

Case 2021-0101-XA

Impact Statement from Brian & Linda Mozelack (18133 School House Rd):

Here is a list of concerns that we have over any kennel:

- Our real estate investment (Primary residence) would no longer command a premium value at the time of sale based primarily on the proximity to a Commercial Kennel or any kennel for that matter.
- If the variance is permitted with about 1/3 the required distance, then what is to prevent other property owners from referencing this case to support their claim for the same reason, thereby, nullifying the recently approved annotated code (bill 7-19)? This will impose more hardships on property owners around Baltimore County.
- If the Exception & Variance are permitted, then additional encumbrances will be added to our already encumbered property. Currently the property is landlocked with a right-of-way established over contiguous properties to gain access to School House Road.
- If the exception & variance are approved, then the prospective pool of real estate buyers would be significantly reduced because a commercial kennel or any kennel is right next door, thereby reducing the sale ability of the house and property. Basically, any reasonable individual would not purchase a property located in the country right next door to a kennel for hundreds of thousands of dollars knowing full well that there will be noisy and smelly canines less than 100 feet from your property line. What about our undue hardship if any kennel can be permitted?
- The mathematical relationship between the intensity of sound and the related distance is sometimes referred to as an **inverse square relationship**. The intensity varies inversely with the square of the distance from the source. So, if the distance from the source is doubled (increased by a factor of 2), then the intensity is quartered (decreased by a factor of 4). Another way of looking at this is for every doubling of distance, the sound level reduces by 6 decibels (dB), (e.g. moving from 10 to 20 feet away from a sound source). But the next 6dB reduction means moving from 20 to 40 feet, then from 40 to 80 feet for a further 6dB reduction.) Therefore, if the closest property line is reduced by 63.5% ($1 - 73/200$) then the anticipated sound at 200 feet will be intensified by about 9 dB. Keeping in mind that the bark of a single dog can reach 100 dB, and recorded sound levels can range between 85 and 122 dB in kennels, the sound intensity increase will mean the difference between having a casual conversation and standing next to busy traffic. [<https://extension.purdue.edu/extmedia/va/va-18-w.pdf>] Do not forget, this example is just for (1) dog!
- If the Exception & Variance are permitted, then this decision will be permanently attached to that property meaning that if the current owner vacates the property, the new owner can continue the practice. The madness will never end.
- Approval of the variance and special exception would "set the stage" for an influx of continual noise complaints as the topographical location of the proposed kennel and exercise area would be the focal point of sound for the White Hall Valley. We can currently hear dogs bark in unison as the canines from 1431 White Hall already start a chain reaction with the White Hall Dogs all across the valley.
- Currently, we cannot enjoy our property, because as soon as the dogs next door hear any sound (e.g. door opening, talking, rustling of porch furniture, etc.) they start with a cacophony of mixed barking, aggressive growling and uncontrollable climbing. We had to install a privacy fence covering to the bordering chain link fence in order to mitigate the barking induced by "line of sight". However, the audible trigger still exists. The problem of the dog's behavior was not

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solved. This problem still exists today. And the petitioner wants 10 dogs? She can't even control the pit bulls she currently owns.

