



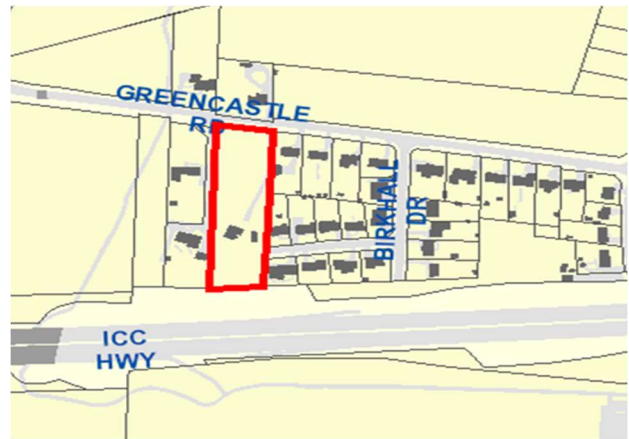
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**Departure from Design Standards  
Alternative Compliance  
One Leg Up Pets**

**DDS-23002  
AC-23013**

REQUEST	STAFF RECOMMENDATION
A departure from design standards for relief from Sections 27-554, 27-561, 27-563, and 27-566.	With the conditions recommended herein: <ul style="list-style-type: none"> <li>• Approval of Departure from Design Standards DDS-23002</li> <li>• Approval of Alternative Compliance AC-23013</li> </ul>

<b>Location:</b> Along Greencastle Road, approximately 400 feet west of its intersection with Birkhall Drive.	
Gross Acreage:	2.75
Zone:	RR
Zone Prior:	R-R
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Lots:	1
Planning Area:	60
Council District:	01
Municipality:	N/A
<b>Applicant/Address:</b> One Leg Up Pets LLC 7304 Carroll Avenue, Unit 221 Takoma Park, MD 20912	
<b>Staff Reviewer:</b> Natalia Gomez-Rojas <b>Phone Number:</b> 301-780-8116 <b>Email:</b> Natalia.Gomezrojas@ppd.mncppc.org	



Planning Board Date:	06/27/2024
Planning Board Action Limit:	06/27/2024
Staff Report Date:	06/13/2024
Date Accepted:	04/01/2024
Informational Mailing:	01/19/2024
Acceptance Mailing:	03/26/2024
Sign Posting Deadline:	05/28/2024

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Design Standards DDS-23002  
Alternative Compliance AC-23013  
One Leg Up Pets

The Zoning staff have reviewed the departure from design standards for the subject property and present the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

**EVALUATION CRITERIA**

This application is being reviewed and evaluated, in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 27-1903(c) of the Zoning Ordinance, which allows for development proposals of any type to utilize the prior Zoning Ordinance for development of a property. Technical staff considered the following in reviewing this application:

- a. The requirements of prior approvals;
- b. The requirements of the prior Prince George's County Zoning Ordinance;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- f. Referral comments; and
- g. Community feedback

**FINDINGS**

1. **Request:** The applicant requests a departure from design standards (DDS) from Sections 27-554, 27-561, 27-563 and 27-566 of the prior Prince George's County Zoning Ordinance. The applicant also requests alternative compliance from the requirements of

Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

Section 27-554 of the prior Zoning Ordinance provides design standards for surfacing, as all parking lots shall be surfaced in such manner as to be dust free. The applicant proposes to improve the driveway and parking area surface conditions with new gravel where appropriate, to ensure that dust is limited without repaving both areas with impervious asphalt.

Section 27-561 of the prior Zoning Ordinance requires markings on each parking space, except those designated for one-family dwellings. The applicant states that due to the proposed gravel driveway and parking area, it may not be possible to provide permanent markings to delineate the nonresidential parking spaces.

Section 27-563 of the prior Zoning Ordinance discusses the requirements of a driveway connection to a street for a parking lot and states that the driveway shall be at least 11 feet wide for each lane, exclusive of curb return and gutters. The applicant proposes a 22-foot-wide driveway that continues south from the Greencastle Road connection, for 35 feet, before it tapers to ±11 feet for the remainder of its length toward the parking area. The requested relief will allow the applicant's small business to operate on-site without affecting wooded areas, clearing a significant number of mature trees, and thus, changing the rural residential character of the property and Greencastle Road streetscape.

Section 27-566 of the prior Zoning Ordinance requires that all parking lots, except those for one-family detached and semi-detached dwellings, and two-family detached dwellings, shall provide a minimum number of parking spaces for the physically handicapped. As the proposed kennel is considered a small business with fewer than 15 employees, the applicant has stated that they are not required to reserve a parking space exclusively for Americans with Disabilities Act (ADA) purposes. The foregoing is based on the business exemption from Titles I and III of the 1990 ADA.

The proposed development consists of retrofitting the site with necessary improvements, to operate a kennel, while the existing dwelling will remain as an accessory building secondary to the primary use, which in this case is the kennel. Modifications include improving the driveway with a new gravel pull-off area for bypass, new fencing around the property and the dog run areas, and repurposing the existing ±550-square-foot garage for occasionally boarding dogs overnight.

**2. Development Data Summary:** The following chart summarizes the development for the overall property, which will remain unchanged by this application.

	<b>EXISTING</b>	<b>EVALUATED</b>
Zone	RR (prior R-R)	RR (prior R-R)
Use(s)	Residential	Primary: Kennel Accessory: Residential
Total Acreage	2.75	2.75
Number of Lots	1	1
Total Gross Floor Area (GFA)	2,400 sq. ft.	550* sq. ft. 1,850 sq. ft.
Total area destined to kennel	0	±28,250 sq. ft.



**Parking**

	<b>REQUIRED</b>	<b>PROPOSED</b>
Kennel: 1 space per 500 sq. ft. of 550 sq. ft. GFA	2	2
One-family detached dwelling	2	2
Total		4 (including 1 ADA accessible)**

**Notes:** \*Non-residential only.

\*\*Unless an exception is granted by the applicable state and County agencies, pursuant to Section 27-239.01(c) of the prior Zoning Ordinance.

3. **Location:** The subject site consists of one lot located in the southwest quadrant of the intersection of Greencastle Road and Birkhall Drive. The property is known as Lot 50 and is in the Residential, Rural (RR) Zone.
4. **Surrounding Uses:** The subject site is bound to the north by Greencastle Road, and single-family detached residences in the RR Zone beyond, and to the west and east by single-family detached residences in the RR Zone. The subject property abuts MD 200 to the south, and across MD 200 is the Little Paint Branch Park in the Reserved Open Space Zone.
5. **Previous Approvals:** There are no prior approvals associated with this application.
6. **Prince George’s County Zoning Ordinance:** The subject application requests the departure from four design standards listed in Sections 27-554, 27-561, 27-563 and 27-566, respectively. An analysis of each requested departure and its associated findings, pursuant to Section 27-239.01(b)(7) of the prior Zoning Ordinance, is listed below.

a. **Departure from Section 27-554. - Surfacing**

**All parking lots shall be surfaced in such a manner as to be dust free.**

The applicant proposes to retain the existing ±425-foot gravel driveway that extends south from Greencastle Road, towards the central portion of the property, and connects to the existing single-family dwelling and parking area on-site.

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

**A. In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**

The applicant proposes to improve the driveway and parking area surface conditions with new gravel where appropriate, to ensure that dust is limited, without repaving both areas with impervious asphalt. In addition, the applicant states that there will be limited traffic in the parking lot, as only five cars will enter and exit the property. Two of those vehicles are designated for personal use, and three vans will transport the dogs to and from the site.

Staff consider that the new surface conditions and limited circulation within the site will create a limited amount of dust and will help ensure that the development will not adversely affect the adjacent properties.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request.**

The departure is the minimum necessary given the location of the parking lot within the wooded lot. The applicant will retain the existing gravel parking lot and improve specific areas of the parking lot with new gravel surfacing where appropriate. In addition, the parking lot will only be used by the drivers of the transportation vans and a minimal number of employees, to ensure that any dust will be limited to the parking area itself and its vicinity.

The applicant's proposed surfacing would reduce dust to the fullest extent possible, while also functionally accommodating a full standard turnaround at the terminus of the driveway and parking area.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is the minimum necessary to alleviate the constraints that are unique to this site. The current structure on the property has been in existence since the 1950s, and the lot has an extensive wooded area. Strict adherence to the code would require clearing a significant number of trees and additional stormwater management (SWM) issues in order to accommodate an impervious surface, resulting in a loss of the wooded area character of the property's rural surroundings.

Staff believe that the limited traffic that will circulate on the property will create a minimum dispersal of dust in the existing parking lot, and new gravel surfacing will be provided where appropriate or adequate.

- (iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

As shown on the plan, and as mentioned above, improving the existing gravel driveway and parking area instead of adding an impervious surface would avoid clearing existing trees that contribute to the residential-rural character and that are visible from adjoining properties.

Staff believe that the departure will not impair the visual, functional, or environmental quality of the site, or of the surrounding neighborhood. On the contrary, it would prevent negative consequences of installing asphalt on a property with rural features.

