

Tax Map/Block/Parcel  
No. 22-21-242

Building Permit/Zoning  
Certificate No. 06-2424

Case 5254

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

**APPLICANT:** Stacy Louise Groat  
735 Bachman's Valley Road  
Westminster, MD 21158

**ATTORNEY:** N/A

**REQUEST:** Conditional use request for a kennel for less than 10 dogs and a variance from the required 3 acre lot size to 1.68 acres and a variance from the distance requirements of 200 feet to 146 feet, 152 feet, 196 feet and 163 feet.

**LOCATION:** The site is located behind 735 Bachman's Valley Road, Westminster, on property zoned "A" Agricultural District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-71 A (12), 223-75 and 223-186 A (2)

**HEARING HELD:** September 26 & December 6, 2006 & January 31, 2007

**FINDINGS AND CONCLUSION**

On September 26 & December 6, 2006, & January 31, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a kennel for less than 10 dogs and a variance from the required 3 acre lot size to 1.68 acres and a variance from the distance requirements of 200 feet to 146 feet, 152 feet, 196 feet and 163 feet. The Board made the following findings and conclusion:

The Applicant resides with her family on 1.68 acres of land zoned "A" Agricultural. She wishes to breed and sell Chihuahua dogs. There will typically be 5 adult Chihuahuas and 2 other pet dogs on the property. At no point will there be more than 9 adult dogs. There will be no boarding or grooming of the dogs. They will be kept in the house most of the time. A portion of the yard is fenced to keep the dogs on the property. The dogs are never kept outside when there is no resident home. The breeding dogs will have 1 to 5 puppies, which are then sold.

The property backs up to a former dump site and there are steep slopes on portions of the lot. The septic system is located in the front yard. The house was located on the lot to accommodate the septic system and due to the close proximity to the former landfill. The lot is irregularly shaped and resembles a baseball diamond.

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**C5254**  
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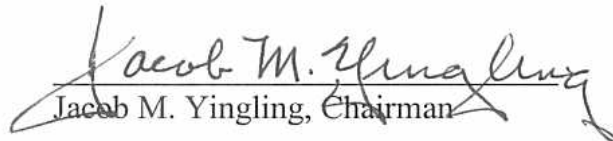
Based on the evidence presented, the Board finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated such a use. There is no evidence of dust, fumes, or reduction in property values due to the use. While all parties agree there is noise generated by the dogs when they are outside, this is clearly the case with any kennel. In addition, the Applicant has moved the outdoor pen for the Chihuahuas to reduce the effects of the barking on the closest neighbors. Accordingly, the conditional use is granted, subject to conditions listed later in the decision.

As for the variance, the Board finds that the shape of the lot, the location of the septic system, the steep slopes, and the proximity of the closed landfill to the property makes it unique such that a strict enforcement of the zoning regulations to this use would result in unnecessary hardship. Accordingly, the variances to the lot size from 3 acres to 1.68 acres are granted. In addition, the variances from the distance requirements of 200 feet to 152 feet, 196 feet, 146 feet and 163 feet as depicted in the boundary survey prepared by CLSI attached hereto as Exhibit "A" are granted.

The conditional use is subject to the following conditions:

1. There shall be no greater than 9 adult dogs kept at the premises.
2. The use is nontransferable.
3. The conditional use and variances shall expire 16 months from the date of the written decision to enable Applicant to relocate. After that time, she is limited to three (3) adult dogs at the property.