- There have been occasions when the dogs can be heard inside our bedroom while in bed (Room closest to the property line where kennel is proposed). Loud enough to warrant a request to quiet the dogs by getting out of bed to open the window and ask for silence. Otherwise, if not asked for silence, the dogs would continue to bark. These dogs are not small, they just happen to be a breed of pit bull which tend to bark at everything that moves or makes a sound. If this is any indication on how the kennel is to be operated, no thank you to the variance. We do not want to continually ask the owners to silence their dogs and keep every window in the house shut for the rest of our time living on the property. In no way should we be forced to sell and move because of the decision to allow the special exception for the commercial kennel.
- Surrounding neighbors can hear her dogs barking incessantly at times.
- The current driveway which provides access to the proposed kennel building is closer to the nearest property line than 73 feet. This was not delineated on the variance sign nor explained in the petition. Please refer to Exhibit 1 from Case 1989-0042-A. for the location of the driveway related to the proximity of the property line.
- Anticipated loud & annoying noises can be expected throughout the day. Also, there will be foul smells associated with 10 dogs in a proposed dog run. The dog run is where I would anticipate the most noise. What becomes of the canine waste? How will she clean the kennels? Wash that waste to the stream downhill from the kennel?
- The commercial kennel or any kennel for that matter, would significantly impact the rural nature of our serene and peaceful White Hall Valley. The whole intent of classification R.C. 2, is to keep it as agricultural as possible without compromising the rural atmosphere. I believe continual noise pollution is a major factor considered for agricultural use.
- We purchased our property to get away from the city noise and pollution by finding a location free from those annoyances. It just so happened that the property was zoned R.C. 4. There was no kennels allowed then and remains that way today. However, the County decided to impose stricter building regulation by rezoning our property to R.C. 2. We thought at the time the animal boarding places were meant for livestock not domesticated animals. Little did we know that kennels were allowed by special exception after a property owner petitions the county Zoning Officers. We think that the county needs to "re-think" the kennels, as they do not fit within the character of an agricultural setting.
- We believe that the County Council's decision in 2019 to define the distance of 200 feet was initiated by complaints and requests to the Council to restrict the establishment of these kennels in residential neighborhoods for obvious reasons. Therefore, by its own merit, the action should be denied, otherwise, the bill requiring the defined distance should be repealed because it has no meaning.
- There was no mention of the required lighting plan for the kennel and exercise area. If the time of operation would be the same, regardless of month, then lighting and effective lux extension to our property should have been considered.
- Lastly, we have canvassed the local landowners with a petition to ask the Zoning Judge to deny the special exception and variance for said property. The signatories stand united to send a

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clear and concise message that the commercial kennel or any kennel for that matter, is not wanted or welcome in our neighborhood.