**b. Departure from Section 27-561: Marking**

- (a) Each parking space (except those provided for, and on the same lot with, one-family dwellings) shall be marked by a permanent, durable, contrasting material.**
- (b) Signs or arrows shall indicate the directions of traffic movement on driveways.**

This application will provide a total of four parking spaces. However, due to the proposed gravel driveway and parking area, it may not be possible to provide permanent markings to delineate the nonresidential parking spaces.

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

- A. In order for the Planning Board to grant the departure, it shall make the following findings:**
  - (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant proposes to relocate her business from Montgomery County to Prince George's County, with a residential dwelling as accessory use. The proposed parking spaces (4) meet the minimum required spaces for both uses, efficiently utilize the existing parking area and driveway on-site, and avoids impacts to environmental wooded area by not requiring additional impervious asphalt surface to accommodate the business.

Since the traffic expected on the property is minimal, staff believe that providing the four parking spaces without the required marking will be equal, given the minimal number of cars on the premises at one time, which satisfies the proposed kennel use.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request.**

Markings are generally required to delineate individual parking spaces for larger nonresidential enterprises, accommodating more public traffic and use than the proposed kennel. On the contrary, this application is for a small business, which will generate minimal traffic and routine parking patterns. As mentioned, the applicant will utilize transport vans at scheduled times throughout the day, to transport dogs to and from the property. Individual customer's drop-off and pick-up is not a component of the applicant's business model and would only be allowed under unique and isolated circumstances.

Staff believe marking these spaces is unnecessary due to the minimal traffic and routine parking patterns generated by the proposed use.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The property is largely wooded and improved with an existing gravel driveway and gravel surface parking area. To avoid impacts to this largely wooded property, the applicant proposes to retain the existing unique gravel driveway and four standard parking spaces without permanent markings, preserving the wooded rural character of the property.

Staff believe that since it is not possible to stripe the existing gravel parking area with permanent markings to delineate individual spaces, and that the applicant intends to preserve the environmental features of the property, the proposed departure is adequate.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The requested relief from marking individual parking spaces in the existing gravel parking area is necessary to avoid clearing trees and adding additional impervious surface

on-site. As a result of the existing features of the site, anyone standing adjacent to the property would not be able to see the parking area. Therefore, a lack of parking-space striping would have no effect whatsoever on the visual, functional, or environmental quality of the surrounding neighborhood. On the contrary, both clearing trees and adding additional impervious surface would negatively impact the environmental quality of the property and the surrounding rural residential neighborhood.

Staff believe that the proposed parking is sufficient to functionally accommodate the applicant's business and personal residence, as the four required parking spaces will not need to be delineated with striping to facilitate minimal and routine traffic on-site.

c. **Departure from Section 27-563: Connection to street**

**Every parking lot shall be connected to a street by means of a driveway. This driveway (except those provided for, and on the same lot with, one-family dwellings), shall be at least eleven (11) feet wide for each lane, exclusive of curb return and gutters. In the case of a corner lot, no driveway shall be located less than twenty (20) feet from the existing or proposed ultimate point of curvature of the curb or the edge of the pavement of an uncurbed section (whichever forms the greater distance to the point of curvature of the fillet of the driveway apron).**

The applicant proposes to retain the existing ±425-foot gravel driveway that extends south from Greencastle Road, towards the central portion of the property, and connects to the existing single-family dwelling and parking area on-site.

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

**A. In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The existing driveway is approximately 11 feet wide and runs alongside significantly wooded area on the northern portion of the property, and is currently surfaced with gravel. The 22-foot-wide driveway continues south from the Greencastle Road connection, for 35 feet, before it tapers to 11 feet for the remainder of its length toward the parking area.

With the proposed modifications and improvements, the existing driveway will accommodate safe and efficient vehicular circulation for primary kennel use, personal residence, and deliveries.

These modifications include providing a new gravel pull-off area for bypass space, to allow more than one vehicle to circulate without obstructions, a designated pick-up and drop-off location for the kennel use, and additional gravel towards the southern terminus of the driveway and parking area, to provide an adequate vehicle turnaround.

Staff reviewed the submitted vehicle circulation plan which resulted in minor modifications to the driveway that include expansion of the driveway in the entrance of the property, in the middle, and at the end where it is adjacent to the single-family-dwelling on-site.

The extended pavement areas will be 22 feet wide and are necessary to facilitate two or more vehicles using the driveway at the same time. Given the proposed modifications, and the applicant's accommodation to preserve the existing trees, staff believe that the driveway and parking area will be able to function as their intended purpose and allow vehicles to pass safely without obstruction.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request.**

The departure is the minimum necessary, given the lower traffic expected in the property, and the applicant's preference to preserve the wooded area as much as possible. As mentioned previously, the applicant proposes to retain the existing gravel driveway width and improve specific areas of the driveway with new gravel surfacing where appropriate.

Since the applicant will utilize transport vans at scheduled times throughout the day, to transport dogs to and from the property, the existing ±11 feet wide driveway is sufficient to accommodate vehicular traffic generated by the existing single-family dwelling and the proposed kennel use. Therefore, a 22-foot-wide connection to Greencastle Road, for the purpose of accommodating frequent two-way traffic, is unnecessary for this property.

While the driveway does not meet the design standards for width, staff believe that the applicant has shown through the vehicle circulation plan that the existing width is the

minimum required for the site to function for its intended purpose, and it is acceptable to staff.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is the minimum necessary to alleviate the constraints that are unique to this site that is mostly wooded and is currently improved with an existing gravel driveway. Strict adherence to the code would require the removal of the existing trees to accommodate the need for a 22-foot-wide drive aisle. The applicant's proposed improvements to the driveway, and the limited traffic expected on-site to support the operations of a proposed kennel, are adequate.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

As mentioned above, in combination with the requested departure from Section 27-554, the requested departure will retain the visual, functional, and environmental quality of the subject property and surrounding neighborhood. The property will retain its rural character along Greencastle Road. If the existing driveway is widened to 22 feet, the property's frontage would resemble a large through street compared to other driveways on surrounding properties. Importantly, this departure will also prevent the addition of substantial impervious surface on-site, which would negatively impact SWM on-site and in the surrounding neighborhood.

Hence, the existing driveway proves to be sufficient to accommodate the minimum vehicular traffic generated by the existing single-family dwelling and the proposed kennel use without the need to alter the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

Therefore, staff believe that the proposed modifications, which allow all turning movements and directional travel to be completed on-site without conflicts, contribute to providing safe access to and from the site.

d. **Departure from Section 27-566: Parking Facilities for the Physically Handicapped.**

(a) **Applicability.**

(1) **The requirements of this Section shall apply to all parking lots (except those provided for, and on the same lot with, one-family detached and semi-detached dwellings, and two-family detached dwellings).**

(b) **Required number of spaces.**

(1) **The following number of parking spaces shall be reserved for the physically handicapped:**

<b>Total Required Parking Spaces In Lot</b>	<b>Up to 25</b>
<b>Required Minimum Number</b>	<b>1</b>

The applicant requests relief from the requirement of one ADA parking space, stating that as a dog kennel business with less than 15 employees, the applicant is exempt from Titles I and III of the 1990 ADA, and is currently coordinating with applicable County and state operating agencies to obtain an exception from ADA parking requirement, in accordance with Section 27-239.01(c)(1) of the prior Zoning Ordinance, which states:

**“A Departure from the Design Standards for parking facilities for the physically handicapped shall not be granted unless an exemption from the requirements for the handicapped in the applicable building codes has been obtained from the State and County agencies responsible for administering those codes.”**

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

**A. In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**

The purposes of the prior Zoning Ordinance are equally served with the four parking spaces proposed by the applicant given the small business operation system and its exemption from Titles I and III of the 1990 ADA.

However, staff believe that the purposes of the prior Zoning Ordinance will be better served if the ADA space is provided, as the submitted plans indicate there is sufficient space to



accommodate it within the proposed parking area, unless the exception mentioned in Section 27-239.01(c)(1) is granted.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request.**

The applicant cites that due to the small business model and due to the minimal traffic and routine parking patterns, the departure is the minimum necessary since an ADA parking is required for larger business and open to the public that would generate more public traffic and parking demand than the proposed kennel.

Staff find that given the reasons above, the departure request is reasonable. However, it does not represent a specific circumstance applicable, and ADA parking shall be provided unless the exception mentioned in Section 27-239.01(c)(1) is granted.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The applicant cites specific site conditions including its rural character, wooded characteristics and the already improved gravel driveway and parking area as unique circumstances.

Similarly, staff find that the mentioned circumstances are not applicable to the requested departure, and ADA parking shall be provided unless the exception mentioned in Section 27-239.01(c)(1) is granted.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The proposed parking area is not visible from adjacent properties due to the existing environmental features of the site; therefore, the absence of one reserved parking space would have no effect whatsoever on the visual, functional, or environmental quality of the surrounding neighborhood.

Staff find that the proposed parking area, including an ADA parking space, is adequately screened from the surrounding neighborhood as shown in the submitted plans.

