

Tax Map/Block/Parcel
No. 71-13-78
Case 5644

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Timothy J. & Rachann Mayer
6628 Runkles Road
Mt. Airy, Maryland 21771

ATTORNEY: N/A

REQUEST: An application for an expansion of up to 50 dogs to an existing conditional use (Case 5171, January 26, 2006) for a commercial kennel and a variance from the distance requirement of 400 ft. to 227 ft. from the Compton residence and to 287 ft. to the Higgs residence.

LOCATION: The site is located at 6628 Runkles Road, Mt. Airy, MD 21771, on property zoned "C" Conservation District in Election District 13.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-34 (B) and 223-16

HEARING HELD: June 28, 2012

FINDINGS AND CONCLUSION

On June 28, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for an expansion of up to 50 dogs to an existing conditional use (Case 5171, January 26, 2006) for a commercial kennel and a variance from the distance requirement of 400 ft. to 227 ft. from the Compton residence and to 287 ft. to the Higgs residence. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

Timothy and Rachann Mayer purchased their Mt. Airy property where they live in 2002. Previously, there had been a commercial kennel at that location since approximately 1964. Rachann Mayer started up the kennel again in 2006. Her kennel business, which includes boarding, daycare, and grooming, is doing well and there is a need to expand. There are currently four employees at the kennel, two full time employees and two part time employees. She is requesting to expand her existing conditional use for a commercial kennel from thirty dogs to eighty dogs. She created the first green kennel in the state of Maryland.

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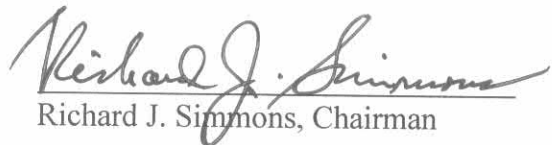
Edwin F. Singer testified as an employee with the Carroll County Health Department. He also submitted a memorandum, Exhibit 1, along with his testimony. In both his testimony and the exhibit, the Health Department requested that the number of employees working at the kennel be limited to ten.

David Lewis is a neighbor of the Mayers. He has lived on his property since 1968. He is home ninety percent of the time and did not hear much barking from the dogs at the kennel.

Brian Compton is also a neighbor of the Mayers. He purchased his house in 2004. Mr. Compton did not oppose the conditional use for the commercial kennel for thirty dogs in 2006. He complains that the addition of any other dogs would devalue his property. He testified that he can hear barking now and the addition of fifty more dogs would be intolerable and unbearable. However, he did not hear barking after 8p.m. He also testified that the second floor addition to the existing kennel would take away any existing barriers between his upstairs and the second floor of the kennel. His property is at a lower elevation than the kennel area.

The Board is convinced that authorization of the request is 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 will not unduly affect the residents of adjacent properties, the values of those properties, or public interests. The Board approves a conditional use with an expansion of an additional 25 dogs. The maximum amount of dogs would then be 55 dogs. Other conditions of the Board approval include the following: the kennel owner can obtain two trailers for its operations; the kennel owner must have six foot wooden fencing around the run area; the kennel owner must plant leeland cypress trees along the borders of where the dogs are allowed to run; the two trailers must be soundproofed; there is to be no plumbing in the two trailers; the kennel can have no more than ten employees; and the requested variances were approved.

7/9/2012
Date


Richard J. Simmons, 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 Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C 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.