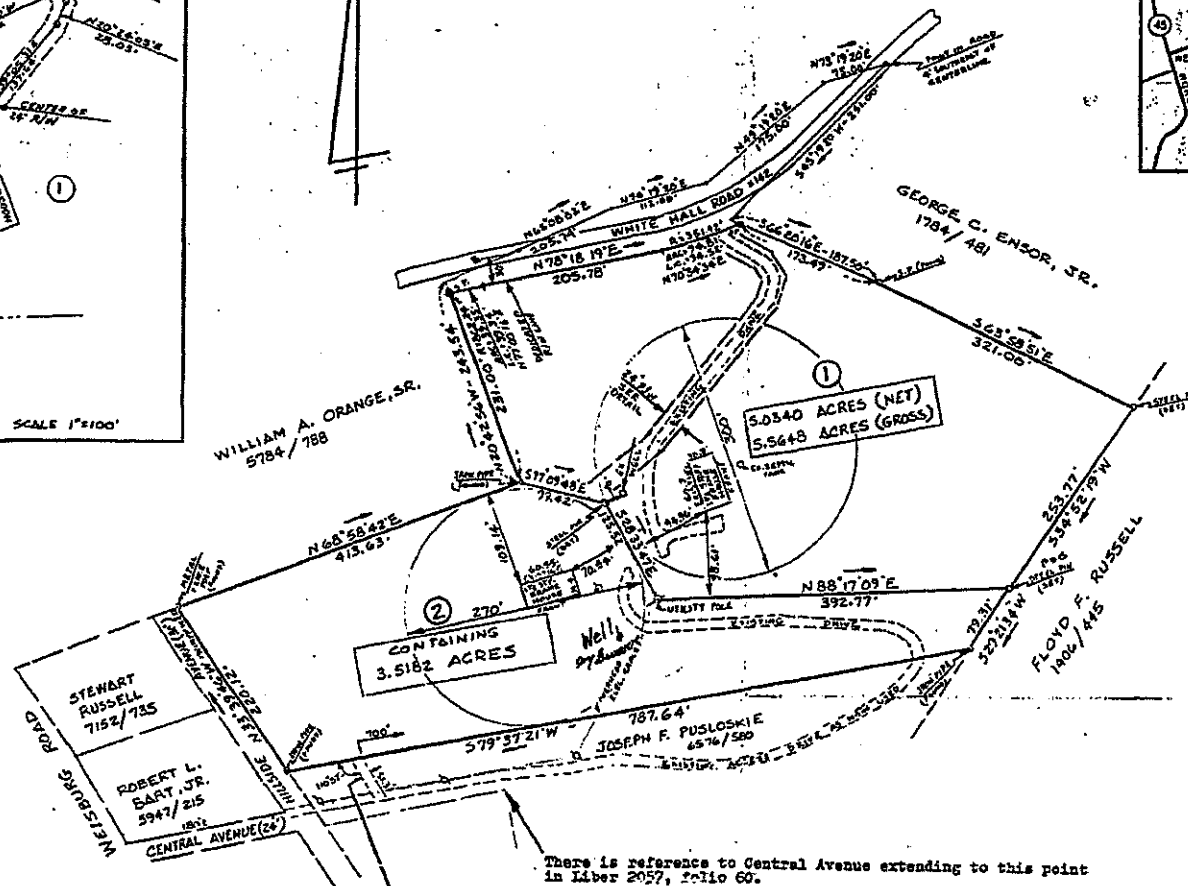
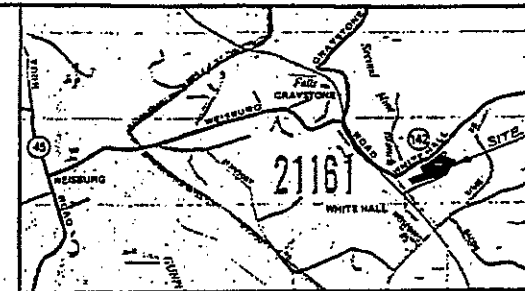
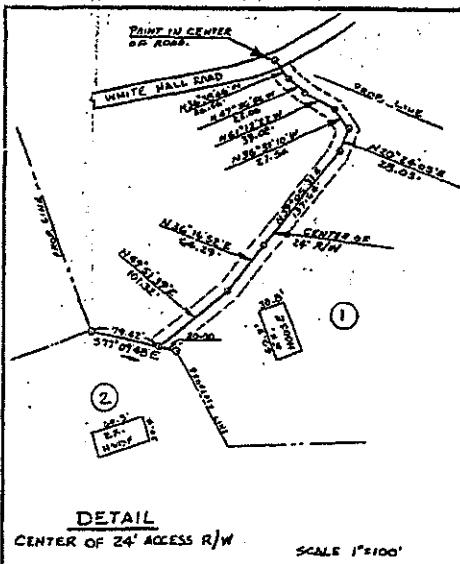
There are not enough words which can express the feelings that we have regarding this matter of Special Exception and Variance. The stress is unbearable. We wonder how one person, an Administrative Judge, can command so much power as to forever change the lives of property owners that have enjoyed their property for almost 30 years by allowing the addition of a Commercial Kennel or any Kennel next door to our property. We have been here for more than half of our lives, dutifully paying our taxes, and responsibly raising our children to become productive young adults. This impending decision will impact our lives forever. The place we have grown to love and hopefully retire to will have a scar cut so deep, that we may be forced to sell. No person or persons could ever subject themselves to the noise and smell of a kennel that will be as close to your existence as the length of your house. What reasonable individual could reside for the rest of their days on a piece of land where the noise would be constant throughout the entire day? Inescapably trapped and imprisoned by audible torture. Forcing windows to be shut the entire year. The fear of Spring and Summer as the looming stench of canine excrement wafts through the air. I thought as landowners we were able to enjoy the air, light and sound which affect our given property rights. Your decision will not only impact our lives, it will affect the lives of our children's and grandchildren's as well. There would be no parties at Nina & Poppi's house (18133 School House Rd.) because the noise would be deafening. Our dream that our offspring will bear the fruits of our labor, the very ground where they were either born or raised to adulthood would be shattered. How can a couple cope with the noise that will forever be resounding from across the fence till either we die, remove ourselves from the premises, or the kennel ceases operation, if it were approved? We feel like victims in this matter. Victims of a crime committed against our sanity, our very essence of being. We moved into a region away from the city/suburban life to a place in the country to unwind, relax and refuel for the many adventures of life, yet by the swipe of a pen that could be stolen from us, ripped from our hands by a thief, interested only in what gains they could achieve.

