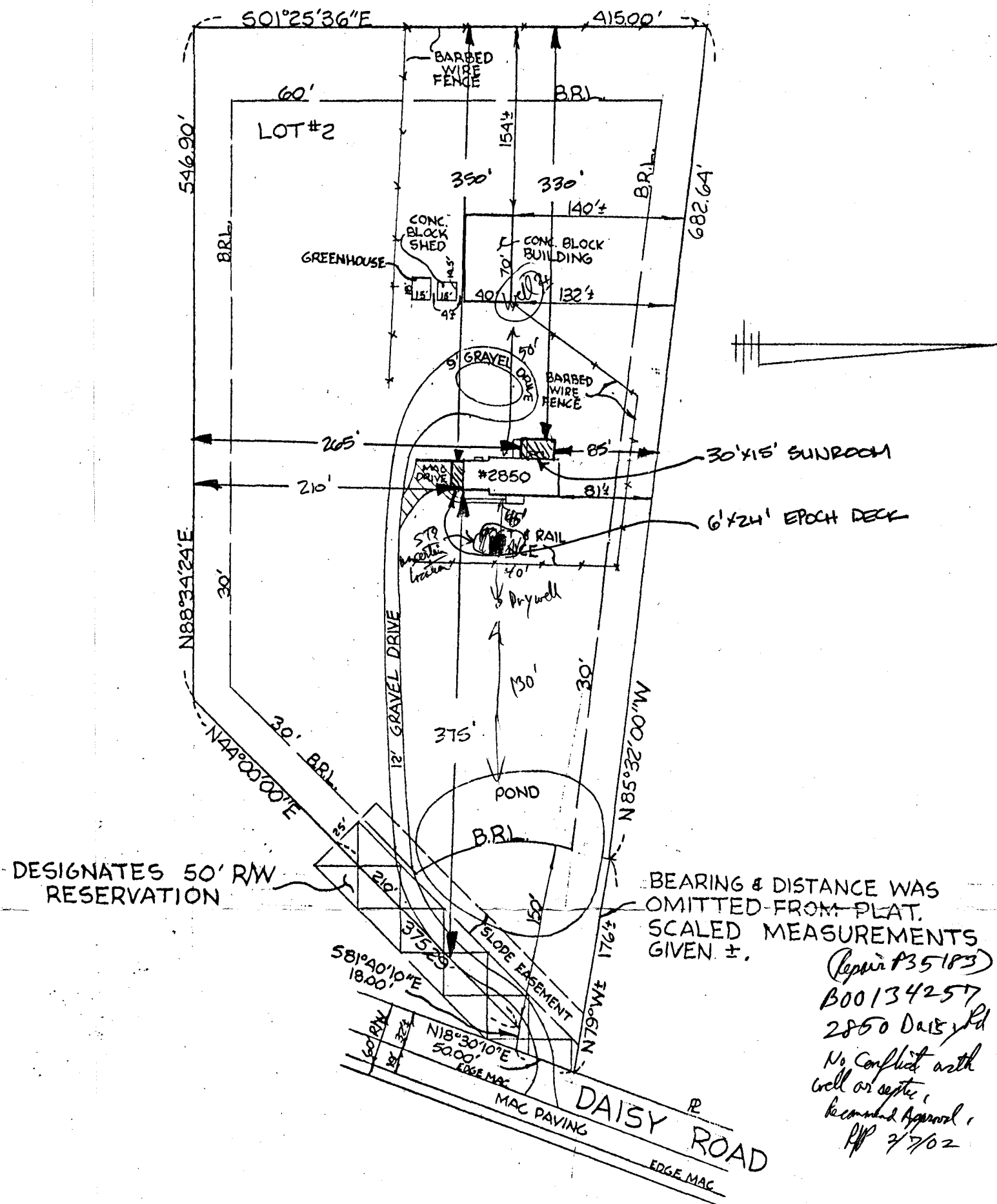
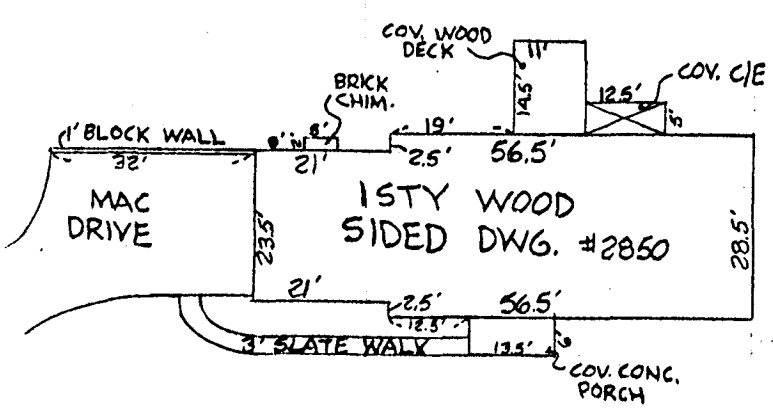


