

Happy Dog Care, Inc.  
Petitioner,

\*

PLANNING BOARD OF

\*

HOWARD COUNTY, MARYLAND

ZRA 125

\* \* \* \* \*

**MOTION:** To recommend denial of the proposal as written and to make recommendations to amend Sections 118.B and 118.E of the Zoning Regulations to allow Kennels as a matter of right in the B-1 Zoning District.

**ACTION:** *Recommended denial of Petition with recommendations; Vote 2 to 2.*

\* \* \* \* \*

RECOMMENDATION

On February 4, 2010, the Planning Board of Howard County, Maryland, considered the petition of Happy Dog Care, Inc. to amend Sections 118.B and 118.E of the Zoning Regulations to allow Kennels as a matter of right in the B-1 Zoning District.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended that the Petitioner's request be approved with a text modification.

The Petitioner was represented by Andrew Robinson, Esq. Ralph Ballman appeared in opposition to the petition. Mr. Robinson said that the proposed amendment is motivated by two specific needs: outdoor play areas and overnight boarding. He said that kennel usage has changed over the years and individual runs are not as common as they were in the past and outdoor group play areas and overnight boarding are now the more typical pet care uses. He said that the conditional use requirements are onerous for business owners and the enclosure provision recommended by DPZ would impose an undue restriction because outdoor group play areas are needed for the pets. Mr. Robinson said that the B-2 district permits kennels without restriction and after reviewing the zoning maps for a number of B-1 and B-2 zoned properties it is evident that many B-1 and B-2 properties abut residential properties. Mr. Robinson distributed copies to Planning Board members of zoning maps showing instances of B-1 and B-2 properties directly abutting residentially zoned properties and concluded that from a zoning standpoint there is no appreciable distinction between B-1 and B-2 that would require kennels in B-1 to be enclosed while kennels in B-2 do not have that restriction. He said the difference between B-1 and B-2 is solely a classification of local versus regional market types and has nothing to do with its proximity to residential zoning districts. He said that restricting kennels to being completely enclosed and eliminating outdoor play areas in B-1 would be counterproductive to the welfare of the animals with respect to causing increased barking and removing socialization opportunities for the pets.

A board member commented that it is difficult to draw a conclusion that would be applicable to all properties across the County because there is such great diversity in land uses with respect to topography

1 and the density of adjoining residential zones and that the amendment would not take specific land uses into  
2 consideration.

3 Julie Sampogna, owner and President of Happy Dog Care testified that there is a need for pet care  
4 facilities as an alternative to busy families leaving their dogs alone at home eight hours per day. She said  
5 many people regard their dogs as family members and it is stressful for dogs to be left alone all day. She  
6 said most of her customers are local and need a convenient location to be able to quickly drop their dogs off  
7 on the way to work. Ms. Sampogna stated that her facility has a double fence because it is a former child  
8 day care center and the dogs are allowed to run free inside and outside. She said that overnight care is now  
9 50 percent of her business revenue, and the outdoor play area is used only during the day and the dogs stay  
10 indoors during the night. She stated that traditional kennels with individual runs are no longer the industry  
11 standard and dogs need to be let out in the yard for exercise; she said the dogs have a swimming pool in the  
12 yard for summer. Ms. Sampogna also said that allowing the dogs out for group play reduces barking,  
13 improves socialization and helps to maintain their health level.

14 **Testimony:**

15 Ralph Ballam testified that he opposes the proposed amendment. He said that removing the  
16 conditional use criteria would disengage the public from the debate process. Mr. Ballman cited the portion  
17 of the Technical Staff Report related to the conditional use process allowing consideration for site specific  
18 items such as buffering and said the proposed amendment exemplifies his general complaint about zoning  
19 regulation amendments in that it is not well thought out. A board member asked Mr. Ballman how the  
20 amendment is different from allowing kennels in B-2 as a matter of right when adjacent to a residential  
21 district. Mr. Ballman responded that B-1 properties may be smaller in size than B-2 properties and the  
22 conditional use provisions for kennels should remain in place for B-1 to allow for site specific evaluation  
23 and any amendment should be done during comprehensive rezoning.

24 **Discussion:**

25 Tammy CitaraManis made a motion to discuss the proposal in a work session. David Grabowski  
26 seconded the motion. The Board discussed whether the reason for the amendment might be that a  
27 conditional use is too difficult to have approved and one board member said that many properties are too  
28 small to qualify for a conditional use. Board members said that it seems like pet day care is generally  
working, but the conditional use process does allow for consideration of individual properties. The Board  
generally agreed that individual runs are outdated in the pet care business and that individual runs probably  
led to more barking such that more acreage was needed to buffer the noise. The Board said that the nature  
of service has changed over the years and clients are now asking for overnight boarding from pet day care  
providers that they know and trust.

The Board discussed the role of the Conditional Use process in allowing for evaluation of  
individual property conditions. Board members said that in cases like this where all B-1 zoned properties

1 would be affected by the amendment, it would be problematic to remove the controlling conditional use  
2 criteria for all B-1 zoned properties and there should be safeguards to ensure compatibility with adjacent  
3 residential areas.

4 The Board agreed that kennels are a local service that needs to be in B-1 so it is readily available to  
5 people for conveniently dropping off pets on the route to work. The Board discussed allowing kennels as a  
6 matter of right in B-1 if completely enclosed, but agreed that kennels should remain as a conditional use  
7 category in B-1, and the conditional use criteria should be revised to allow for smaller lot sizes with  
8 appropriate setbacks. One Board member stated that enclosed kennels should be allowed by right in the B-1  
9 district, but outdoor areas and overnight use should be determined on a case by case basis through a  
10 conditional use. In summary, the Board generally concurred that the conditional use process provides  
11 controls and should remain intact, but that modifications to the conditional use criteria were appropriate.

12 **Motion and Vote:**

13 Ms. CitaraManis made a motion to accept the recommendation of the Technical Staff Report to  
14 allow kennels in B-1 if completely enclosed. Mr. Yelder seconded the motion; the vote was 2 to 2 and the  
15 motion failed.

16 Ms. CitaraManis made a motion to recommend decreasing the minimum lot size and setback  
17 requirements of the conditional use criteria for kennels in the B-1 District. Ms. Dombrowski seconded the  
18 motion. The motion passed by a vote of 4 to 0.

19 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 25 day of  
20 March, 2010, recommends that the Petitioner's request to amend Sections 118.B and 118.E of the Zoning  
21 Regulations be DENIED with the recommendation that the revisions noted above be incorporated into the  
22 proposed text of the amendment.  
23  
24  
25  
26  
27  
28

HOWARD COUNTY PLANNING BOARD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Linda Dombrowski* JB  
\_\_\_\_\_  
Linda A. Dombrowski, Chairperson

*David Grabowski* JB  
\_\_\_\_\_  
David Grabowski, Vice Chairperson

*Tammy CitaraManis* JB  
\_\_\_\_\_  
Tammy J. CitaraManis

*Paul Yelder* JB  
\_\_\_\_\_  
Paul Yelder

ATTEST:

*Marsha S. McLaughlin*  
\_\_\_\_\_  
Marsha S. McLaughlin  
Executive Secretary