony.

The Board finds Mr. Hux's testimony to be highly credible.

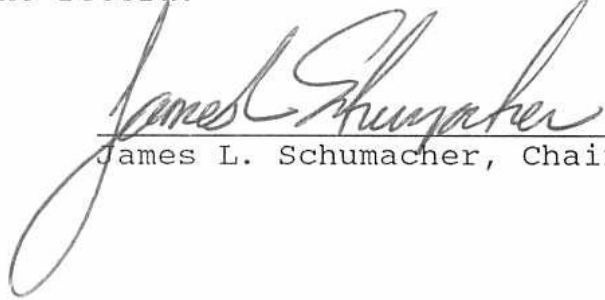
Based on the testimony presented, the Board approves the conditional use request subject to the following conditions:

1. Breeding and boarding are not permitted on the property.
2. The conditional use is limited to the current applicant only.

The Board also notes that the application did not have a plot plan which Mr. Hux has since submitted and the board is hereby incorporating it into the record.

August 29, 1997

Date


James L. Schumacher, Chairman

IM/jad/c4242dec.bmh
August 28, 1997