Plat of Property known as #2850 Daisy Road, also known as Lot #2, as shown on Plat of "BOGARD ACRES" and recorded among the land records of Howard County in Plat C.M.P. 6973.



(Repair #35183)
 B00134257
 2850 Daisy Rd
 No Conflict with
 well or septic
 Recommended Approval
 R/P 2/7/02



SCALE: 1" = 30'



Bourabih M. Munn

THIS PLAT IS NOT INTENDED FOR THE USE IN THE ESTABLISHMENT OF PROPERTY LINES

DON LYNCH ASSOC., INC.
 4907 HARFORD ROAD
 BALTIMORE, MD. 21214

Scale: 1" = 100' Date: 4/10/87

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: 4/13/05

Hearing Examiner 6/6/05
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-05-010C Map No. 13 Block 12 Parcel 113 Lot 2

Return Comments by 5/16/05 to Public Service and Zoning Administration

Location of Property: 2850 Daisy Road, Woodbine

Applicant: Warren Randall and Agnes Ann Phillips

Applicant's Address: 2850 Daisy Road

Owner: (if other than applicant)

Owner's Address:

Petition: Conditional use for a kennel

To:

- _____ Department of Education
- _____ Bureau of Environmental Health
- _____ Development Engineering Division
- _____ Department of Inspections, Licenses and Permits
- _____ Department of Recreation and Parks
- _____ Department of Fire and Rescue Services
- _____ State Highway Administration
- _____ Sgt. Karen Shinham, Howard County Police Dept.
- _____ James Irvin, Department of Public Works
- _____ MD Dept. of Human Resources, Janice Burris
(Child Day Care)
- _____ Office on Aging, Betty Totaro (senior assisted living)
- _____ Police Dept., Animal Control, Brenda Purvis, (kennels)
- _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
- _____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)

COMMENTS: 4/27/05 ~~at~~ a separate sewage disposal area must
be established later Signature RS

05 MAR 16 PM 2 28

For DPZ office use only:

BA CASE NO. BA 05-010C

Date Submitted _____

CONDITIONAL USE PETITION TO THE HOWARD COUNTY BOARD OF APPEALS

1. **Name of Petitioner:** Warren Randall and Agnes Ann Phillips
Trading as (if applicable): _____
Mailing Address: 2850 Daisy Road, Woodbine, MD 21797-8122
Phone Number(s): 301-854-6841
Name of Principal Contact (if different): _____
2. **Counsel for Petitioner:** Thomas M. Meachum
Mailing Address: 10715 Charter Drive, Suite 200, Columbia, MD 21044
Phone Number(s): 410-740-4600
Secondary Contact with Counsel (if any): _____
3. **Conditional Use Site Description:**
Address/Street for Property: 2850 Daisy Road, Woodbine, MD 21797-8122
Tax Map: 13 Grid: _____ Parcel: 113 Lot: 2
Department of Assessments and Taxation Account No.: 04 - 316460
Total Land Area of Property: 6.185 (X Acres) (_____ Square Feet)
Election District: Fourth Zoning of Property: RC-DEO
Subdivision Name and Plat No. (if applicable): Bogard Acres - 6973
Total Land Area of Use (if different than above): _____ (_____ Acres) (_____ Square Feet)
4. **Conditional Use Request:**
Conditional Use Category: Kennel
_____ Section 131.N. 30
Specific Use Requested: Keeping up to fifteen (15) dogs (Pembroke Welsh Corgis) for exhibiting, breeding, and selling (puppies only). Older dogs are placed in homes at no charge. Neither grooming or boarding are requested.