Accordingly, staff does not support the departure requested from Section 27-566, unless an exception from the requirements for the handicapped in the applicable building codes has been obtained from the state and County agencies

responsible for administering those codes, is granted. Consequently, a condition is included herein requiring the applicant to demonstrate compliance with Section 27-239.01(c)(1) in order to receive relief from the design standard reviewed here.

- 7. **2010 Prince George’s County Landscape Manual:** The development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.6, Buffering Residential Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, are applicable to this site.

The landscape plan provided with the subject application contains the required schedules which demonstrate that the requirements have been met, apart from Section 4.7, from which the applicant has requested alternative compliance.

In reviewing the landscape plan, staff found bamboo areas within the site. Bamboo is considered an invasive species. However, the applicant requests alternative compliance from Section 4.9(b)(5) of the Landscape Manual, to retain the existing bamboo on-site and satisfy buffer area requirements. In addition, a condition has been included herein, requiring the applicant to install bamboo root barriers on the property to prevent the spread of bamboo.

The Landscape Manual designates kennels as high impact uses and not compatible with the adjacent uses, currently single-family detached dwellings. Such designation requires a “Type D” bufferyard to mitigate the impacts of the proposed use. A “Type D” bufferyard requires a minimum building setback of 50 feet, minimum landscape yard of 40 feet, and 160 plant units per 100 linear feet of property line. Accordingly, the change in use to allow for kennel use on the property will result in the buffers mentioned herein, that if provided, they will overlap existing driveway, house, and structure. Consequently, the applicant requests alternative compliance from the requirements of Section 4.7, to allow the driveway to remain within the landscape buffer and reduce the buffers adjacent to the existing house and shed.

Alternative compliance is requested from Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscape Requirements, of the Landscape Manual, for the interior planting requirements, as follows:

**Section 4.7. Buffering Incompatible Uses**

**REQUIRED: Section 4.7. Buffering Incompatible Uses, along the western property line**

Length of bufferyard	684 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	92 percent
Fence or wall	N/A
Plant units (80 per 100 linear feet)*	44**

**Notes:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the proposed 6-foot-high, board-on-board fence.

\*\*The requirement is 547 plant units; however, per Section 4.7(c)(4)(D) of the Landscape Manual, this requirement may be reduced in proportion to the percentage of the landscape yard occupied by existing trees.

**PROVIDED: Section 4.7, Buffering Incompatible Uses, along the western property line**

Length of bufferyard	684 linear feet
Minimum building setback	50 feet (534 linear feet) 35 feet (50 linear feet)
Minimum landscape yard	40 feet (534 linear feet) 25 feet (50 linear feet)
Existing trees	92 percent
Fence or wall	Yes
Plant units	53

**REQUIRED: Section 4.7, Buffering Incompatible Uses, along the eastern property line**

Length of bufferyard	646 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	98 percent
Fence or wall	N/A
Plant units (80 per 100 linear feet)*	10

**Notes:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the proposed 6-foot-high, board-on-board fence.

\*\*The requirement is 517 plant units; however, per Section 4.7(c)(4)(D) of the Landscape Manual, this requirement may be reduced in proportion to the percentage of the landscape yard occupied by existing trees.

**PROVIDED: Section 4.7, Buffering Incompatible Uses, along the eastern property line**

Length of bufferyard	646 linear feet
Minimum building setback	50 feet (596 linear feet) 35 feet (50 linear feet)
Minimum landscape yard*	40 feet (596 linear feet) 25 feet (50 liner feet)
Existing trees	98 percent
Fence or wall	Yes
Plant units	26

**Note:** \*An existing 11-foot-wide driveway is located within the landscape buffer and is proposed to remain.

### **Justification of Recommendation**

The applicant requests alternative compliance from the requirements of Section 4.7, Buffering Incompatible Uses, for the western and the eastern property lines. A "Type D" bufferyard is required for a kennel use adjoining single-family detached dwellings, which requires a minimum building setback of 50 feet, a minimum landscape yard width of 40 feet, and 160 plant units per 100 linear feet of property line. Section 4.7(c)(4)(E) of the Landscape Manual allows properties within the prior Developing Tier to reduce the plant unit requirement by up to 50 percent, if a 6-foot-high opaque fence or wall is installed within the bufferyard.

For the western property line, a reduction in the landscape yard and building setback by 15 feet is proposed for 50 linear feet (7.3 percent of the total length), due to the existing single-family home. The bufferyard currently contains 92 percent existing, mature trees. The applicant will install a 6-foot-high fence along the property boundary, to provide enhanced screening. The landscape plans shall be revised to depict this fence. In addition, the applicant has proposed additional plantings adjacent to the southern dog run area, focusing plantings in areas of highest impact from the proposed kennel use. The Alternative Compliance Committee recommends that additional evergreen shrub plantings be provided within the landscape buffer proximate to the western edge of the southern dog run. In addition, evergreen shrubs should be added on the western side of the northern dog run, proximate to the neighboring single-family detached homes. All plantings shall be field located to avoid impacts to existing trees; however, the intent is to provide a relatively solid row of evergreen shrubs in these areas.

For the eastern property line, a reduction in the landscape yard and building setback by 15 feet is proposed for 50 linear feet (7.7 percent), due to the existing shed, which is proposed to be converted to a dog boarding structure. The bufferyard currently contains 98 percent existing, mature trees. As part of the alternative compliance request, the applicant proposes to retain an existing 11-foot-wide gravel driveway within the buffer yard. The Alternative Compliance Committee finds that the retention of the existing driveway will result in the preservation of existing trees, which provide quality buffering.

The applicant will install a 6-foot-high fence along the eastern property boundary, excluding the portion of existing bamboo, to provide enhanced screening. However, the Section 4.7 schedule identifies the requirement based on a 50 percent reduction in planting requirement, due to the installation of a 6-foot-high fence along the entirety of the property line. The landscape plans shall be revised to depict the extent of proposed fencing, and revise the schedule to comply with the updated Section 4.7 requirement. In addition, the applicant has proposed additional plantings adjacent to the southern dog run area, to focus plantings in areas of highest impact from the proposed kennel use. The Alternative Compliance Committee recommends that additional evergreen shrub plantings be provided within the landscape buffer proximate to the eastern edge of the southern dog run. In addition, evergreen shrubs should be added on the eastern side of the northern dog run, proximate to the neighboring single-family detached homes. In addition, a label and detail for the sound-proofing materials in the dog boarding structure shall be provided. Additional evergreen shrubs should be provided behind the dog boarding structure. All plantings shall be field located to avoid impacts to existing trees; however, the intent is to provide a relatively solid row of evergreen shrubs in these areas.

The Planning Director finds that, given the provision of the fence and strategic planting units recommended by the Committee, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.7 of the Landscape Manual.

#### **Section 4.9, Sustainable Landscaping Requirements**

Section 4.9(c)(4) requires that existing vegetation, in fulfillment of Landscape Manual requirements, shall not contain invasive species. The applicant requests alternative compliance from this requirement to retain an existing section of bamboo in the middle eastern portion of the property, in fulfillment of Section 4.7 requirements.

#### **Justification of Recommendation**

The retention of the existing bamboo grove, in fulfillment of Section 4.7 requirements, where it is located, will provide a dense screen of the proposed kennel use from the adjacent single-family detached dwelling. In addition, the bamboo spreads onto the adjacent property, so even if it is removed on this property, it may just come back. Therefore, the Alternative Compliance Committee finds retaining the existing bamboo acceptable, but recommends installing bamboo root barriers on the property, to ensure it does not spread further. The landscape plans shall be revised to provide a label and detail for the root barrier.

The Planning Director finds that, given the provision of the bamboo root barrier recommended by the Committee, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.9 of the Landscape Manual.

#### **Recommendation**

The Planning Director recommends approval of Alternative Compliance AC-23013, from the Landscape Manual, for Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements, subject to the conditions included herein.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the woodland conservation threshold requirements of 20 percent for developments in the RR Zone. The site has a Natural Resources Inventory Plan (NRI-007-2024) that was issued on January 26, 2024. No regulated environmental features or County-regulated 100-year floodplain are mapped within the proposed limits of disturbance.
9. **Prince George's County Tree Canopy Coverage Ordinance:** This application is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance because the project proposes less than 5,000 square feet of site disturbance.
10. **Referral Comments:** The subject application was referred to the concerned sections and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:
  - a. **Subdivision**—In a memorandum dated May 28, 2024 (Vatandoost to Gomez), the Subdivision Section recommended approval of the subject DDS, with no conditions.
  - b. **Permit Review**—In a memorandum dated May 1, 2024 (Shaffer to Gomez), the Permit Section provided seven recommendations that were addressed by the applicant in their revised package received on May 23, 2024.

