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Re: testimony on CB 71-2016

Sara Via <svia@umd.edu>

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Today, 8:50 AM

CouncilMail; Jim Truby <jtruby@synthesisusa.com>; +3 more

Sara Via Testimony on C...

99 KB

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Hello,

I just realized the pages in my testimony are out of order. Please substitute the attached for my previous submission, which I sent in about 7:45 this morning.

Thank you!

Sara Via
4811 Manor Lane

On Thu, Dec 1, 2016 at 7:46 AM, Sara Via <svia@umd.edu> wrote:

Please find attached my testimony in opposition to CB 71-2016.

Thank you!

Sara Via
4811 Manor Lane

--

Dr. Sara Via
Professor
Dept. of Entomology &
University of Maryland Extension
UMD, College Park

--

Dr. Sara Via
Professor
Dept. of Entomology &
University of Maryland Extension
UMD, College Park

**Testimony for Nov. 21 County Council Meeting:
Council Bill 71-2016, Amendment ZRA-167 to the Conditional Use Pet Daycare Regulations**

My name is Sara Via, and I live at 4811 Manor Lane. I OPPOSE Council Bill 71-2016 on the grounds that a commercial dog daycare facility at which dogs can bark freely outside is unduly disruptive in a residential area. Ms. Kamens' plan is the test case for this new Conditional Use, and it reveals just how extensive the disruption can be to neighbors from outdoor activities at a pet daycare.

The facility proposed by Ms. Kamens involves the same or even more outside time for the dogs as a kennel. However, unlike the zoning regulations for kennels, the current Conditional Use for Pet Daycare contains no provisions to protect neighbors from noise or other disruption. If such facilities are to be allowed in residential locations, there should be *at the very least* the following requirements: a) the owner must reside on the property, b) any outdoor areas must have setbacks along the lines required for kennels (150'-200'), and c) the outside area must be surrounded by solid fencing so that the dogs cannot see distractions beyond the fence that might elicit barking. These requirements would go a long way toward ensuring that a pet daycare facility could be welcomed within a residential area.

As you may know, Manor Lane is a uniquely quiet and historic road-- most of the land is in agricultural preservation, with just a few clusters where homes are rather closely spaced. The proposed dog daycare business would be in one such residential cluster. The fact that many residents of Manor Lane have lived on the Lane over 30 years is a testament to the unusually peaceful nature of this location. Indeed, the neighbors on the properties immediately adjacent to the proposed facility have been in residence between 32 and 48 years. I'm the newcomer, having lived in my home only 10.5 years.

My property is directly adjacent to the proposed facility. When I walk down my drive, I pass within 70' of proposed outdoor exercise area, which is clearly visible with no screening. The two dogs owned by the couple currently renting the property bark at me from that area every time I walk past. I have dogs myself and I respect a neighbor's right to own dogs. *However, hearing my neighbors' pets bark feels like an entirely different thing from hearing dogs barking all day long at a commercial facility where the owner doesn't live and where her private space is not disrupted by the noise.*

Being a good neighbor is a core American value, and I believe that this is also a guiding value for the County Council. For example, when pet daycares were first allowed, the County Council protected neighboring businesses from disruption by requiring that no noise be heard outside the building. The Conditional Use is consistent with the earlier zoning regulation by extending this protection to residential neighbors by again stipulating that no noise from the pet daycare can be heard beyond the lot lines.

Ms. Kamens bought the home at 4807 Manor Lane in order to open a commercial dog training business. When she found in January 2014 that dog training requires more than 2.9 acres, she reduced her request to a pet daycare business for 15 dogs. Ms. Kamens, whose business is dog training, has no plans to live in the home. Instead, she plans to pave the front yard for a parking lot and allow groups of 5 dogs outside for up to a total of 12 hours/day. Her petition for this Conditional Use has been denied twice. First, the Hearing Examiner ruled that Ms. Kamens actually intended to pursue dog training by another name in an attempt to circumvent the zoning regulations. Then the Board of Appeals ruled that the noise from such a facility is an undue burden for a residential neighborhood.

Finally, in an effort to salvage Ms. Kamens' plan, her attorney brought a request for this amendment to the Planning Board arguing that the clear stipulation "no noise must be heard at the lot line" applies ONLY to noise from the interior of the building. He argued that from a legal standpoint, the noise restriction doesn't apply to barking dogs outside.