5. **Petitioner's Interest in Subject Property:**

OWNER (including joint ownership)

OWNER (describe and give name and address of owner):

Name of Owner: Warren Randall and Agnes Ann Phillips

Mailing Address: 2850 Daisy Road, Woodbine, Maryland 21797-8122

If the Petitioner is not the owner, written authorization for this Petition from the Owner must be submitted.

6. **Conditional Use Plan Requirements:**

If the Petition is approved, the conditional use plan will be made a part of the Board of Appeals Decision and Order, subject to modifications and conditions required by the Board. The conditional use plan must be drawn to scale and must include the items listed below:

- (a) Courses and distances of outline boundary lines and the size of the property.
- (b) North arrow.
- (c) Zoning of subject property and adjoining properties.
- (d) Scale of plan.
- (e) Existing and proposed uses, structures, natural features and landscaping.
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces.
- (g) Same as (e) and (f) above, of any adjoining properties.
- (h) Location of existing and/or proposed well and private septic easement area, if property is to be served by private water and septic facilities.
- (i) Election District in which the subject property is located.
- (j) Tax Map and parcel number(s) of the subject property.
- (k) Name of local community in which the subject property is located or name of nearby community.
- (l) Name and mailing address, telephone number (and e-mail address, if any) of the Petitioner.
- (m) Name and mailing address, telephone number (and e-mail address, if any) of Counsel.
- (n) Name and mailing address, telephone number of property owner.
- (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the Petition.
- (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads.
- (q) Ownership of abutting roads, right-of-way width, and existing pavement width.
- (r) Any other information as may be necessary for full and proper consideration of the Petition.

7. **Additional Information Requirements:**

- a. Information regarding noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions resulting from the use.
- b. Supporting documentation, such as traffic studies, market studies, and noise studies as may be required by the Department of Planning and Zoning or by the Zoning Regulations.
- c. For expansions and enlargements, previous case number(s) and information regarding compliance with previous requirements and conditions.

8. **Summary of Request:**

The following items should be answered by summary statements. If additional space is needed, please attach a Supplement to this petition.

a. The present use of the subject property: Residence with barn structure and pens for dogs.

b. Details of the proposed use, including, **where applicable:** types of indoor and outdoor activities; hours of operation; number of employees, occupants, and/or customers; quantity and types of vehicles or equipment used; outdoor lighting to be used; quantities and capacities of materials stored; etc.: The Petitioners have been breeding and showing Pembroke Welsh Corgi dogs for 25 years. They moved to their current property in 1987, and continued the breeding and showing of these dogs. They had contracted the Howard County government prior to moving in to inquire about what, if any, requirements were in place for the breeding and showing of between 10 and 15 Corgis. While they concede there may have been some miscommunication, they were told that the only requirements that needed to be met were to obtain a dog fancier's license every year from Animal Control, which they have done.

When the Petitioners moved onto the property there was a house and cinder block barn. Separate outdoor runs with a roof cover were added to the northern side of the barn. Unaware that a special exception was required, the Petitioners began breeding and showing Pembroke Welsh Corgi dogs. The dogs spend most of their day inside the barn or the basement of the home. While exact time measurements have not been made, it is believed that the longest the dogs are ever out on the runs are three hours in the day time when the weather permits it. Parking necessary for this operation is never more than one space for a potential owner to look at the dogs. The Petitioners have never had a complaint about their operation until an absentee adjacent property owner, who lives in Florida and whose property is unimproved, complained to the County. The owners have registered their activity with the County Animal Control office, from whom they have obtained a fancier license every year for the past 17 years in order to pursue their hobby.

c. Any additional information which will be used in the evaluation of whether the conditional use complies with the specific criteria for the conditional use category within Section 131.N.:

See attached Supplement.

d. Will the conditional use generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties?

See attached Supplement.

Prior Petitions:

Has any petition for the same, or substantially the same, conditional use as noted above for the subject property, been denied by the Board of Appeals within twenty-four (24) months of the date of this Petition?