- c. **Community Planning**—In a memorandum dated May 2, 2024 (Arsenault to Gomez), the Community Planning Division provided an evaluation of the application stating that while master plan conformance is not a required finding for this DDS, “the proposed departure from design standards fails to align this property with the character of its environs [sic]. The neighboring properties of the applicant have dust free parking surfaces, and paved driveways.” However, Zoning Section staff agree with the applicant and believe that requiring the applicant to resurface the driveway with an impervious material may present adverse environmental impacts.
  - d. **Environmental Planning**—In a memorandum dated April 29, 2024 (Meoli to Gomez), the Environmental Planning Section recommended approval of the subject DDS, with no conditions.
  - e. **Transportation Planning**—In a memorandum dated May 28, 2024 (Daniels to Gomez), the Transportation Planning Section recommended approval of the DDS application, subject to one condition, which is included herein.
  - f. **Historic Preservation**—In a memorandum dated June 4, 2024 (Smith to Gomez), the Historic Preservation Section recommended approval of the subject DDS, with no conditions.
- 11. Community Feedback:** During a community meeting held by the applicant on April 19, 2024, attendees expressed their concerns about the noise generated by the dogs, the increase in traffic on Greencastle Road, possible trespassing onto their properties by the dogs, how the dogs' waste would be managed, runoff water to the properties adjacent on the west, and the potential loss of the neighborhood's character. The applicant and their representative addressed each concern and provided measures to mitigate noise and traffic issues. More importantly, the applicant emphasized that the proposed development plan was intended to preserve the property and neighborhood character to the greatest extent possible.

In addition, staff received phone calls from nearby neighbors inquiring about the proposed kennel and expressing their apprehensions regarding the commercial use in a residential area. To address these questions, staff explained that the kennel is a permitted use in the RR Zone and that this application was to request departure from certain development standards, to allow a development that is consistent with the zone.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning staff recommend that the Planning Board adopt the findings of this report and APPROVE Departure from Design Standards DDS-23002, and Alternative Compliance AC-23013, for One Leg Up Pets, subject to the following conditions:

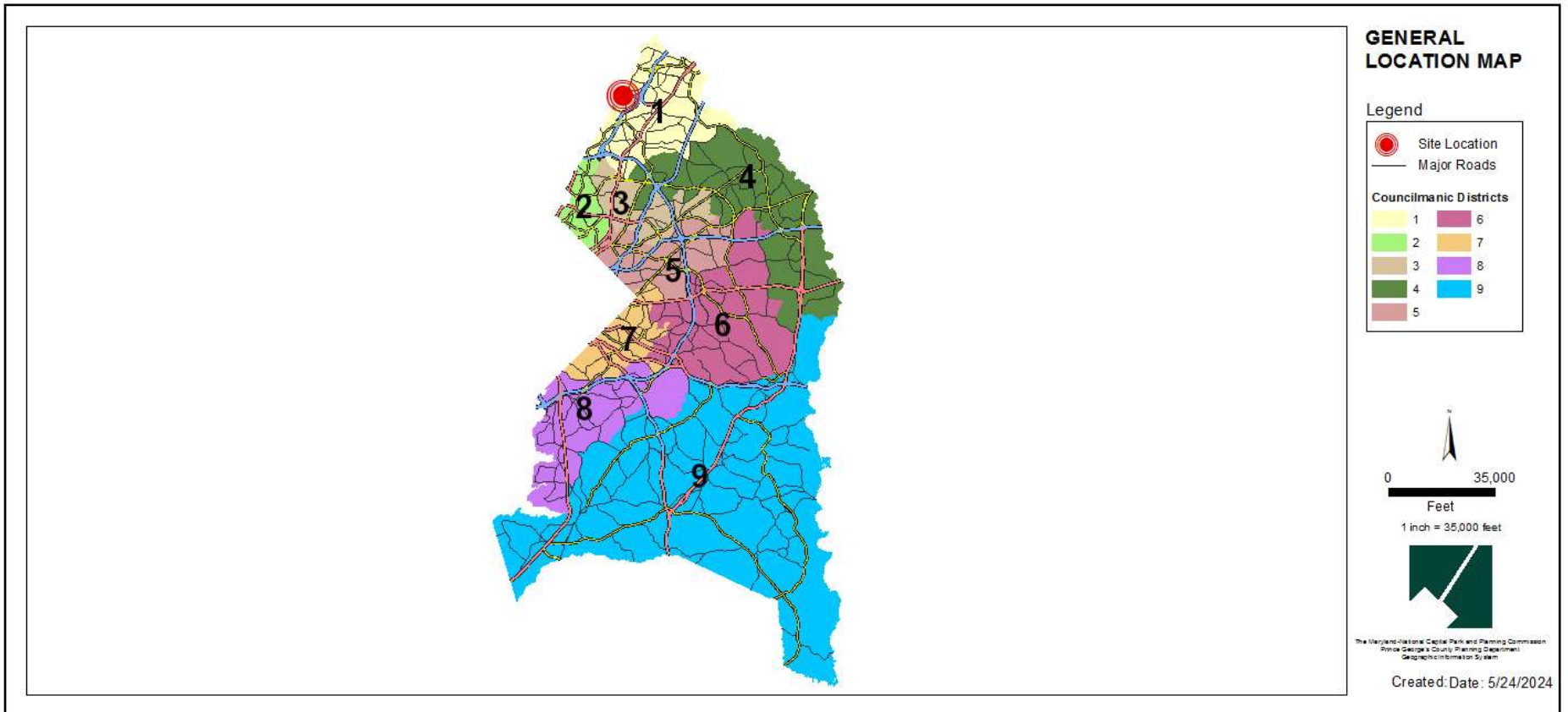
1. Prior to certification, the departure site plan shall be revised, as follows:
  - a. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate the 80-foot ultimate right-of-way (40 feet from the centerline) along Greencastle Road, including dedication, if necessary.
  - b. Include the height of all existing structures.
  - c. Include the required and provided lot coverage.
2. Prior to certification, the landscape plan shall be revised, as follows:
  - a. Depict a 6-foot-high fence around the entirety of the property, but excluding the bamboo area, and revise the Section 4.7 schedule of the 2010 *Prince George's County Landscape Manual* accordingly.
  - b. Add a continuous row of evergreen shrubs immediately adjacent to the dog boarding structure, with appropriate separation distance from existing plant materials.
  - c. Add evergreen shrubs on either side of the northern dog run, proximate to the neighboring single-family detached homes. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - d. Add a row of evergreen shrubs on either side of the southern dog run. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - e. Provide the location, label, and detail for a root barrier, to prevent the bamboo from spreading.
  - f. Provide a label and detail for the soundproofing materials to be used in the dog boarding structure.
3. Prior to permitting, the applicant must demonstrate compliance with Section 27-239.01(c)(1) of the prior Prince George's County Zoning Ordinance, by providing an exemption from the handicapped requirements in the applicable building codes obtained from the state and County agencies responsible for administering those codes. If such an exemption is not provided, the handicap space must be constructed.



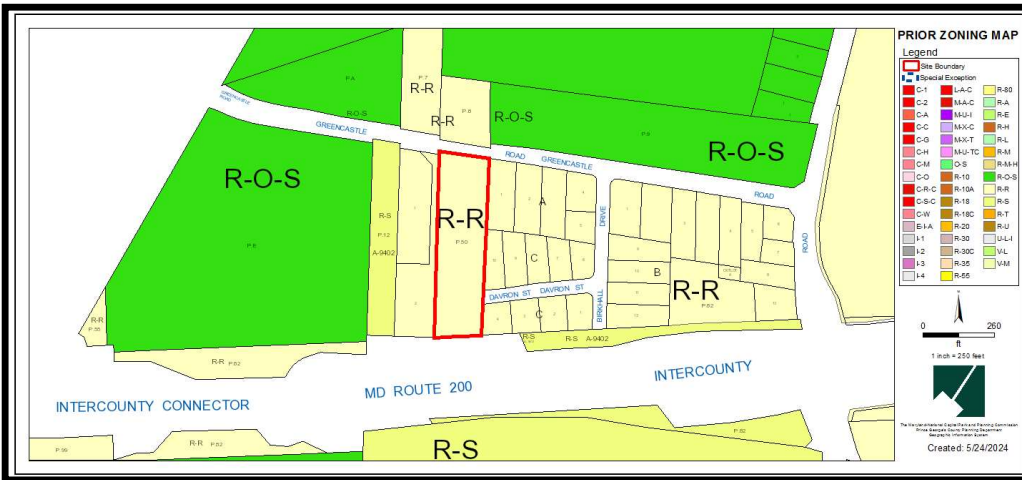


# GENERAL LOCATION MAP

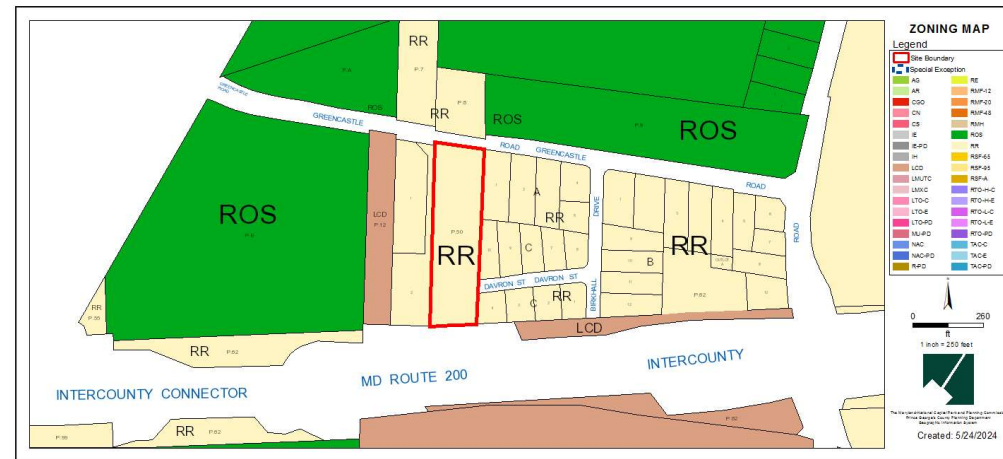
Council District: 01  
Planning Area: 60