Legal or not, this makes no sense. My college aged son summed it up: "OK—so if I want to have a really loud party where the band inside might bother the neighbors, I'll just put the band outside where it's OK to make as much noise as we want". After hearing Mr. Coale's argument, at least one member of the Planning Board wrote that "Neighbors should be protected from noise", recommending that "The use should not be in residential neighborhoods where there is an expectation of quiet conditions".

I am partially retired and I spend a great deal of time outdoors. The neighbors in the other adjacent homes are also retired. We aren't away all day at work, so we will be affected by noise from the proposed pet day care all day every day.

Mr. Coale argued at the Council meeting on Nov. 21 that denying this amendment will mean that there can be no pet daycare in Howard County. Given that his client already operates a commercial pet daycare, kennel and training facility on Red Branch Road, this statement is patently untrue. There are many suitable commercial areas in Howard County for a pet daycare, and all existing pet daycares in the County operate in such areas. To locate a dog daycare in a longstanding residential neighborhood of single family homes without significant provisions to mitigate noise is to degrade the quality of life and reduce property values for residents in that location. I would absolutely not have purchased my current home if I'd seen a noisy commercial dog daycare facility next door.

If this amendment is approved, there is absolutely no language in the Conditional Use regulation that protects adjacent homeowners from any level of noise the proprietor causes, nor is there guidance as to acceptable noise for the Hearing Examiner or the Board of Zoning Appeals. In contrast, denying the amendment allows this Conditional Use to remain consistent with the protection offered to adjacent businesses in the original pet daycare zoning regulations for

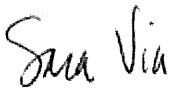
operations in business parks. Why would noise protection be ensured for businesses but not for residents?

I agree with the DPZ report that a comprehensive evaluation of dog-related zoning is in order. However, review and modification of just this Conditional Use along the lines described earlier in this letter would be sufficient. I thus request the County Council to deny the requested amendment so that our neighborhood and all other future communities can benefit from your deliberations on a revised Conditional Use for Pet Daycare.

If the amendment is approved without additional conditions, Ms. Kamens will be able to establish her noisy dog daycare on Manor Lane. Then, after the review of this use, which is likely to make this Conditional Use more stringent with respect to noise, Ms. Kamens will become a non-conforming use. This not only strips our neighborhood of the benefit of the review, it gives Ms. Kamens an undue benefit among other such daycares.


Ms. Kamens loses little if her amendment is denied. She can always apply again after the Conditional Use is revised and further amended. Ms. Kamens already has a pet daycare business, so a delay in opening a satellite location is a small cost to her when balanced against the large benefit that waiting for this Conditional Use to be revised will provide the neighborhood on Manor Lane.

Thank you—we all appreciate your time in this matter.



Dr. Sara Via
4811 Manor Lane
Ellicott City, MD 21042

RESEND: Follow up to Council Meeting - opposition to ZRA167 in Bill 71-2016

SH  Suzanne Hoffman <hoffmansi@verizon.net>
Sat 11/26, 9:40 AM
CouncilMail; 'Tom Meachum' <tmm@carneykelehan.com>; +6 more

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HJHoffman.HCC ltr form...
20 KB

Opposition to ZRA 167...
19 KB

Lette
16 KB

Show all 3 attachments (55 KB) Download all

My apologies

One should always run spellchecker – 'amend' is now spelled properly everywhere in the attached letter.

Please see below and attached

Respectfully,

Suzanne Hoffman

4815 Manor Lane

Ellicott City, MD 21042

From: Suzanne Hoffman [mailto:hoffmansi@verizon.net]

Sent: Saturday, November 26, 2016 9:16 AM

To: Councilmail@howardcountymd.gov

Cc: Tom Meachum <tmm@carneykelehan.com>; Jim Truby <jtruby@synthesisusa.com>; 'Verity Truby' <veritywt@verizon.net>; Sara Via <svia@umd.edu>; Yovonda Brooks <brooksyd@verizon.net>; Marianne Alexander <marianne_alexander@yahoo.com>; hoffmansi@verizon.net; 'Suzanne Hoffman' <sihoffm@hotmail.com>

Subject: Follow up to Council Meeting - opposition to ZRA167 in Bill 71-2016

Members of the Howard County Council

My husband and I both recently testified in opposition of the proposed amendment ZRA 167 to the conditional use pet day care regulations in Council Bill 71-2016.

