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Clarksburg Civic Association
P.O. Box 325
Clarksburg, Maryland 20871-0325

January 13, 2006

Montgomery County Planning Board
Attn: Nellie Shields-Maskal

Proposed Veterinary Clinic and Boarding Facility
22414 & 22416 Frederick Road, Clarksburg

The Executive Committee and Planning Committee of the Clarksburg Civic Association have discussed the proposal for the application.

We do not oppose the animal clinic component as a proposed use and think it would be compatible on the site, which is zoned R-200.

However, we do not support the boarding kennel, which we do not think is at all suitable for the R-200 zone. The lots under discussion presently have a house on each and though Rocky Hill Middle School is located behind the site, and there is a small church beside it, every other lot has an occupied house.

The following are some of the points on which we based our decision:

- The size of the kennels would set a precedent for other special exceptions being sought. This area is the buffer between Germantown and Clarksburg and we all wish to keep the distinction clear.
- This area is predominantly residential, and is definitely not industrial as claimed by the applicant
- The facility proposed has only an indoor exercise room, which is not at all suitable for the dogs. This leads to the real probability that the applicant will ask for a waiver/special exception for an outdoor exercise area, which we would totally reject.
- The idea of internships for the clinic is a good idea for the students, but would be of minor benefit to students working in the boarding kennels.
- Dedicated boarding kennels do allow for the pickup of animals on Sundays, which most pet owners would prefer than having to wait until Monday. The applicant has stated that the facility would not allow for Sunday pickup of animals.

We have received a letter of support from Mrs. Keys of 22414 Frederick Road. This appears to come from a local homeowner, but is deceptive in that the address is that of one of the houses on this site. Mr. & Mrs. Keys do not own this house, although they may be contract purchasers. The letter has to be taken in the context that the writer is very involved in the outcome of the special exception. Also, Mrs. Keys states that community service hours may be obtained by local students. I am not sure that community service hours are obtainable for work at a commercial enterprise.

Kathie Hulley
Planning Committee Chair

A 14 - 9

February 20, 2006

Montgomery National Capital Park & Planning Commission
Attn: Joel Gallihue

Proposed Veterinary Hospital and Boarding Facility
Frederick Road, Clarksburg

The Clarksburg Civic Association Executive Committee and Planning Committee have discussed the proposal for the above proposal.

Small veterinary hospitals are sometimes located in R200 zoned areas, but usually are contained in an existing residence on the site and do not overwhelm the property. We would support such a facility under certain circumstances.

Petitioners' Summary of Proof

Items 3.1 and 4 are not correct.

Page 54 of the Clarksburg Master Plan states that the "*present residential character should be continued along MD 355*" and the desire to "*retain a pleasant residential character*". The facility, as proposed, flies in the face of the Master Plan. The Master plan recognized existence of the proposed school site, the Recreation area and the Wesley United Methodist Church (which although not on the Locational Atlas, has been on that site for many decades and is part of the character and face of MD 355).

Rocky Hill Middle School, though adjacent to the Walcoff properties has its entrance and access two streets away from MD 355.

Items 5, 6 and 7

Proposed uses DO detract from the intent of the residential aspects in the Master Plan. This is a large commercial enterprise in this R200 zone, which would overwhelm the church should it be located beside the church.

When a purchaser buys a property in Montgomery County, he signs to say that he is aware of any conditions in the applicable Master Plan. Not only does this apply to a buyer who want to change the property, but also to those who buy with the expectation that the Master Plan will be implemented and that they will enjoy the aspects which are therein described.

The size of the proposed facility gives great cause for concern, as it is many times larger than nearby residences. The applicant states that it is the "size of a residence" at approximately 8,300 square feet. The houses along MD 355 in the vicinity range from 824 square feet to 1,496 square feet, which cannot in way be called "compatible" at between 5 and 8 times smaller than this proposed building.

The proposed facility would set a precedent to encourage other special exceptions being sought. This area is the buffer between Germantown and Clarksburg. Any incursion into the present character of this area of Route 355 would need to be in complete compliance and keeping with the objectives set forth in

the Clarksburg Master Plan.

We totally oppose the proposal for the boarding kennels, but would support a small veterinary hospital under certain circumstances. The applicant owns two lots which he wishes to subdivide. We think it would be better to subdivide the properties so that the present residence facing MD 355 would remain and the smaller scale hospital could then be built behind that residence at the back of the property. As the proposed facility will draw clients by appointment, frontage on MD 355 is not necessary.

We oppose the granting of any variance for setbacks. The site is big enough to build a fine facility without any need for variances. This site does not meet Item 1 of the Reasons for **Granting a Variance**. It does not meet burden of proof by a preponderance of the evidence that: *"By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon the owner of such property."* The proposed facility could be easily reconfigured to allow the parking area to be in the rear of the property, or the lots could be reallocated as discussed above. The reason for the request for the variance is purely for the convenience of the applicant to build the large facility he proposes.

