

1 **ELISA KAMENS,** * **BEFORE THE**
2 **PETITIONER** * **PLANNING BOARD OF**
3 **ZRA-167** * **HOWARD COUNTY, MARYLAND ***

4 * * * * *

5 **MOTION:** *To recommend denial of the Zoning Regulation Amendment petition request to amend*
6 *Section 131.0.N.39.b of the Conditional Use category for Pet Day Care Facilities.*

7 **ACTION:** *Recommended Denial; Vote 3 to 0.*

8 * * * * *

9 **RECOMMENDATION**

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11 On August 4, 2016 the Planning Board of Howard County, Maryland, considered the petition of Elisa
12 Kamens for a Zoning Regulation Amendment to Section 131.0.N.39.b of the Conditional Use category for Pet
13 Day Care Facilities.

14 The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical
15 Staff Report and recommendation, and the comments of reviewing agencies. The Department of Planning and
16 Zoning (DPZ) recommended denial of the petition. DPZ agreed with the Petitioner that the proposed
17 amendment constituted a clarification in the Zoning Regulations, however; the intent of Subsection 39.b
18 was not as clear. Consequently, DPZ recommended that a comprehensive review of Section 131.0.N.31
19 (Kennels and Pet Grooming Establishments) and Section 131.0.N.39 (Pet Day Care Facilities) be conducted
20 before any further changes are adopted.

21 The Petitioner was represented by Thomas Coale, Esq. Mr. Coale stated the ZRA is not superfluous.
22 It is not good policy to leave ambiguity in the regulations and there is no down side to approving the proposed
23 amendment, since it is a clarification. He noted that kennels are quite different from pet day care in that
24 kennels require a minimum of three acres versus one acre, as required for pet day care. Kennels require
25 greater acreage and separation from residential properties, because they involve overnight boarding.

26 **Testimony**

27 Six residents of Manor Lane testified in opposition to the petition. Several residents disagreed with
28 DPZ's interpretation that Subsection 39.b applies only to indoor noise. The residents commented that the
29 regulations are clear that absolutely no noise should be heard at lot lines regardless of the source, the
30 amendment highlights the lack of clarity in the wording of the regulations, and Subsection 39.g conflicts with
31 Subsection 39.b.

32 Several residents stated that the operation of a pet day care facility has outdoor activities similar to
33 kennels, however; the Kennels conditional use criteria requires setbacks for these activities. As such, the

1 minimum lot size requirement for pet day care should be increased to allow enough area for the separation of
2 outdoor functions.

3 Thomas Meachum testified that he has represented several opponents to a pet day care petition and
4 the two sentences in Subsection 39.b are definitely not related.

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6 Ms. Roberts made a motion to discuss the petition in a work session. Ms. Adler seconded the motion.

7 **Board Discussion**

8 The Planning Board did not unanimously concur that Subsection 39.b applies only to indoor noise
9 and offered the following comments:

- 10 ▪ The proposed amendment is too limited in scope. Some changes are needed and animal service uses
11 should be reevaluated.
- 12 ▪ Pet day care noise impacts should be reevaluated relative to animal hospitals. Neighbors should be
13 protected from noise.
- 14 ▪ The amendment should be denied, as it is damaging to neighbors. The Board believes the Council
15 tried to accommodate pet day care at the home business level, however; it has intensified more than
16 what was anticipated.
- 17 ▪ Subsection 39.b clearly applies to indoor and outdoor noise. If an outdoor use is set back 20 to 30
18 feet from a lot line, barking is still going to be heard.
- 19 ▪ Subsection 39.b is unclear; dogs should be allowed outdoors with appropriate setbacks in place.
- 20 ▪ The use should not be in residential neighborhoods where there is an expectation of quiet conditions.

21 **Motion**

22 Ms. Adler made a motion to deny the petition in accordance with the recommendation of the
23 Technical Staff Report. The Board was in favor of a comprehensive reevaluation of animal related uses. Ms.
24 Roberts seconded the motion.

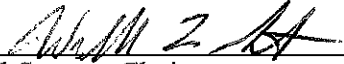
25 **Vote**

26 The motion for denial of the petition in accordance with the recommendation of the DPZ Technical
27 Staff Report to amend Section 131.0.N.39.b of the Conditional Use category for Pet Day Care Facilities
28 passed by a vote of 3 to 0.

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30 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 6th day of
31 October August, 2016, recommends that ZRA-167, as described above, be **DENIED**.

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HOWARD COUNTY PLANNING BOARD



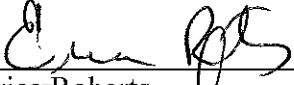
Bill Santos, Chairman

ABSENT

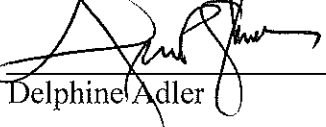
Jacqueline Easley

ABSENT

Phillips Engelke



Erica Roberts



Delphine Adler

ATTEST:



Valdis Lazdins, Executive Secretary