While we have the most to lose in this case, the community of White Hall Valley at large will also lose. They will lose the peace and tranquility which they have been accustomed to for as many as 50 years, since the demise of the railway traffic. The rolling hills and peaceful surroundings are some of the factors which people look for when they want to purchase property in the Northern section of Baltimore County. Those who prefer cul-de-sacs tend to flock more to Parkton and/or Sparks while the more secluded style individuals choose White Hall or Upperco. Not only would this decision affect our property, it would affect dozens of other landowners as well. A petition, which was circulated throughout the local community, shows that we stand in solidarity against the approval of the Special Exception and the Variance associated with the Commercial Kennel or any Kennel for that matter. Although there was no Community Input Meeting for this Case, we have voiced our opinion through a signed document which states that we all have something to lose. The potential irreparable harm which will impact the surrounding area can only be prevented with a decision of NO. By no means, will we be content until the case is finalized and any appeal is fought to keep the Valley quiet and serene for the future owners of this wonderful area. Citizens,

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landowners, and taxpayers of the White Hall Valley vary in residency from 55 years down to a little as 3 have signed their names to this petition. This is quite a range of owners who are all in agreement that the Commercial Kennel or any Kennel is not welcome in this community. We understand that property laws are based on inferences, interpretations, and uncommon language to the casual observer, but one thing is crystal clear to us. The Baltimore County Council Members passed bill 7-19 for a very good reason, the most obvious reason, that Administrative Judges will now have a new weapon in their arsenal to stave off the demands of landowners when they want to impose hardships on the surrounding community that will impact the enjoyment of their property. Probably the single most expensive item they will ever purchase in their lifetime.

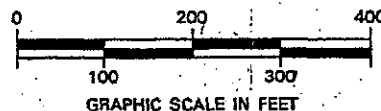


EXISTING ZONING - RC4

12' right of way as set forth in deed dated October 30, 1946 from White Hall Farmers Club and Improvement Association to Noah E. Grove, et al, as recorded among the land records of Baltimore County in Liber J.W.B. No. 1527, folio 42. In the description of Liber 1743, folio 243 the same right of way is indicated as (now abandoned).

There is reference to Central Avenue extending to this point in Liber 2057, folio 60.

DEED REF - LIBER 6445, FOLIO 179



PETITIONER'S EXHIBIT 1

RUTH A. DeSOTO

ELECTION DISTRICT NO. 7
BALTIMORE COUNTY - MARYLAND

Worley Surveying
EST. 1969

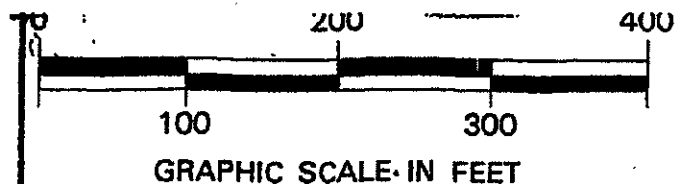
DONALD E. WORLEY
PA. PROF. LAND SURVEYOR NO. 13816-B
MD. PROPERTY LINE SURVEYOR NO. 44

