

C371-2016

Re: Petition to Amend Pet Day Care Zoning Regulations Case No. ZRA-167 Filed 2/26/16 by Elisa Kamens

CR Constance Reed <qitty1@gmail.com>
Yesterday, 5:28 PM
CouncilMail

Reply all |

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I am writing to state my opinion on the proposed amendment to zoning by Ms Kamens, and I do so as a resident of the Manor Lane neighborhood in which Ms. Kamen's proposed pet daycare facility is located.

The business that Ms Kamen's had proposed, repeatedly, and has had denied, repeatedly, failed to meet basic standards for the conditional use, and for good reasons.

One of the most important reasons that Ms Kamen's was denied, was that she wanted to conduct inappropriate kennel-like activities, with at least 15 dogs, in areas of her lot that were within 200ft of neighboring houses. Not 200ft of the the lot lines, but the actual neighboring houses. "Noise may not be perceptible at the lot line" was one of the main problems. This sort of public nuisance and disregard for others has serious, negative impact on other citizen's lives, not to mention property values. Now, however, it seems she wishes to change the very wording of the zoning code itself in such a way that fulfills her self-interests, and, it seems to me, would be in stark contradiction to the guidance and county zoning rules regarding other, similar, pet care business models.

While there is value in pet businesses, for all of us, the negative effect of noise, traffic, smell, and light polution on others cannot be overlooked. While pet grooming and pet daycare usually do not involve overnight stays, as kennels do, these businesses will often run sun-up to sun-down, 5-7 days a week, with the potential for serious noise and other nuisance all day, every day. Not all of us sleep at night, some of us have small children, or health issues, that require a certain level of daytime 'peace' for healthy living. Zoning helps define what 'reasonable' is. Logically, pet daycare should follow the same sort of reasonable guidelines, limits, and restrictions, as the other pet related businesses, and for the same reasons.

About Ms Kamen's wish to argue the wording "All daycare business functions must be completely enclosed within a building. Noise must not be perceptible at lot lines." Pet daycare IS JUST LIKE a kennel, except for the overnight stay. Kennels have very strict, clearly defined setbacks when it comes to boarding pets as, no doubt, the authors of that regulation recognized that noise nuisance is an undeniable fact of the business. Unless a pet daycare is using crates and 'puppy pads', dogs MUST go outside to toilet, and this

must happen, for health reasons, multiple times a day. There is a possibility for multiple dogs to be outside pretty much all day, every day, which presents the potential for very serious noise nuisance, not just audible at the property lines, but audible from INSIDE neighboring homes as well. It DOES NOT MATTER where the noise comes from... out of the house, the exercise yard, out the chimney, from a rear basement window, from a deep hole in the ground. It doesn't matter! What matters is that the noise travels outside of the property and becomes a serious nuisance to neighbors. It should NOT be the burden of the surrounding home owners to suffer this! If the business is to be "appropriate and compatible in the specified districts" then the burden is on the business owner. This means "Noise must not be perceptible at lot lines", esp when those lot lines are so incredibly close to other people's homes.

I think that specific minimum setbacks from other lot lines, and particularly, other structures, ought to be established for pet daycare, just as is done for kennels and pet grooming facilities, and they should use those same set standards as a guide. For example, why not, for a large business keeping 11 or more animals, require lot size of 5 acres, a setback of 200 feet from property lines (which is county kennel requirements with regards to keeping that large number of animals), and for keeping no more than 8 animals, lot size of 3 acres, a setback of 150 feet (like the requirements of kennel and grooming facilities)?

As for smaller properties, less than an acre, the maximum number of animals allowed should be capped at no more than 2-3 animals, especially in areas where houses (the structures, not just the lot lines!) are within 200-250ft of the proposed business because, without room for appropriate setbacks, there will be a serious noise nuisance. There should still be a required setback when houses are close together because a daycare situation is likely to generate more noise than a grooming shop, as honestly, they are more similar to a kennel operation.

I also believe that extra caution be employed, when approving or disapproving pet daycare proposals, when it is a commercial entity, like Ms Kamens, who has purchased a residential home that she has no intention of living in, for the sole purpose of running a potentially high nuisance business, especially when it is to be located so close to nearby homes. This, in comparison to a proposal from a homeowner who actually resides on a property and who would have more of a personal, vested, interest in the quiet, peace, and proper business management than a non-resident.

A non-resident would be focused on business, not the rights and welfare of the people who live nearby. A true 'home business' owner will be far more likely to be respectful of neighbors, and the noise nuisance, than a non-resident who has no connection to the neighborhood. The business that Ms Kamens has proposed for herself is a large commercial venture, NOT a home business. It is NOT her home, and the excessive scope of what she has proposed for this particular property truly exceeds what would fit a home business in this location. She's not interested in a 'home business', so, in my opinion, this is probably an abuse of the original intention of the zoning regs.

As a business owner, Ms Kamens should have considered zoning laws regarding conditional use before purchasing a HOUSE to use as a commercial business. She did not. It seems that she bought a house, was dismayed to find out that zoning laws restricted what she wanted to do with it, and is now trying to change zoning laws for her own benefit.

I hope the zoning board will keep these concerns in mind. Ms Kamen's proposal to change the wording of the pet daycare code is, in my opinion, just one more move, out of many, to promote her personal goals and personal business interests. The re-wording she wants also appears, to me, to contradict the reasoning behind the zoning regulations as written for the other county-defined pet-based businesses, kennels and pet grooming. To sum up. Noise is noise, no matter what part of a property it comes from, the effect is the same when it crosses over the lot lines and affects others.

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