

**Tax Map/Block/Parcel  
No. 53-16-949**

**Building Permit/Zoning  
Certificate No. 03-3581**

**Case 4890**

**OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND**

**APPLICANT:** Heath Eric Ogburn  
1437 Hallowell Lane  
New Windsor, MD 21776

**ATTORNEY:** David K. Bowersox

**REQUEST:** An application for a request for reconsideration of the Decision issued by the Board in Case 4592, dated June 15, 2001, or a modification to that Decision regarding mandatory bark collars for all animals at this kennel.

**LOCATION:** The site is located at 1437 Hallowell Lane, New Windsor, on property zoned "A" Agricultural District in Election District 11.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-71, 223-186 A (1), 223-188 B and 223-190

**HEARINGS HELD:** January 8, 2004

**FINDINGS AND CONCLUSION**

On January 8, 2004, the Board of Zoning Appeals (the Board) convened to hear a request for reconsideration of the Decision issued by the Board in Case 4592, dated June 15, 2001, or a modification to that Decision regarding mandatory bark collars for all animals at this kennel. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

On June 15, 2001 the Board issued a decision in Case 4592 granting a conditional use to the Appellant for a private kennel and a variance from the requisite 400 ft. setback to 200 ft. for the kennel building. The Applicant relocated this kennel on the property. Unfortunately, they discontinued the use of bark collars, which was a condition of approval in Case 4592.

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The Applicant provided testimony that the electronic bark collars were ineffective and were not designed to be used on a constant basis. The Applicant also presented evidence that the bark collars inflicted injuries on one animal. A veterinarian testified that bark collars were inappropriate under these conditions and should not be used 24 hours a day. The manufacturer's literature also states that the use of a bark collar more than 12 hours a day is not recommended.

Had the Board received this information in 2001, and had the Applicant not offered to use the bark collars at that time, it is unlikely they would have been made a condition of approval. Accordingly, it is appropriate that the bark collar condition be removed.

However, the Board heard numerous credible complaints from neighbors at this hearing regarding the barking emanating from the kennel. While the Applicant has taken steps to alleviate the noise, some additional conditions are appropriate to protect the neighborhood. The Board therefore imposes the following conditions in its grant of the reconsideration of Case 4592.

1. "Guillotine doors" for controlling dog movement from the inside to outside runs shall be installed.
2. An additional row of trees (white pine or similar species) shall be planted to supplement the existing tree screen on the property.
3. The dogs shall be kept indoors in the kennel as reasonable at night to minimize disruption to the neighborhood.
4. The installation of soundproofing materials on the walls shall be completed.

The Applicant shall have six (6) months from the date of this decision to comply with the above conditions. However, the bark collar condition is removed as of the date of this decision.

Date

*Jan 21, 2004*

*Jacob M. Yingling*  
Jacob M. Yingling, Chairman