551 BALTIMORE STREET
HANOVER, PENNSYLVANIA 17331
Phone: (717) 637-5874

SCALE 1"=100'
DATE FEB. 18, 1988



FIELD BOOK
90-08
FILE NO.
C-945

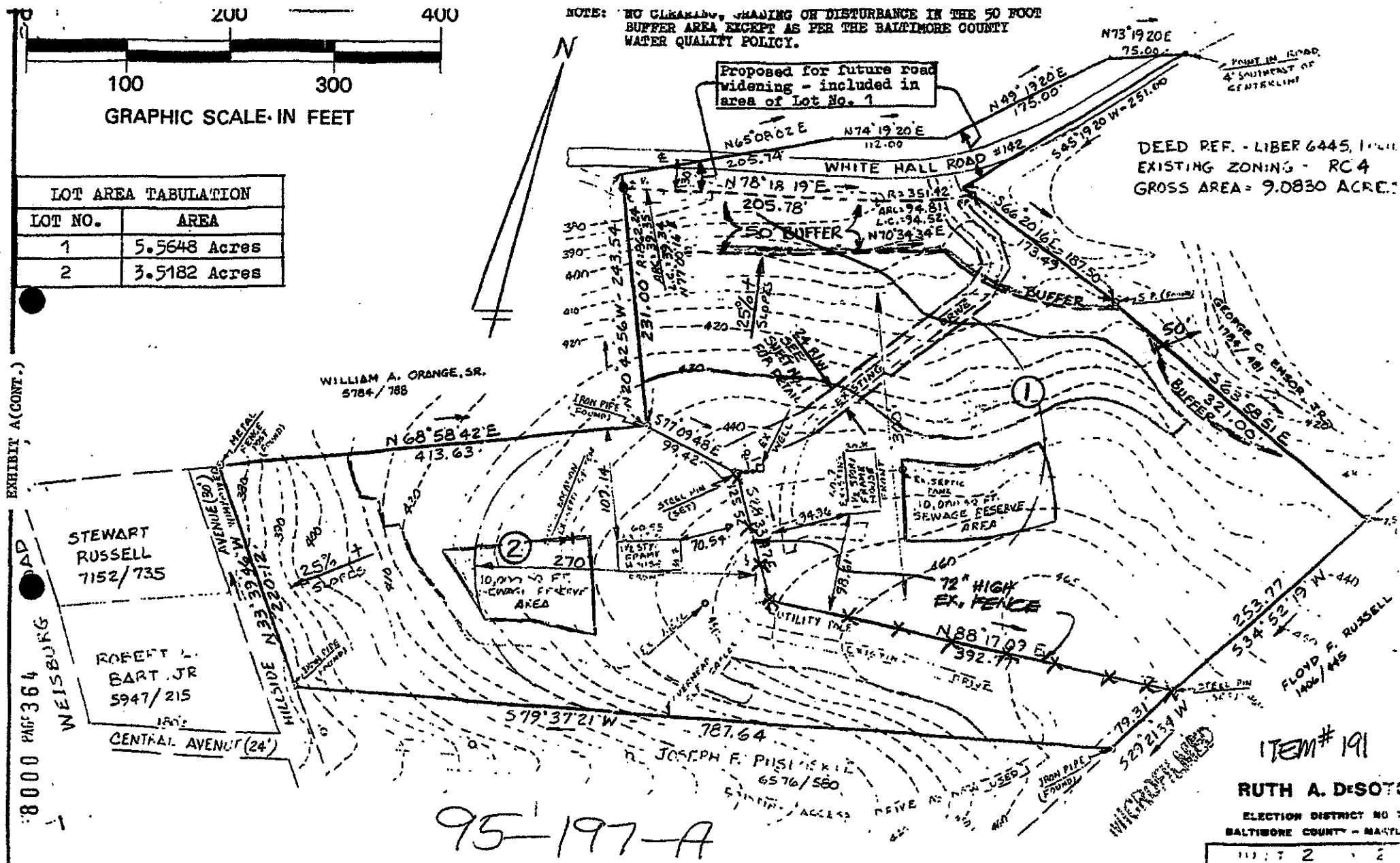


LOT AREA TABULATION	
LOT NO.	AREA
1	5.5648 Acres
2	3.5182 Acres

EXHIBIT A (CONT.)

8000 PAF 364
WEISBURG

NOTE: NO CLEARING, GRADING OR DISTURBANCE IN THE 50 FOOT BUFFER AREA EXCEPT AS PER THE BALTIMORE COUNTY WATER QUALITY POLICY.

