

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

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

**Case 4884**

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

**APPELLANT:** Patricia Ogburn  
1437 Hallowell Lane  
New Windsor, MD 21776

**ATTORNEY:** David K. Bowersox

**REQUEST:** An appeal of a Notice of Violation issued by the Zoning Administrator, dated August 29, 2003, regarding the use of bark collars on all dogs within the 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 223-186 A (1), 223-188 B

**HEARINGS HELD:** January 8, 2004

**FINDINGS AND CONCLUSION**

On January 8, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation issued by the Zoning Administrator, dated August 29, 2003, regarding the use of bark collars on all dogs within the kennel. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

In June 2001 (Case 4592) the Board granted a conditional use and a variance from the required 400 ft. setback to the Appellant to operate a private kennel to house Jack Russell terriers. Neighbors of the proposed kennel expressed concern about noise from the dogs. The Appellant, Heath Ogburn, volunteered to equip the dogs with bark collars, which deliver an electronic stimulus to the dog, to prevent nuisance barking. The conditional use approval included a condition.

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After receiving complaints from neighbors, the Zoning Inspector conducted an investigation. The building location for the kennel had changed to 370 ft. from the property line, rather than the original 200 ft. However, based on the testimony of neighbors and Jill Goodman, who resides at the subject address, it is clear that the Appellant without the approval of the Board discontinued the use of bark collars. Accordingly, the Notice of Violation is upheld.

Jan 21, 2004  
Date

Jacob M. Yingling  
Jacob M. Yingling, Chairman