Attached is our testimony as well as a letter with some additional thoughts

Thank you very much for your consideration in this matter which is of critical importance to us.

Also, a belated Happy Thanksgiving!

Suzanne (and Harry) Hoffman
4815 Manor Lane
Ellicott City, MD 21042

26 November 2016

Howard County Council

Ref: Proposed amendment ZRA 167, an amendment to the conditional use pet day care regulations in Council Bill 71-2016

Dear Council members:

I am a long-term resident of Howard County (since 1969), and I live at 4815 Manor Lane. I recently testified at the Howard County Council hearing on 21 November 2016 on the above-referenced proposal. I **strongly oppose** the proposed change to the Pet-DayCare Conditional-Use Zoning Regulation at this time. I think it would be much more fair to Howard Countians to await a broader review of regulations for this and other animal care facilities.

For those who live adjacent to a dog daycare, from a neighbor's perspective during operating hours there is little difference between a dog daycare and a kennel:

- *Except* that a kennel - *requires* a larger plot of land *and* there are minimum separation distance requirements from lot lines and neighboring homes to reduce the impact of the noise produced.

The current regulation, as I assumed was its intention, helps to reduce the impact of a pet-daycare business on neighboring homes by limiting the noise coming from the business. It limits noise that can be heard at the lot line – whether it comes from inside or out; *and* it is the *only* way to protect the neighbors from excessive noise.

The proposed change would permit noise made by animals *outside* to be heard at the lot lines, and thus at nearby homes. Since there is no separation distance, the result would be the introduction of a noisy racket from an adjacent commercial activity, throughout the business day and throughout the business week (just like a kennel). The noise source could be as close as the set-back allowance - as *little* as 30 feet.

I don't think we should allow pet daycare facility to be plopped down in the midst of an existing neighborhood *without* the benefit of reasonable and effective noise controls. The petitioner has proposed this change so that she can set up a pet-day-care facility in a house that is part of a cluster of residences on Manor Lane.

The effect of this change would be to permit the *repurposing* of an existing home in any residential area into a *purely commercial animal care facility*, with a large number of dogs (no residential use at all). This would be its *sole* use, *with no*

effective limit on noise. The constant barking (the dogs would be outside for as much as 12 hours per day continuously) would disrupt an otherwise quiet and peaceful residential area.

My understanding of the Council's intent with this conditional use was that a resident might take in a few pets as a home-based business, with *minimal* impact to neighbors.

I have heard the noise from other local pet-day-care facilities – specifically Club Pooche in Columbia and Dogtopia in Clarksville. They are *VERY* noisy and would be extremely disruptive to the peace of any residential neighborhood. However, they are *appropriately* located in business parks or shopping centers, not adjacent to people's homes.

Presumably, the Council intended to regulate the placement of daycare facilities to minimize the negative impact on existing neighbors. We want a fair result for existing neighborhoods and businesses. We want to maintain a livable, enjoyable environment for county residents. We should ask, when siting businesses of this type: should we try to minimize disturbances for the largest numbers of residents? It is reasonable to ask this question when considering that a relatively small number of dog owners who will be using the facility compared to the number of the residents and homes that will be negatively impacted.

I urge the Council to reject the proposed change because it will result in a unique harm to a specific residential community– and defer changes until a more extensive review can be conducted.

Thank you for your time and consideration.

Respectfully submitted,

Harry Hoffman
4815 Manor Lane
Ellicott City MD 21042

Testimony from Howard County Council Meeting, Monday 21 November 2016

Good afternoon

My name is Suzanne Hoffman and I reside at 4815 Manor Lane with my husband, Harry. We have lived there since 1981. I too oppose the proposed amendment (ZRA 167) to the conditional use pet day care regulations in Council Bill 71-2016.

This is my first time to testify since we started this *long and expensive* ordeal nearly 3 years ago. I have always believed that our case was strong and that there was no need for yet another voice, and that belief seemed to be confirmed when both the Hearing Examiner and the Board of Appeals ruled in our favor.

Then - honestly, I was stunned to see Ms. Kamens' request for what her team refers to as 'clarity' in the relevant zoning regulation.

My background is in mathematics and computer science and I also spent several years working in the field of mission compliance. I believe that I have a logical way of looking at things (including rules, maybe even especially rules) and to me this request is totally illogical – and thus I cannot believe that it is what the original authors of the regulation intended.