# ZONING MAP (PRIOR AND CURRENT)



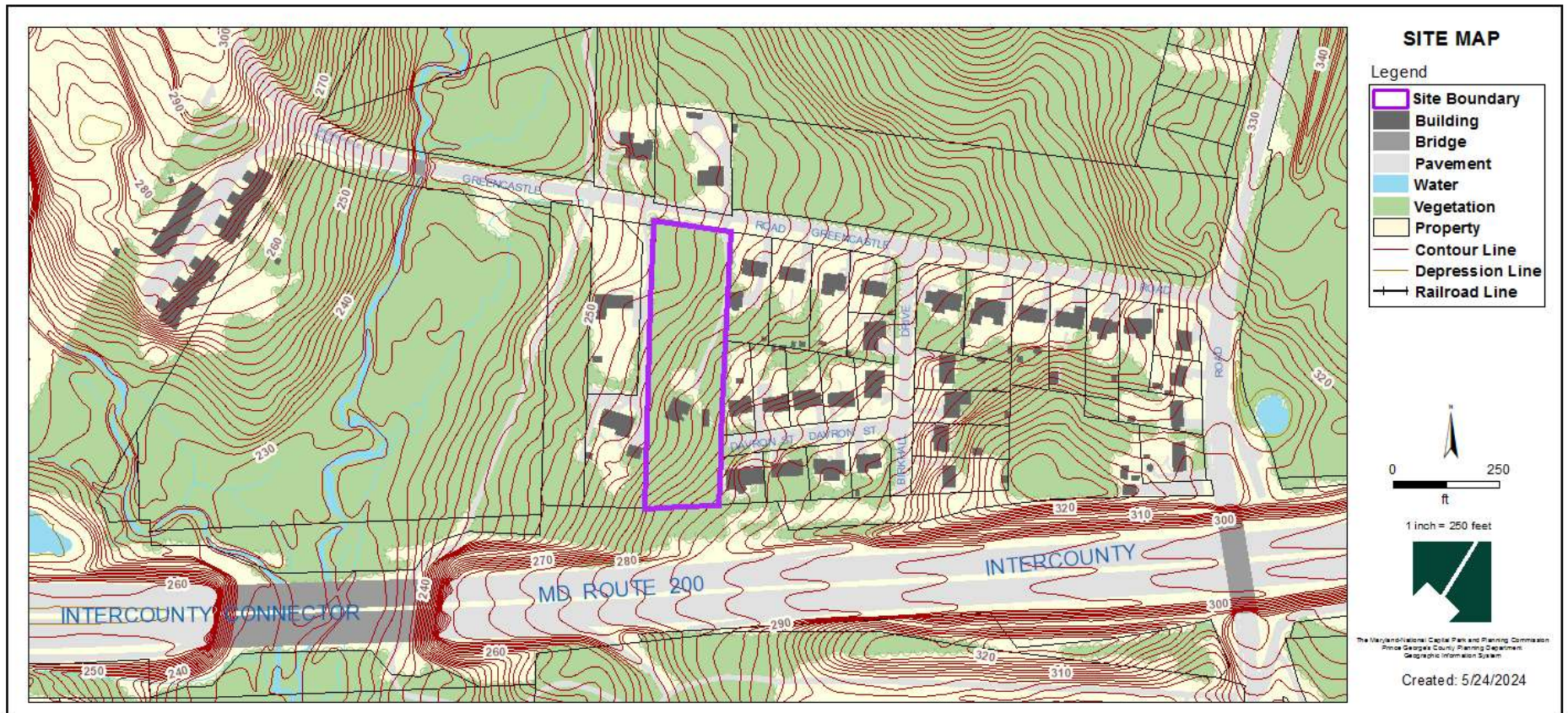
Prior Property Zone: R-R



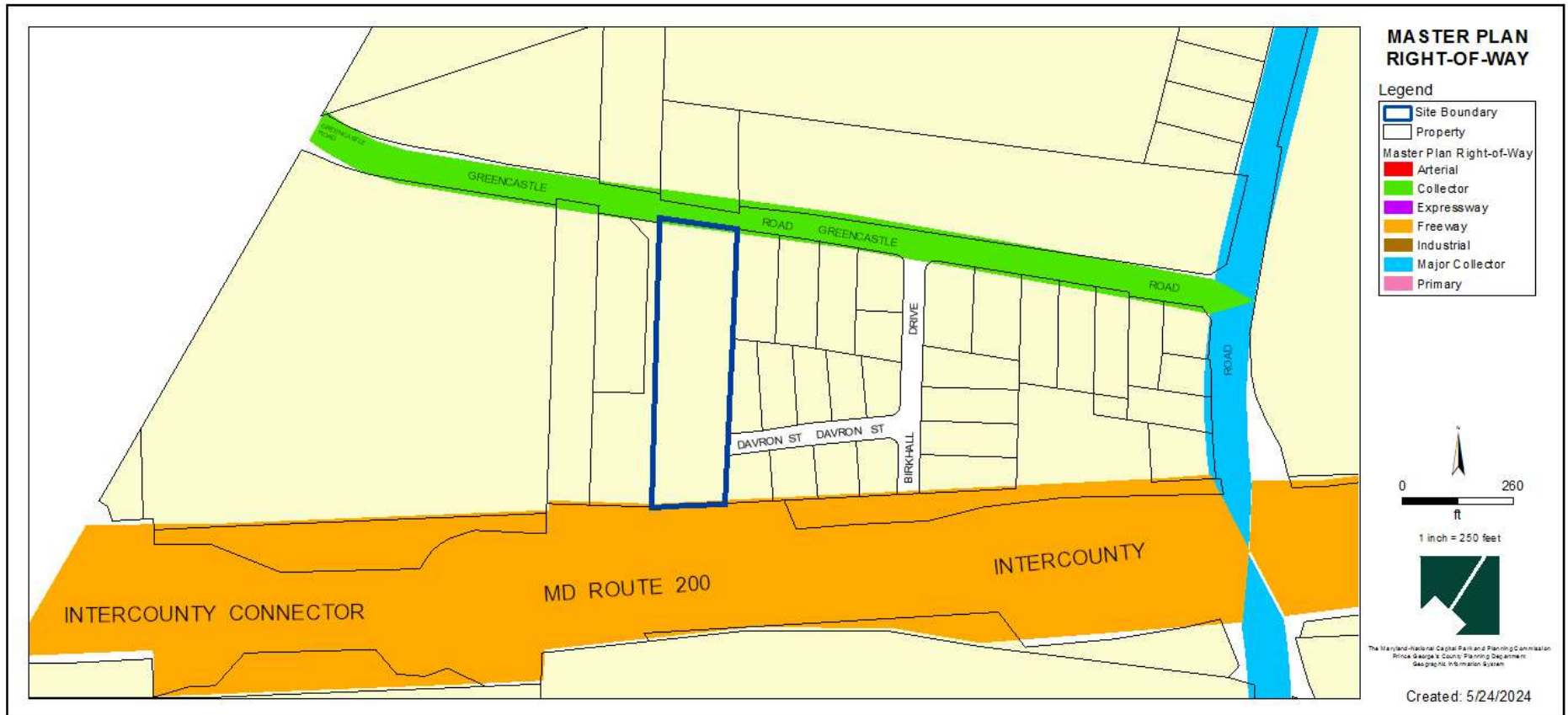
Current Property Zone: RR



# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP





# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



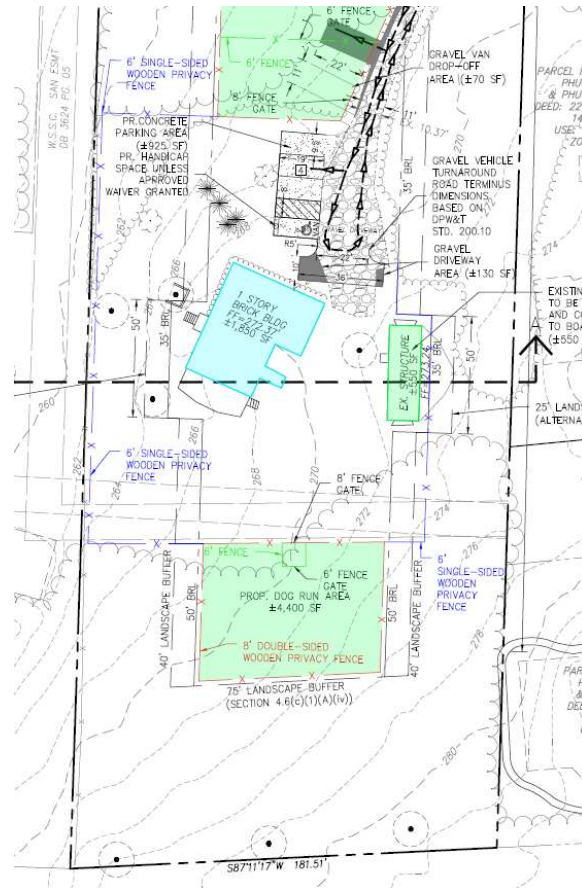
# DEPARTURE FROM DESIGN STANDARDS

Section 27-554:  
Surfacing



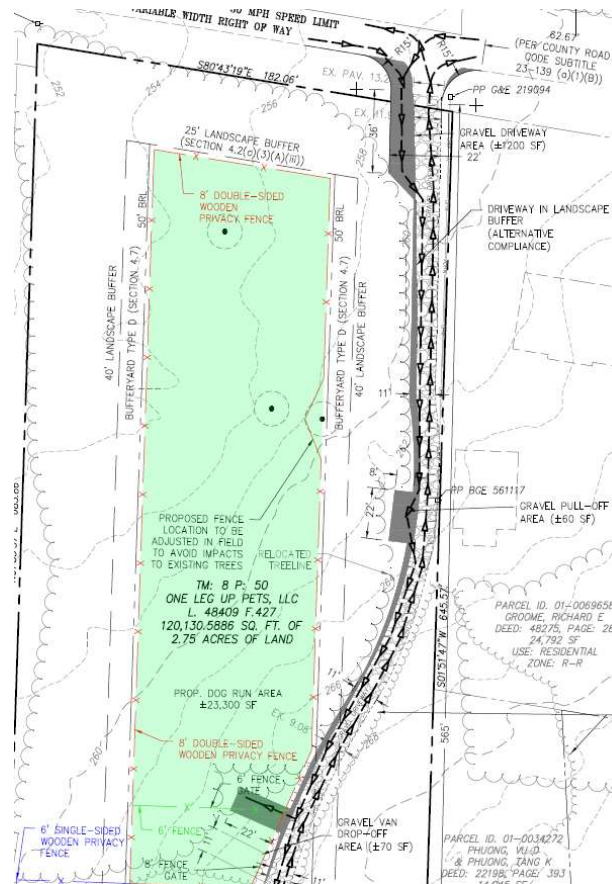
# DEPARTURE FROM DESIGN STANDARDS

Section 27-561:  
Markings



# DEPARTURE FROM DESIGN STANDARDS

Section 27-563:  
Connection to street







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# STAFF RECOMMENDATION

**APPROVAL** with conditions

**Major/Minor Issues:**

- None

**Applicant Required Mailings:**

- Information Mailing: 1/19/2024
- Acceptance Mailing: 3/26/2024

**Statement of Justification Supplement**  
**Response to SDRC Zoning Comment**  
One Leg Up Pets – DDS-23002

One Leg Up Pets, LLC (the “**Applicant**”) is submitting this Statement of Justification Supplement to address Zoning Staff’s April 26, 2024 request for an extended justification for the Applicant’s Departure request for relief from Sec. 27-566 (Parking facilities for the Physically Handicapped). This supplement is intended to respond exclusively to Zoning Staff’s request pertaining to the Departure request from Sec. 27-566. Accordingly, this supplement does not address any other comments made during the April 26, 2024 Subdivision & Development Review Committee (SDRC) meeting on DDS-23002 and AC-23013 for 4717 Greencastle Road, Laurel, Maryland (the “**Property**”). The Applicant has addressed all other SDRC review comments and suggestions in its May 23, 2024 Comment-Response Letter.

**I. APPLICANT’S RESPONSE TO ZONING STAFF COMMENT**

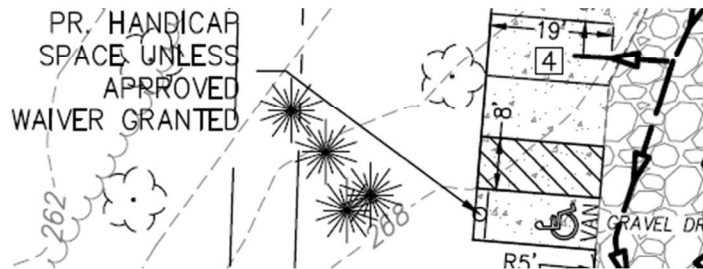
**A. SDRC COMMENT**

Zoning Staff provided the following comment during the April 24, 2024 meeting on DDS-23002 and AC-23013:

*Provide an extended justification for the departure from Sec. 27-566. - Parking facilities for the physically handicapped.*

**B. REVISED PLANS AND DEPARTURE REQUEST FROM SEC. 27-566**

The Applicant is currently showing one parking space for the physically handicapped on the revised departure plan, in accordance with the prior zoning ordinance’s requirements. The single parking space for the physically handicapped shown on the updated plans is labeled “proposed handicap space unless approved waiver granted”:



As an exempt small business under Titles I and III of the Americans with Disabilities Act of 1990 (ADA), the Applicant is exempt from providing certain physical accommodations required by the ADA.<sup>1</sup>

<sup>1</sup> The Applicant is exempt from Title I of the ADA because it employs less than 15 employees. The Applicant is exempt from Title III of the ADA because the proposed commercial use does not include area for “public accommodations.”

Due to its exempt status, the Applicant is currently coordinating with applicable County and State operating agencies to obtain a waiver from ADA parking requirements in accordance with Sec. 27-239.01(c) of the Prior Zoning Ordinance. This waiver process is anticipated to extend beyond the June 27<sup>th</sup> Planning Board date. As such, the Applicant is showing the labeled ADA parking space on updated plans so that the Planning Board may review the DDS application while the Applicant continues to coordinate with the operating agency.