() Yes (X) No

If yes, and six (6) months have elapsed since the last hearing, an affidavit must be attached which states the new and different grounds on which this re-submittal is based.

10. Additional Materials, Fees, Posting, and Advertising Requirements:

a. Supplemental pages may be attached to the petition. You must submit one original Petition with original signatures, and one original of any other signed document. The following number of sets, including Petitions, plans and supplemental pages must be submitted:

One original plus 28 copies if the subject property adjoins a State road.
One original plus 24 copies if the subject property adjoins a County road.

b. The Petitioner signing below hereby agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning and/or the Board of Appeals in connection with this Petition.

c. The Petitioner hereby agrees to pay all costs in accordance with the current schedule of fees.

d. The Petitioner hereby agrees to properly post the property at least thirty (30) days immediately prior to the Planning Board meeting and the Board of Appeals public hearing; to maintain the public notice posters until the public hearing is concluded; and to submit an affidavit of posting at or before the time of the initial public hearing. The Petitioner also hereby agrees to advertise the public hearing by means of legal notices as prepared and approved by the Department of Planning and Zoning to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, at least thirty (30) days prior to the Board of Appeals public hearing, and to pay for such advertising costs; and agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

11. Signatures:

The Petitioner hereby affirms that he/she has read the instructions on this form, filing herewith all of the required accompanying information, and affirms that all of the statements and information contained in, or filed with, this Petition are true and correct.

Warren R Phillips 2/13/05 WARREN R. Phillips
Warren Randall Phillips Date Print Name of Petitioner

Agnes Ann Phillips AGNES ANN PHILLIPS
Agnes Ann Phillips Date Print Name of Petitioner

Thomas M. Meachum
Thomas M. Meachum, Esquire

12. **Requested Hearing Date Process:**

The Petitioner must indicate below which scheduling process is requested for this Petition:

X I request to have a hearing date set by the Board of Appeals as soon as possible. I understand that the scheduled hearing date may be several months from now. I also understand that once a hearing date has been set, a request for a postponement or continuance may only be granted by the Board of Appeals if the Board finds there are grounds for a postponement or continuance.

_____ I request to have the Board of Appeals wait until after receiving the Planning Board Recommendation before scheduling a hearing date for my case. By so doing, I may be allowed a continuance of the Planning Board meeting in order to amend and resubmit my petition if the Planning Board intends to issue an unfavorable recommendation for the original petition. This resubmission would be made to the Department of Planning and Zoning prior to the date of the continued Planning Board meeting. Petitioners that are significantly amended may have to be routed through the reviewing agencies for new comments, and may necessitate an amended or new Technical Staff Report.

13. **General Standards for Conditional Uses:**

All requests for conditional uses must meet the following general standards set forth in Section 131.B. of the Zoning Regulations for approval:

1. The proposed conditional use plan will be in harmony with the land uses and policies indicated in the Howard County General Plan for the district in which it is located. In evaluating the plan under this standard, the Board shall consider:

The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site; and

If a conditional use is combined with other conditional uses or permitted uses on a site, the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks.

2. The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the plan under this standard, the Board of Appeals shall consider whether:

The impact of adverse effects such as noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions will be greater at the subject site than it would generally elsewhere in the zone or applicable other zones.

The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally in the zone or applicable other zones

Parking areas will be of adequate size for the particular use. Parking areas, loading areas, driveways and refuse areas will be properly located and suitably screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.

In addition to the specific requirements of the appropriate subsection with Section 131.N of the Zoning Regulations, conditional uses within residential developments in the R-ED, R-SC, R-SA-8, R-A-15, R-MH or R-VH districts are subject to the standards enumerated in Section 131.C.

PETITIONER WARREN RANDALL PHILLIPS AND AGNES ANN PHILLIPS

ADDRESS 2850 Daisy Road, Woodbine, MD 21797-8122

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended:

The person(s) signing below hereby declare(s) that no officer or employee of Howard County, whether elected or appointed, has received prior hereto or will receive subsequent hereto, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the attached Petition to the Board of Appeals for a conditional use as requested.