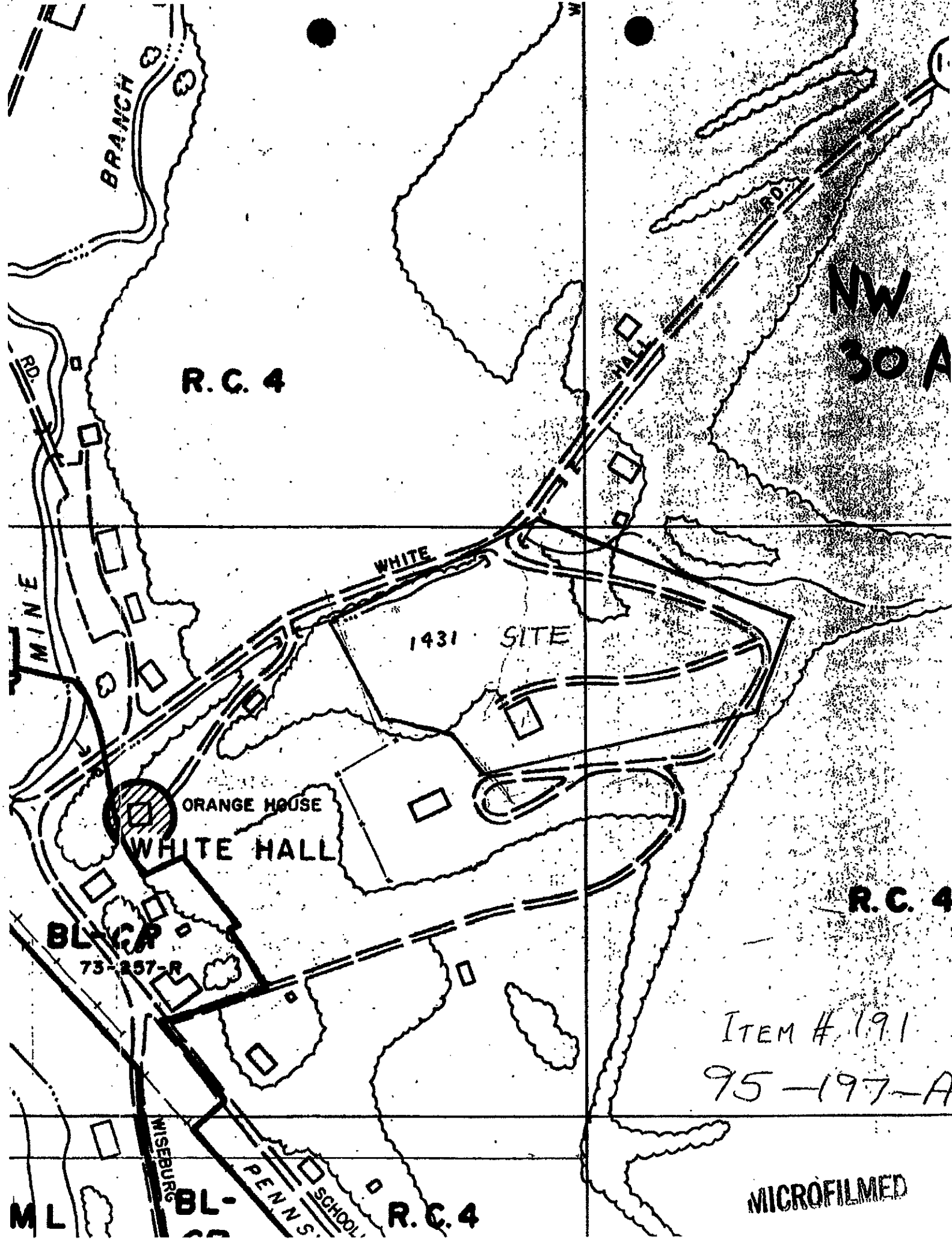


ITEM # 191

RUTH A. DESOTO

ELECTION DISTRICT NO. 1
BALTIMORE COUNTY - MARYLAND

11/17/2020



R.C. 4

NW
30 A

WHITE

1431 SITE

ORANGE HOUSE

WHITE HALL

BL-CP

75-257-R

R.C. 4

ITEM # 191

95-197-A

MICROFILMED

WISEBURG

PENN S.

SCHOOL

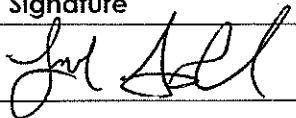
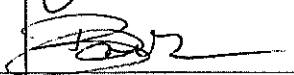
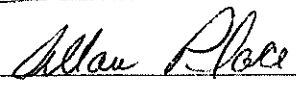
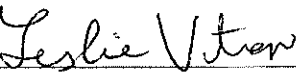
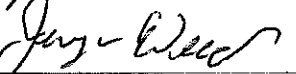
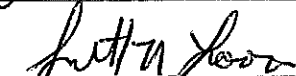
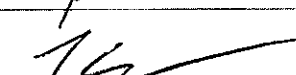
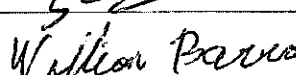
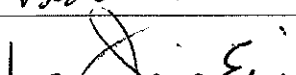
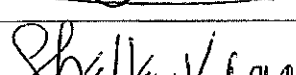
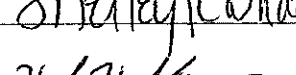
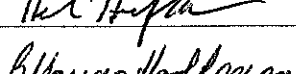
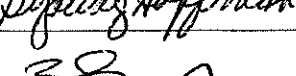
R.C. 4