### **C. EXPLANATION FOR DEPARTURE REQUEST FROM SEC. 27-566**

Ms. Kristin Leone, the managing member of the Applicant (One Leg Up Pets, LLC), is a small business owner who, as part of this application, intends to utilize her personal property as the business headquarters and primary operational location. In an effort to (1) maintain the existing rural-residential character of the Property, (2) efficiently utilize the Property as both a personal residence and place of business, and (3) limit disturbance of the site so not to trigger stormwater management, the Applicant is proposing DDS-23002 to largely preserve existing conditions. As part of this effort to maintain the existing conditions with minor, essential improvements, Ms. Leone has prioritized limiting any improvements to those that (1) are necessary to run her business efficiently and (2) limit visual, acoustic, or operational impacts on adjoining properties. To this end, if approved, each of the Departure requests submitted as part of DDS-23002 will allow One Leg Up Pets to largely utilize the existing conditions of the Property and limit new improvements to those necessary for operational purposes and compatibility with the surrounding community.

As it relates to the required parking space for the physically handicapped, the requested Departure will allow the Applicant to maintain existing conditions on the Property. More specifically, without the Departure from Sec. 27-566, the Applicant would be required to disturb a relatively significant portion of the Property to sufficiently grade the parking area to comply with ADA slope regulations. This disturbance would require significant grading and installation of new impervious surface that would likely trigger stormwater management.

Given the minimal parking generation and demand associated with the kennel use, retention of the existing parking area will provide more than sufficient parking space in close proximity to the existing structure and dwelling for those with disabilities that may need to visit the site. With minor improvements, this parking area functionally accomplishes the intent of Sec. 27-566 by providing sufficient parking in close proximity to uses on site. Accordingly, without the Departure, Sec. 27-566 imposes outsized impacts on the Applicant by requiring significant land disturbance and additional impervious surface in service of an exempt small business.

The Applicant is providing four designated parking spaces at a centrally-located area of the Property to serve both the nonresidential kennel use and the single-family residential use. Specifically, the Applicant is proposing two spaces for each use in a ±900 square foot gravel parking area. As explained in the Applicant's Statement of Justification and Supplemental Statement, the Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Moreover, individual customer drop off and pick up is not a component of the Applicant's business model and would only be allowed under very unique and isolated circumstances.

Accordingly, providing a separate fully graded reserved parking space at this central location is not necessary due to the minimal traffic and routine parking patterns generated by the proposed kennel use. As stipulated by Titles I and III of the ADA, reserved parking spaces for the physically handicapped are required for larger businesses that are open to the public, and thus generate more public traffic and parking demand than the proposed kennel.

## **II. CONCLUSION**

Given the broader waiver request process with the County and State operating agencies, the Applicant respectfully requests the Planning Board's approval of the Departure from Sec. 27-566, contingent upon an eventual waiver granted by the applicable operating agencies.