It really makes no sense for this business to be able to 'legally' produce an excessive amount of noise for the many hours a day when the animals are outside, but to be in violation of the same overarching regulation if too much noise comes from *inside* the house?! How can it possibly matter *WHERE* the noise comes from?

The only situations in which *inside* noise would matter more than *outside* noise are

- if our homes were butted up against the daycare facility (as with townhouses or in a strip mall) *or*
- if there were no outside activities to produce noise

In either case the inside noise would be the *only* noise.

We are not talking about townhouses, and if we were talking about a facility that had only inside activities, we'd be having a different conversation.

Also, we have all been thinking about dogs –as that is what Ms. Kamens wants in her facility – but there are pets other than dogs that could be housed in a Pet Daycare facility. Daycare facilities do exist for cats, and they generally cannot be heard beyond a lot line, no matter whether they are kept inside or outside.

For the record, my husband and I both love dogs and for most of our time on Manor Lane we have had one or even two dogs. The same is true for many of our neighbors. Of course those one or two dogs have made noise sometimes – but not like the 15 that would be in Ms. Kamens' business, or one like hers.

The decision before you is a big one, as it will affect more than just our small street which is obviously passionate about maintaining the peace and quiet, as well as the character, of our neighborhood. It also will cover anyone who wants to open such a business in the future in any appropriately zoned residential neighborhood – no matter what their skill level or experience. That is a lot of places and a lot of noise.

I believe that most people are like me in the sense that they are rule followers – but the rules really do have to make sense.

In my opinion, allowing a regulation that would allow excessive noise generated from **outside** of the facility, but restrict noise generated from **inside** the facility would diminish the credibility of the zoning regulations – as this just does not make sense.

Thank you very much for your time and attention,

Suzanne Hoffman

Re: Petition to Amend Pet Daycare Zoning Regulations
Case Number ZRA-167
Date filed: 2-26-2016

Dear Howard County Councilmember:

We, along with several neighbors, testified at the most recent Council meeting in opposition of proposed amendment ZRA 167, an amendment to the conditional use pet day care regulations in Council Bill 71-2016. We would just like to add a few more thoughts, given that it appears that the Council may be considering a full review of animal-related zoning regulations.

As you now know, our homes are located in a residential cluster on Manor Lane, and even though some of the lots are fairly large, some of our homes are very close to each other and to the lot lines.

We would like to stress how disruptive such a facility would be in a cluster of homes such as ours. If the Council were to approve Ms. Kamen's proposed amendment, it would open the door to such a facility (which we have previously demonstrated would produce a great deal of noise) only a couple hundred feet from our windows. If the Council were to later reconsider the entire set of regulations involving animal care and perhaps decide to restrict such a facility in a residential cluster, we would be stuck with such noisy business in very close proximity to our homes.

We understand, and support, Howard County's desire to be small-business friendly and to be responsive to the perceived needs of its residents – but there are currently quite a few Pet Daycare facilities nearby and it does not appear that there are a large number waiting to be approved (as we understand that Ms. Kamens' original request was the first). We love Howard County and are nearly lifelong residents. Suzanne has lived in the county for 59 of her nearly 62 years, and Harry has been here since 1969. We just ask that you not put the desires of the business owners above the quality of life of the residents – especially when the business owner is not required to live on the property. This would be a severe disservice to those of us who live in residential clusters, especially those older neighborhoods (such as ours) which are not protected by covenants.

In closing, we respectfully request that you not only deny ZRA 167, but in the event that you do a review all animal-care-related regulations, also prohibit such noise-producing businesses within a residential cluster.

Thank you for your time and attention,

Suzanne and Harry Hoffman

4815 Manor Lane

Ellicott City, MD 21042

Reply all | Delete Junk |

CB 71-2016



Verity Weston Truby <veritywt@verizon.net>
Fri 11/25, 11:46 AM
CouncilMail

Reply all |

Council Bill 71-2016 We...
14 KB

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Please accept the attached testimony in opposition to Council Bill 71-2016.

My name is Verity Weston-Truby. My address is 4821 Manor Lane, Ellicott City, MD 21042 and I have lived there for over 30 years.

I oppose Council Bill 71-2016 for the same reasons that others have already mentioned. I would just like to comment briefly on a few points made in letters that have been sent to you in support of the proposed amendment.

One supporter said that the rejection of the bill would be a big disappointment and a setback to the community. Another said "this is a good service and one that should be available in Howard County."