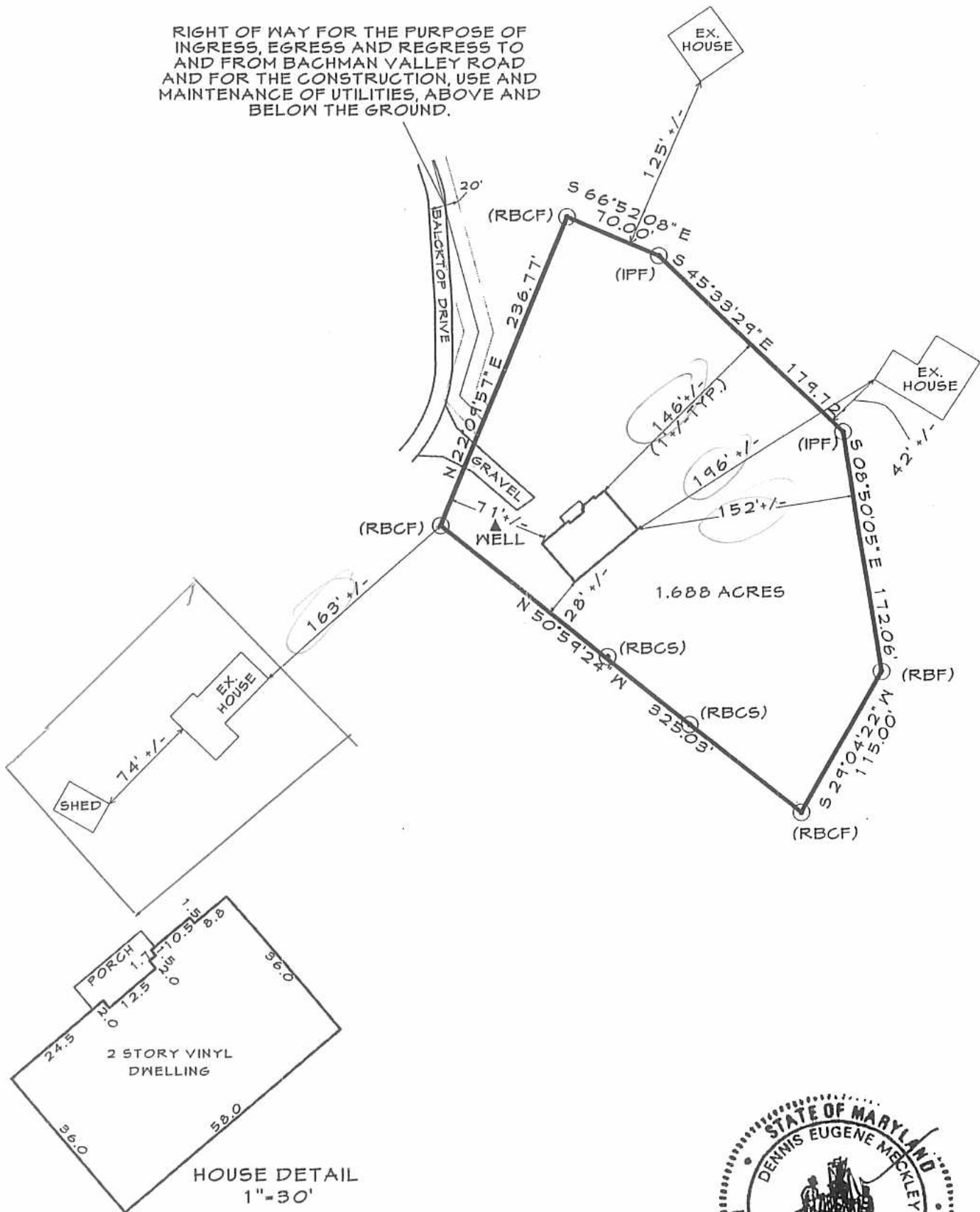
2-21-07  
Date

  
Jacob M. Yingling, Chairman

Attachment



RIGHT OF WAY FOR THE PURPOSE OF  
INGRESS, EGRESS AND REGRESS TO  
AND FROM BACHMAN VALLEY ROAD  
AND FOR THE CONSTRUCTION, USE AND  
MAINTENANCE OF UTILITIES, ABOVE AND  
BELOW THE GROUND.



(RBCS) INDICATES REBAR AND CAP SET

