

ERNEST C. HOTT, JR.
15713 Hotts Lane
Sharpsburg, MD 21782

APPEAL NO. AP2006-091

Appellant

OPINION

This action is a request for a special exception to establish a kennel at a residence for boarding and breeding of family-owned dogs and sale of such. The subject property is located at 15713 Hotts Lane, Sharpsburg, MD 21782, is owned by the Appellant, and is zoned Environmental Conservation.

A public hearing was held before a full Board on July 19, 2006. The Appellant offered evidence and testimony in support of the appeal. Opponents offered evidence and testimony in opposition to the appeal.

FINDINGS OF FACT

The following findings of fact are made by the Board, based upon the testimony given and all data and other evidence presented, and upon a study of the specific property involved, as well as the neighborhood:

1. Appellant seeks authorization to have a kennel with 6 dogs on the subject 22.5-acre property.
2. The Appellant is not proposing a commercial boarding operation, but merely a kennel structure.
3. Appellant breeds the dogs and sells their puppies.
4. Applicable setback requirements are met.
5. Received and filed with the Board was a memorandum from Kathy A. Kroboth, Washington County Zoning Coordinator, advising that the appeal is consistent with the Comprehensive Plan.
6. The proposed use is compatible with the existing neighborhood.

RATIONALE

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as “a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.” Section 28.62. Section 25.6 of the Ordinance directs the Board to consider the following factors, as applicable, in rendering its decision: (a) The number of people residing or working in the immediate area concerned; (b) the orderly growth of a community; (c) traffic conditions and facilities; (d) the effect of such use upon the peaceful enjoyment of people in their homes; (e) the conservation of property values; (f) the effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values; (g) the most appropriate use of land and structure; (h) the decision of the courts; (I) the purpose of these regulations as set forth herein; (j) the type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

In the instant appeal, the subject property is over 22 acres in area and is zoned Environmental Rural. The proposed use is compatible with the Comprehensive Plan and the existing neighborhood. The size of the property and vegetation thereon will minimize any noise or odors created by the use and will not disrupt neighboring property owners’ quiet enjoyment of their property. The 400 feet setback requirements for the kennel will be met. Based upon all of the testimony and evidence presented, this Board finds that the requested special exception does not adversely affect the public health, safety, security, morals, or general welfare, nor does it result in dangerous traffic conditions, or jeopardize the life and property of neighborhood residents.

Accordingly, for the reasons set forth herein, this appeal is hereby GRANTED WITH CONDITIONS AS SET FORTH BELOW this 18th day of August, 2006.

1. There will be a maximum limit of six permanent resident dogs over the age of 4 months at any time on the subject property.

By: Spence Perry, Chair