But this service is already widely available in the county. I know of at least 11 other dog day care facilities operating in Howard County. I personally have taken my dog to three of them and know their owners to be very well qualified and experienced dog trainers and business owners. It is not correct to say as the writer of one letter did that "If you vote down this bill, you are voting down pet day care for dogs."

A letter supporting the proposed amendment states that Ms. Kamens is one of the few day care providers who runs her business legally and with appropriate zoning. The three facilities that I have used certainly have the appropriate zoning, and I believe that the others operating in the county do also. It is worth mentioning here that when Ms. Kamens was first planning to open a dog training and day care operation on Manor Lane she was intending to go ahead without applying for a conditional use permit.


Finally I would like to comment on statements made by one supporter of the bill who lives on Manor Lane. His house is $\frac{3}{4}$ mile away from Ms. Kamens' property so he would not be affected by the noise of barking dogs very close to him for up to 12 hours a day. In his letter to the council he refers to his "vocal neighbors" and says that "it has reached

a point where I'm not sure what they won't oppose," implying a history of emotional and irrational opposition to change. He may not know that many residents of Manor Lane supported the right of the Dar Al Taqwa congregation to build their mosque on property adjoining several Manor Lane properties and also supported their right to expand several years later. He also may not know that they supported the establishment of the Homewood School on School Board property adjoining Manor Lane in the face of virulent opposition from other neighborhoods adjoining the School Board property.

This writer closes by saying that "there are more people like me, who live here and enjoy the diversity, than them." Frankly I and other Manor Lane residents find it upsetting that he should imply that we do not enjoy the diversity of the lane. Residents of the lane's 32 households comprise people of many different faiths including Hindus, Christians, and Muslims and different origins including Uighurs from China, Russians, African Americans, Belgian and British. We all have good relations with one another and welcome new residents whatever their background. We also enjoy the diversity of various legal small business activities that do not disturb their neighbors such as raising alpacas, sheep, and cows or boarding horses.

Reply all | Delete Junk |

CB 71-2016 Testimony

JT  Jim Truby <jtruby@SynthesisUSA.com>
Wed 11/23, 6:09 PM
CouncilMail

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Council Bill 71-2016 Tru...
14 KB

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Please accept the attached testimony in opposition to CB 71-2016.

T. James Truby
Synthesis Incorporated
10 Offutt Court
Woodstock, MD 21163
v.410.792.4447 ext. 502
c.410-456-5103
jtruby@synthesisusa.com
www.SynthesisUSA.com

**Legislative Hearing
Council Bill 71-2016 (ZRA 167)
Testimony in Opposition**

Please accept this is a copy of the full testimony that I prepared for the Council Hearing on November 21, 2016

I am Jim Truby. My family has lived with 1-2 dogs at 4821 Manor Lane for over 30 years. Our house is located in a residential cluster in which some houses are located as close as 110 -160 feet to the proposed location of Ms.Kamens' pet day care center.

While my family frequently uses pet day care, I strongly oppose Ms. Kamens' proposed zoning amendment.

As background, Ms. Kamens has failed to persuade the Board of Appeals and members of the Planning Board that her proposed pet day care facility is a good fit in our peaceful residential cluster. Noise perceived at and beyond the lot line from dogs when outside was the key factor the Board referenced in their denial of Ms. Kamens' petition. Ms. Kamens now proposes to change the zoning regulation in a way that defies logic in order to serve her interest.

Ms. Kamens' testimony about noise perceived at the lot line was tortured and changed significantly over time:

Initially, in testimony before the Hearing Examiner, she said that "you won't hear a peep" when the dogs are outside.

Then, in testimony before the Board of Appeals, she said staff would be able to stop the barking. We submitted five hours of AV recordings at the outdoor area of the Ms. Kamens' Club Pooche facility that showed these statements to be not true. There was significant noise and staff was unable to stop it.

Then she testified that the puppies up to one year of age that she intended to care for at the proposed facility on Manor Lane won't make noise as "they haven't found their voices yet". We submitted evidence that puppies typically start barking by no later than 14 weeks of age.

Then she admitted there would be some noise at the lot line when the dogs are outside.

Then, in his summation, Ms. Kamens' counsel argued that noise from dogs barking when outside doesn't really matter because the prohibition in the pet day care regulations against noise being heard at the lot line applies only to noise from *inside* the facility.

The Board of Appeals didn't buy this argument. I don't buy it either as it is totally irrational. It makes no sense to ban *indoor* noise from being heard at the lot line while allowing *outdoor* noise which would be far more disturbing to the neighbors.