ML

Petition to Deny the Special Exemption for a Commercial Kennel Baltimore County, MD. Zoning Case No.: 2021-0101-XA

Petition summary and background	Pursuant to Section § 1A01.2.C.2- Use regulations, a property located in R.C.2 Zone by special exemption, may have permitted use of an animal boarding places (regardless of class), commercial kennels, private kennels, veterinarians' offices or veterinarians. However, they must abide by the annotated codes set forth in Section § 421.1. - Animal boarding places, kennels, and pet shops in residential zones, requiring the following: If an animal boarding place, commercial kennel, private kennel, or pet shop is allowed in a residential zone, either as a special exception or as a permitted use, any part of the use, including but not limited to exercise areas, septic systems, dog runs and parking areas, may not be located within 200 feet of the nearest property line. The property owner of 1431 White Hall Rd. White Hall, MD is requesting a variance to allow for the Commercial Kennel in lieu of the required setback footage as delineated by the recently approved Council bill 7-19.
Action petitioned for	We, the undersigned, are concerned landowners located in the White Hall Valley who urge the Baltimore County Zoning Department to act now and deny the request for Special Exception in our neighborhood for a commercial kennel, which could potentially house 10 domestic and rescued dogs. First and foremost, we firmly believe that the County Council's decision in 2019 to define the setback of 200 feet was initiated by complaints and requests to the Council to restrict the establishment of these kennels in residential neighborhoods for obvious reasons. Therefore, by its own merit, the action should be denied, otherwise, the bill requiring the defined setback should be repealed because it has no meaning. It is also our opinion that the Commercial Kennel will significantly impact the rural nature of the surrounding valley, negatively impact the property values of our real estate investment, increase the traffic on the narrow corridors that feed our community, raise the risk for accidents on the blind corner entrance of the affected property, and increase the potential for loud and annoying noises throughout the entire day, which are currently not present in our serene and bucolic valley.

Printed Name	Signature	Address	Date
BRIAN MOZELACK	<i>Brian Mozack</i>	18133 SCHOOL HOUSE RD	6/21/21
Linda Mozack	<i>Linda Mozack</i>	18133 School House Rd	6/21/21
Richard Linkenker	<i>Richard Linkenker</i>	1214 Wiseburg Rd	6-21-21
Susan Pusloskie	<i>Susan Pusloskie</i>	18137 School House Rd.	6/21/21
Andrew Ledford	<i>Andrew Ledford</i>	18304 Railroad Ave	6/21/21
Carlin Ledford	<i>Carlin Ledford</i>	18304 Railroad Ave	6/21/21

Printed Name	Signature	Address	Date
Luke Snyder		1208 Wiseburgs Rd. White Hall MD 21161	6-21-21
Beverly Mathews		1410 Wiseburg Rd White Hall MD 21161	6-22-21
ALLAN PLACE		1611 Hunter Mill Rd White Hall MD 21161	6-22-21
Leslie Vitano		18103 School House Rd White Hall MD 21161	6-22-21
Jae Vin		18003 School House Rd White Hall MD 21161	6-22-21
Jerry Weeks		1514 WHITE HALL RD WHITE HALL MD 21161	6-22-21
SCOTT LOONIS		18118 Nelson Ave White Hall MD 21161	6-22-21
RICHARD BARNARD		18107 Nelson Ave White Hall MD 21161	6/22/2021
SUZANNE BARNARD		18107 Nelson Ave White Hall MD 21161	6/22/2021
Jeremy Steane		18123 School House Rd White Hall MD 21161	6/22/21
William Becker		1422 W. Resburg Rd White Hall MD 21161	6/23/21
Janice Mayo Eisenhauer		1214 Wiseburg Rd White Hall MD 21161	6/23/21
Shelley Kanagy		21612 New Freedom Rd Freeland Md 21053	6/24/21
Howard Hoffman		1406 Wiseburg White Hall MD 21161	6/24/21
Barbara Young Hoffman		1406 Wiseburg White Hall MD 21161	6/24/21
BUTCH SUMMERS		19442 Old York Rd White Hall MD 21161	6/25/21
Matt Simml		19602A Old York Rd	6/25/21