## **Statement of Justification Supplement** **One Leg Up Pets – DDS-23002**

One Leg Up Pets, LLC (the “**Applicant**”) is submitting this Statement of Justification Supplement to address Planning Staff’s questions and comments raised during initial review of the Departure from Design Standards (DDS-23002) application for 4717 Greencastle Road, Laurel, Maryland (the “**Property**”).

### **I. APPLICANT’S RESPONSE TO PLANNING STAFF’S QUESTIONS & COMMENTS**

#### **A. SUMMARY OF PRE-APPLICATION NEIGHBORHOOD MEETING**

The Applicant hosted a Pre-Application Neighborhood Meeting at the Property on Saturday, February 1, 2024. This neighborhood meeting was not required as part of the application process; however, the Applicant hosted the meeting in an effort to connect with neighbors regarding the proposed Kennel use and answer any relevant questions related to the development review process. The Applicant prepared a presentation with slides detailing the proposed Kennel use, business operations, and background information on the Applicant and the business. One of the adjacent property owners, whose personal residence abuts the Property, attended the meeting and discussed the proposal with the Applicant at length. During the neighborhood meeting, the adjacent property owner signaled his support for the proposed DDS and Alternative Compliance applications and inquired about how to provide written testimony in support of the applications.

#### **B. DRIVEWAY / PARKING AREA FUNCTIONALITY & CIRCULATION**

The existing driveway and parking area, with proposed modifications and improvements, will accommodate safe and efficient vehicular circulation for the primary Kennel use, personal residence and deliveries. As detailed in the Applicant’s Statement of Justification, the existing ±11-foot-width is sufficient to accommodate the vehicular traffic generated by both uses. For purposes of the Kennel use, the Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Individual customer drop off and pick up is not a component of the Applicant’s business model and would only be allowed under very unique and isolated circumstances. Similarly, the personal residence on site will generate minimal traffic, which will largely occur before or after business hours. Through coordination with Planning Staff, the Applicant has revised plans for the driveway to provide for a 22’ wide connection to Greencastle Road and a designated vehicle turn-off area to accommodate safe and adequate circulation.

In practice, the driveway will allow vehicles turning off of Greencastle Road onto the Property to access the Kennel and dwelling on site. In response to Planning Staff’s comments, the driveway connection to Greencastle Road is widened to 22’ to (1) provide safe ingress and egress and (2) allow for multiple vehicles to safely utilize the driveway simultaneously. The 22’ wide driveway continues from the Greencastle Road connection south for 35’ before it tapers to 11’ for the remainder of its length toward the parking area. The existing driveway will also be improved to include a new gravel pull-off area for bypass space to allow vehicles to pass safely without

obstruction. An additional gravel pull-off area also provides a separate bypass space, as well as a designated pick-up and drop-off location for the Kennel use. Additional gravel is proposed toward the southern terminus of the driveway and parking area to provide an adequate vehicle turnaround, with dimensions provided in accordance with the Department of Public Works & Transportation's STD.200.10. The described improvements will be satisfactory to accommodate vehicular circulation related to the Kennel use, personal residence, and deliveries to the Property

### **C. OFF-STREET ADA PARKING SPACE**

The Applicant is currently showing one ADA parking space on the revised Departure Plan. The ADA parking space shown is labeled "proposed handicap space unless approved waiver granted." As an exempt small business under Titles I and III of the Americans with Disabilities Act of 1990, the Applicant is coordinating with applicable County and State operating agencies to obtain a waiver from ADA parking requirement in accordance with Sec. 27-239.01 of the Prior Zoning Ordinance.

### **D. SQUARE FOOTAGE FOR KENNEL & RESIDENTIAL USES ON-SITE**

Approximately 28,250 square feet of the  $\pm 2.75$  acre Property ( $\pm 23.6\%$ ) will be utilized for the primary Kennel business on site. Approximately 1,850 square feet of the Property ( $\pm 1.5\%$ ) will be utilized as a personal residence for Ms. Leone, the owner and managing member of One Leg Up Pets.

### **E. DRIVEWAY WIDENING FOR TWO-CAR RADIUS AT CONNECTION TO GREENCASTLE ROAD**

The Departure Plan is revised to accommodate a two-car turning radius at the driveway's connection to Greencastle Road. This connection was previously shown as approximately 13' wide and is now widened to 22' feet in response to Staff's comments. The two-car turn radius of the driveway connection to Greencastle Road is 15' and the radii is consistent with existing conditions. The two-car turning width at the Greencastle Road connection—in conjunction with the (1) standard (STD.200.10) turnaround at the terminus of the driveway and parking area and (2) mid-driveway bypass area—will provide safe and adequate vehicular circulation on site.

### **F. PICK-UP & DROP-OFF PROCEDURES FOR KENNEL USE**

As part of the Applicant's business operations, dogs are transported to and from the Property by the Applicant's employees in designated transport vans. Transport vans will arrive to the Property for drop-off and pick-up between the hours of 11:30 A.M. and 6 P.M. The Applicant anticipates approximately 2–3 pick-up and drop-off cycles during this time period, with transport vans dropping-off pets on site and subsequently pick-up pets. As previously mentioned, the Applicant's customers do not generally drop-off or pick-up their dogs, except under isolated circumstances.

Pick-up and drop-off is staged in "Dog Run Area A," which is an approximately 23,300 square foot fenced area on the northern and central portion of the Property. The Applicant's employees will drive the Applicant's vans and enter the Property via the driveway along Greencastle Road,



and either (1) park in the designated parking area at the terminus of the driveway or (2) pull into a gated area along the western side of the driveway to pick-up or drop-off dogs in “Dog Run Area A.” Transport vans will pull into a separate gated area within “Dog Run Area A” to allow for safe transport of pets to and from the van and dog run area. The incoming driver will close the gate behind themselves and secure the gate prior to letting the dogs out of the van and safely allowing them to pass through the inside gate into the dog run area. The inside gate will then be secured and the outside entry gate opened before the van can reverse onto the driveway. This separate pull off area for transport vans will keep dogs safely enclosed in the yard while the driver pulls into and out of the dog run area. Once on the driveway, the transport van can utilize the full standard (STD.200.10) turnaround at the terminus of the driveway and parking area to exit the down the driveway to Greencastle Road.

**G. APPROXIMATE NUMBER OF VEHICLES ACCESSING PROPERTY & ESTIMATED BUSINESS HOURS**

Ms. Kristin Leone, the owner and managing member of One Leg Up Pets, owns two personal cars and three transport vans, which are used in service of the Kennel use. Each of these vehicles will utilize the parking area at the southern terminus of the driveway. The existing parking area can accommodate parking for each vehicle. Parking is provided in this area in accordance with the requirements of the Prior Zoning Ordinance.

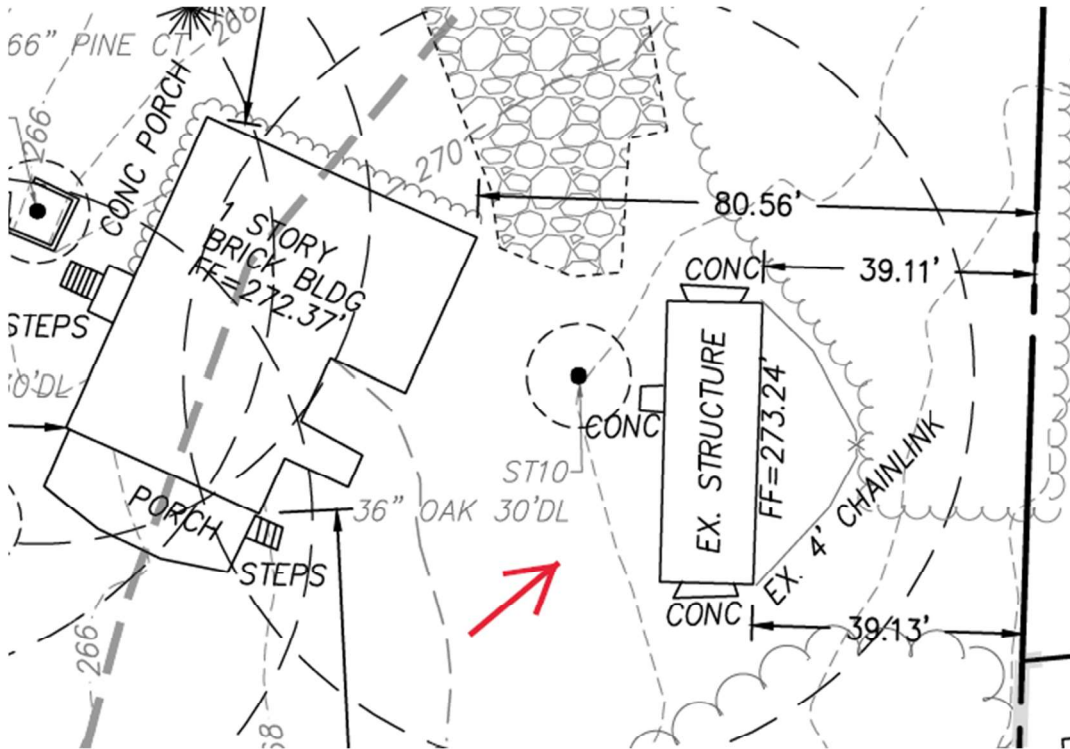
The business is not open to the public and the Applicant does not anticipate public traffic or parking demand on site. The Applicant’s anticipated hours of operation are 8:30 A.M. to 8 P.M., with pick-up and drop-off occurring between 11:30 A.M. and 6 P.M. A number of dogs will be housed on site for overnight stays in the indoor structure along the east side of the Property. Designated outdoor play time is limited to the dog run areas during operating hours. Both dog run areas are insulated with 8-foot high perimeter fencing to comply with all applicable noise requirements, as detailed in the Applicant’s March 2024 Acoustical Study.