Kathie Hulley
Planning Committee Chair

JAN 25 2006

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

18 January 2006

Brian E. Unruh
12712 Running Brook Drive
Clarksburg, Maryland 20871



Board of Appeals
100 Maryland Avenue, Room 217
Rockville, Maryland 20850

Reference: Case No. S-2659 Veterinarian Hospital
Case No. S-2660 Animal Boarding Facility
Brian E. Unruh, Letter to Board of Appeals, 15 November 2005

Board of Appeals:

Last weekend, Mr. Jeff Walcoff visited my home in southern Clarksburg to explain his plan to construct a veterinarian hospital and animal boarding facility nearby. I sincerely appreciate Mr. Walcoff taking the time to explain his position. Our discussion helped allay my concerns about the possibility of excessive noise from the proposed facilities.

If, as Mr. Walcoff indicated, Montgomery County will require him to construct the veterinary hospital and animal boarding facilities in a manner that will reduce the sound of dogs barking inside to a minimum (I believe Mr. Walcoff cited a goal of no more than 10 decibels of barking heard 10 feet from the facility, to which I responded that my goal was to continue sleeping with my windows open in the Spring and Fall); and Montgomery County ensures that Mr. Walcoff does not board dogs outside the sound-proofed facilities; I would not oppose construction of the proposed facilities.

As noted in my previous letter, my main concern is to protect the peace and quiet and character of our historic community. After speaking with Mr. Walcoff, I believe he will do that. I hope Montgomery County will reach an agreement with Mr. Walcoff that will protect both of our interests.

Sincerely,

Brian E. Unruh

Brian E. Unruh

CC: Mr. Jeff Walcoff

A-14-17

EXHIBIT NO. 30
REFERRAL NO. S-2659 and S-2660

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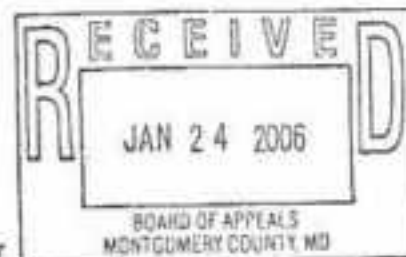
21 January 21, 2006

JAN 25 2006

Katie Harper
12704 Running Brook
POB 113
Clarksburg, Maryland 20871

OFFICE OF ZONING AND
ADMINISTRATIVE HEARINGS

Board of Appeals
100 Maryland Avenue
Room 217
Rockville, Maryland 20850



Subject: Case numbers: S-2659 and S-2660
Veterinary Hospital and Animal Boarding Center

To Whom It May Concern:

I have been a resident at the above address for approximately forty-four (44) years. I have enjoyed peace and quiet in this neighborhood for many of these years. It is for this reason I am quite disturbed by the prospect of a veterinary hospital with a boarding facility coming into this quiet residential neighborhood. While we have been presented with a most positive picture regarding the facility, I find it difficult to believe that a business dealing with animals, particularly dogs, would not be an annoying and disturbing presence. Buffered walls, fences, etc. are fine, but I cannot be made to accept the fact that there will be minimal or no noise as we have been asked to believe.

Dogs bark...that's a fact of life. Am I to believe that these animals will not be allowed outside for air and exercise? It is inconceivable to me that animals being boarded will be kept inside at all times. If I had a dog to board, I would certainly expect that my pet would get air and exercise. There most certainly will be noise.

Unfortunately the business community and government have created an air of mistrust that has affected my attitudes. When I am presented with a "pic in the sky" scenario, free from pitfalls or problems, as this proposal has been presented, I immediately become suspicious and doubtful. The sad fact is that this entire Clarksburg community has been presented with "pic in the sky" proposals over the years that have since turned bucolic charm into absolute chaos! Thanks to business friendly decisions at every turn I can't even get out of my drive to go to the Post Office, or go to the store without sitting in gridlock. And now, on top of being sandwiched between two schools, I'm being asked to support a veterinary hospital and boarding facility in my back yard. I think not.

As a Montgomery County taxpayer and a resident at 12704 Running Brook Drive in Clarksburg, Maryland, I am exercising my right to voice opposition to the establishment of these facilities in our neighborhood. I do not harbor any illusions about the

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EXHIBIT NO. 31
REFERRAL NO. S-2659 and

effectiveness of this letter because I am not a business owner, or contractor, or anyone that would hold special appeal to the elected officials. I'm just a simple taxpaying voter that has up till now lived in peace for over four decades. I suppose all good things must come to an end.

Think about it..... would you want an animal boarding kennel next to your home?

Thank you for your time and attention.

Sincerely,

Katie Harper
Katie Harper

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