I, we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

Nancy E. Harrison
Witness

Warren Randall Phillips
Warren Randall Phillips Date

Nancy E. Harrison
Witness

Agnes Ann Phillips
Agnes Ann Phillips Date

Debra E. Stone
Witness

Signature Date



For DPZ use only:	
Hearing fee:	\$ _____
Poster fee:	\$ _____
TOTAL:	\$ _____
Receipt No. _____	(Make checks payable to "Director of Finance")

Revised 7/25/01

P:\TMM\WPDATA\Phillips.Cond.Use.Pet.wpd

IN THE MATTER OF THE	*	BEFORE THE
PETITION OF	*	HOWARD COUNTY
WARREN AND AGNES PHILLIPS	*	HEARING EXAMINER
FOR A	*	
CONDITIONAL USE PETITION	*	
FOR A KENNEL	*	
* * * * *		* * * * *

SUPPLEMENT TO PETITION

Warren and Agnes Phillips, Petitioners, by their attorneys, Thomas M. Meachum and Reese & Carney, LLP respectfully submit this Supplement in support of their Petition for a Conditional Use for a Kennel.

8. Summary of Request

c. Additional information which will be used in the evaluation of whether the conditional use complies with the specific criteria for the conditional use category within section 131.N.

131 N. 30.

a. (1) The lot size is over six (6) acres.

(2) The outside pens at their closest point to a lot line, the northern line, is 124 feet. See (a) (4) below.

(3) (a) Precise distance is unknown, but the barn is hundreds of feet away from the nearest public right of way.

(b) The building is 155 feet from the west boundary line, and 219 feet from the south boundary line.

The building, not including the pens, is at its closest point

144 feet away.

(4) The actual setbacks are as indicated above. This kennel has been in business for 17 years without any complaint until now, from the individual who sold the Petitioners their land 17 years ago, and is apparently now trying to sell this four-acre vacant land to the north.

As shown on the plan, the Petitioners propose to construct a twelve foot-foot solid fence along the edge of the runs (approximately twelve feet away, to allow light and air) that will run the length of the runs. The Petitioners will also plant trees and/or shrubs on the north side of the fence and construct a fountain next to the fence to muffle sounds that could be heard by the dogs. There are no existing dwellings on the adjacent properties to the north and south. There is a dwelling to the west, but it is approximately 148 feet from the common boundary line, making the dwelling at least 300 feet from the building.

The kennel is located in a building approximately 2800 square feet large, half of which the kennel occupies.

There will be no adverse effect on neighboring properties due to visual impact, noise, dust, odors or other causes, with these proposed changes (again, remembering that there had been no complaints for 17 years).

The solid fence will enclose the pen area. The sides of the pen area facing west and east are enclosed by block walls.

b. Not applicable.

c. Not applicable.

d. The screening of the outside runs has been previously discussed. The building was on the property in 1987 when the Petitioners moved in and converted it for their kennel use, so there is nothing about the building itself that would require any screening.

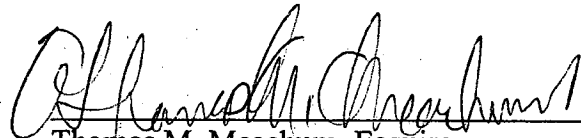
The "parking area" is that part of the existing driveway southeast of the house. There is only one car at any given time, to look at the dogs for purchase, so screening of an existing residential driveway area would not seem necessary.

e. The Petitioners collect the waste twice a day, in a bag, and then that bag is placed in a covered trash can inside the barn. The Petitioner takes the waste to the landfill once a week. At no time are the wastes perceptible at the lot lines.

f. Not applicable. These dogs are present for breeding and exhibition and are owned by the Petitioners. Daisy Road does happen to be a collector road.

This 17-year operation has been no trouble to the surrounding area. The owners have had a fancier license from the Animal Control Division of Howard County for 17 years to carry out their hobby. The owners have utilized an existing cinder block barn with reasonable pens. The owners are proposing some changes to the site to further ameliorate any problems. They request they be allowed to continue.

Respectfully submitted,



Thomas M. Meachum, Esquire
Reese & Carney, LLP
10715 Charter Drive, Suite 200
Columbia, Maryland 21044
410-740-4600