I was surprised that DPZ's technical staff report takes the same position as the petitioner in their interpretation of the conditional use regulation. Surely, the Council did not intend to expose nearby residents to outdoor noise that would degrade their community and deny them the peaceful enjoyment of their property. This is not consistent with the generally good planning that we have in Howard County.

While I strongly oppose approval of the proposed zoning amendment, I understand that the Council may want to follow DPZ's recommendation to review the pet day care regulations. Should the Council decide to conduct such a review, I urge, in fairness to our community, that the review be comprehensive and be done *after* denial of the of the proposed zoning amendment. Denial of the proposed amendment will also benefit other communities which might be affected in the future.

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CB 71-2016

PM
○

Patty Miller <pjm@carneykelehan.com>

Wed 11/23, 11:21 AM

CouncilMail; Tom Meachum <tmm@carneykelehan.com>

Reply all |

Council ltr CB-71-2016....

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Please see attached letter regarding the subject matter.

Patty Miller, Assistant to Thomas M. Meachum

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

10715 Charter Drive, Suite 200Columbia, Maryland 21044

Office 410-740-4600 x225

Fax 410-730-7729

Please respond to:pjm@carneykelehan.comwww.carneykelehan.com

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**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

Daniel H. Scherr
P. Tyson Bennett
Kevin J. Kelehan
Thomas M. Meachum
Judith S. Bresler
Michael S. Molinaro
Eric C. Brousaides
Michelle DiDonato
B. Darren Burns
Peter D. Fastow
Manisha S. Kavadi
Andrew H. Robinson
Sarah H. Dye
Angela C. King
Christina J. Kane

OF COUNSEL:

David A. Carney
Fullton P. Jeffers

IN MEMORIAM

Laurence B. Raber

www.CarneyKelehan.com

tmm@carneykelehan.com

November 23, 2016

councilmail@howardcountymd.gov

Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: CB 71-2016

Dear Chairperson Ball and Council Members:

This letter will follow up on my verbal testimony the other evening. This is written in opposition to the passage of CB 71-2016.

To reiterate that testimony, this bill would allow noise generated from the outdoor activities to be heard beyond the lot lines of a property where a pet day care operation is being conducted, while it would still be a requirement that noise generated from indoor activities would not be permitted to be heard beyond those same lot lines of the subject property.

If one assumes the purpose of prohibiting noise beyond lot lines is to protect neighboring properties, it is unknown why this amendment would be anything but a negative adverse impact to the communities in the County.

To the argument made that the Hearing Examiner can control adverse impact through the levying of conditions, it is clear the County recognizes the challenges faced by residential neighborhoods from animal-based businesses when reviewing the regulations for kennels. There are minimum lot sizes based upon number of animals. Outdoor areas have to be 200 feet from lot lines (subject to a finding of no adverse impact to neighboring properties to allow that setback to be decreased to 150 feet). The structure for the kennel has to be 200 feet from any lot line.

Contained in that same subsection are pet grooming establishments and kennels eight animals or less. There is a minimum lot size of three acres for those kennels or pet grooming establishments using outside areas. The outside setback area is 150 feet.

It seems there is very little, for residential impact purposes, that would distinguish a pet day care from a kennel. Ms. Kamens' proposal is an example of the lack of distinction between the two uses. She proposes to house 15 dogs.

The argument that if this amendment is not passed, there will be no pet day care facilities in residential areas, is not supported by the facts. First, Ms. Kamens' proposal is the only one in the approximate three year period of time this conditional use has been in existence.

Second, this is pet day care, not just dog day care. Cats, for example, or whatever other animals the Council was contemplating when it passed this regulation, would not be heard beyond the lot lines.

Third, the beginning of the pet day care regulation states that all activities shall be conducted indoors. Obviously the Council contemplated that animals of all sorts, including dogs, could be completely handled inside.

So the argument that the failure to approve this amendment would be a death knell to pet day care in residential areas would not seem to be one that survives close scrutiny.

If any changes are to be made to the pet day care, it should not be done in a piecemeal fashion, and it is suggested not in a way that expands the adverse impact to the community.

It is suggested that no action be taken on pet day care regulations except in a comprehensive fashion, examining in tandem other animal-related business such as animal hospitals, kennels, and pet grooming establishments. It may be that only the pet day care regulations are changed when they are compared to the protections afforded in other regulations.

If the regulation is amended due to a comprehensive overview of this and similar regulations, Ms. Kamens will have the opportunity to apply under these regulations that have been reexamined with more protections for the community. However, if this amendment is passed and the comprehensive review made later, the residents of Manor Lane would not receive the benefit of such efforts because Ms. Kamens' operation would be grandfathered as a nonconforming use.

The matter before you is not one of interpreting the current law. That is for zoning bodies and judges. When acting in a legislative capacity, it would

Howard County Council
November 23, 2016
Page 3

seem the paramount concern is whether the proposed law is good public policy. It is submitted that this piecemeal treatment of this subject, especially where that law would expand the impact on the community, is not good public policy, and should not be passed.

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP




Thomas M. Meachum
Attorney for Manor Lane residents

TMM/pjm

P:\TMM\WPDATA\Truby, T. James\Council ltr wpd

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City Council Testimony to Oppose ZRA-167 amendment in CB 71

 Yovonda Brooks <brooksyd@verizon.net>
Tue 11/22, 5:44 PM
CouncilMail

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City Council Testimony t...
17 KB

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Attached is my testimony opposing the proposed amendment ZRA 167 to the conditional use pet day care regulations in Council Bill 71-2016. Thanks for your consideration,

Yovonda D. Brooks
4819 Manor Lane
Ellicott City, MD 21042

Testimony on Council Bill 71-2016 to Oppose the ZRA-167 Amendment to the Conditional Use Pet Day Care Regulations:

Good Evening Howard County Councilmembers:

My name is Yovonda Brooks. I have lived at 4819 Manor Lane (Ellicott City, MD) for 37 years. **I am opposed to the requested changes to the conditional use pet day care regulations which would expressly allow noise beyond the lot lines when pets are outdoors.** The current regulations state that the pet day care operations are to be conducted inside a facility and that “noise must not be perceptible at the lot lines.” Noise at the lot line whether it is from inside the facility or outside the facility is still noise at the lot lines.

Ms. Kamens’ proposed 100% use of her property at 4807 Manor Lane for a pet day care business is a good example of the adverse impact on a residential neighborhood. This property is located in a cluster of residential homes where noise inside the facility and outside the facility could be heard beyond the lot lines. Ms. Kamens presented her conditional zoning petitions to utilize her residential property as a pet day care facility for 15 dogs before both the Zoning Hearing Examiner and the Board of Appeals. Both petitions were denied.

My resident is next door to 4807 Manor Lane and is about 110 feet from Ms. Kamens’ proposed pet day care. Our properties are separated by two narrow driveways. Ms. Kamens testified that the dogs in her care will be located in the basement and garage of her residential home. There will also be a parking area and a toileting area on the same side of the facility. The basement, garage, and toileting area are all located on the side of my residence where my bedrooms are located. Ms. Kamens testified during the conditional zoning hearings that the dogs will need to go outside throughout the day for toileting. She testified that she planned to have 15 dogs and that she would take 5 dogs outside at a time. Each group will need to go outside 6-8 times a day for up to 30 minutes each. With 15 dogs, this would result in dogs being outside most of the day during the business hours from 7 am to 6 pm. Due to their nature, dogs will bark to communicate and respond to distractions caused by hearing or seeing other people and animals. My residence is close enough to Ms. Kamens’ proposed day care facility that I (along with my neighbors) will be able to hear 15 dogs barking from both inside and outside the facility. I am retired and usually home during the day.

The Planning Board in its recommendations to the County Council concerning ZRA-167 stated that **neighbors should be protected from noise** and that **pet day care facilities should not be in residential neighborhoods. Their report also states that Subsection 39b applies to both indoor and outdoor noise. They also recommended that conditional use for pet services be re-evaluated.** The impact of this proposed regulation change would allow outside noise in any residential neighborhood where the zoning regulations permit pet day care facilities. Allowing outside noise could result in adverse conditions in surrounding communities and public areas.

Therefore, I am requesting that the County Council vote to deny the proposed ZRA-167 amendment to the zoning regulations for pet day care facilities (Council Bill 71-2016). I am also supporting the recommendation that the conditional use for pet day care and other related pet services be re-evaluated to mitigate the adverse impact on residential communities and surrounding properties.

Thank you for your consideration.

Yovonda Brooks
4819 Manor Lane
Ellicott City, MD 21042
brooksyd@verizon.net
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