**H. PHOTOS OF EXISTING STRUCTURE TO BE UTILIZED FOR KENNEL.**

As part of its review, Staff has requested imagery of the proposed Kennel structure. Because the proposed applications are for Departures from Design Standards and Alternative Compliance, renderings of any proposed structure are not required as part of review and have not been prepared by an architect. Through coordination with Staff, the Applicant is providing photos of the existing conditions of the existing structure on site, which will be improved in the future as part of the proposed boarding facility for the Kennel.

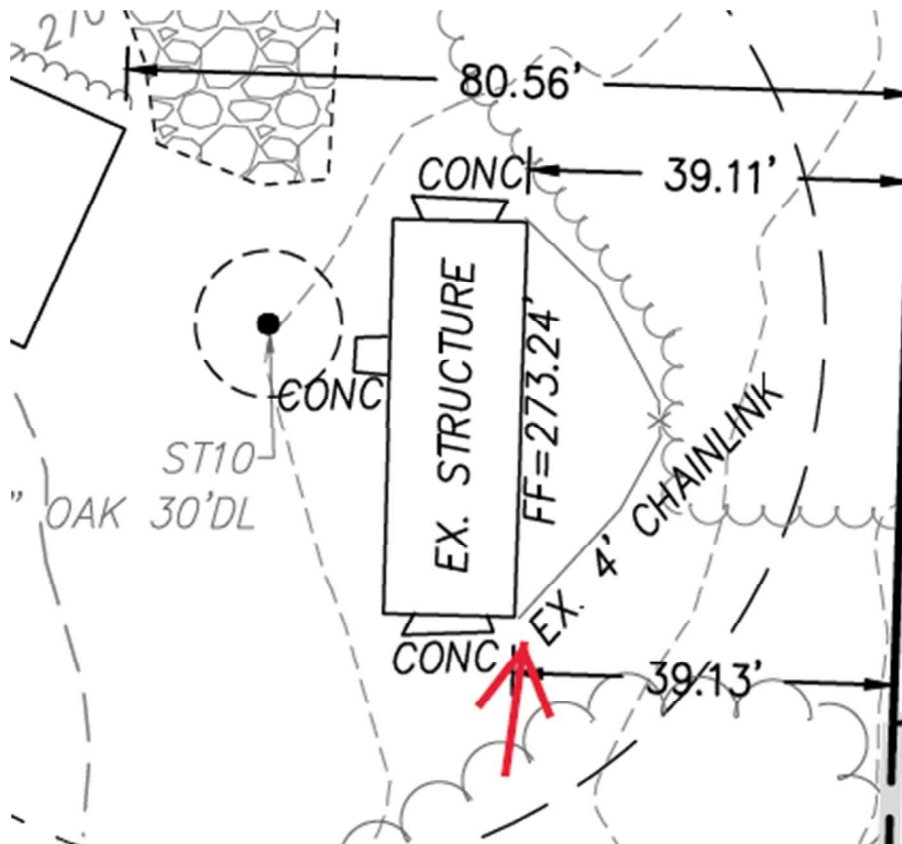


# 1. VIEW OF EXISTING STRUCTURE LOOKING NORTHEAST

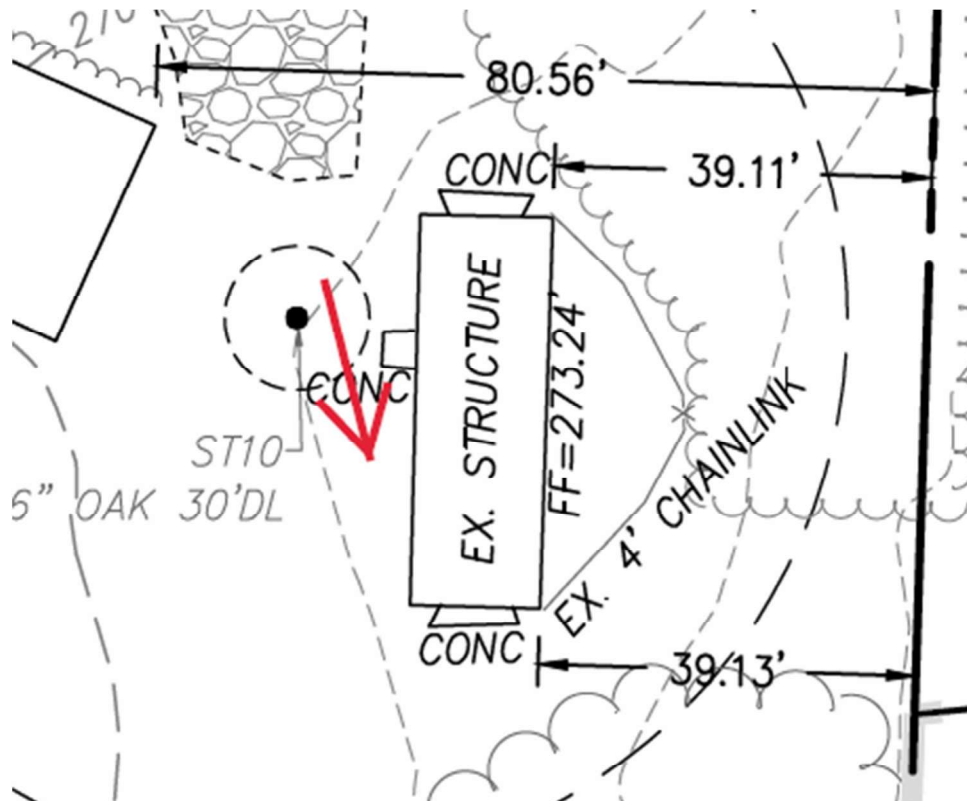




2. VIEW OF EXISTING STRUCTURE LOOKING NORTH, ALONG EASTERN SIDE



3. VIEW OF EXISTING STRUCTURE LOOKING SOUTH, ALONG WESTERN SIDE



## II. CONCLUSION

The Applicant submits this Statement of Justification Supplement to address Planning Staff's comments and questions from Staff's February 2024 review, which were transmitted to the Applicant on March 4, 2024. The Applicant looks forward to coordinating with Staff and the surrounding neighbors as the DDS and Alternative Compliance applications proceed through the review process.

Sincerely,

LERCH, EARLY & BREWER, CHARTERED

A handwritten signature in blue ink, appearing to read "Peter Z. Goldsmith". The signature is stylized with large loops and a long horizontal stroke at the end.

Peter Z. Goldsmith  
16701 Melford Blvd  
Suite 400  
Bowie, MD 20715  
240-481-6626  
[pzgoldsmith@lercheearly.com](mailto:pzgoldsmith@lercheearly.com)



## **Statement of Justification**

### **One Leg Up Pets – DDS-23002**

Kristin Leone, the Managing Member of One Leg Up Pets, LLC (the “**Applicant**”), owns the property located at 4717 Greencastle Road, Laurel, Maryland 20707 (the “**Property**”). The Applicant is a well-established business that currently provides dog daycare and occasional boarding services in Montgomery County, Maryland. The Applicant is planning to relocate its business and operations from Montgomery County to Ms. Leone’s personal residence in Prince George’s County, a property that Ms. Leone purchased for these purposes. In bringing her services to the County, the Applicant is proposing to retrofit the Property with necessary improvements to operate the business successfully, limit any real or perceived impacts posed by the business, and maintain the existing rural residential character of the surrounding neighborhood.

To accommodate its relocation from Montgomery County to the Property in Prince George’s County, the Applicant respectfully submits this Departure from Design Standards application for review under Prince George’s County’s Prior Zoning Ordinance and approval by the Prince George’s County Planning Board. Pursuant to Section 27-239.01 of the Prior Zoning Ordinance, the Planning Board is authorized to permit a Departure from Design Standards contained in Part 11 of the Prior Zoning Ordinance.

#### **I. STATEMENT OF JUSTIFICATION EXPLAINING WHY APPLICANT HAS ELECTED NOT TO DEVELOP THE SUBJECT PROPERTY PURSUANCE TO THE PROVISIONS OF THE ZONING ORDINANCE.**

In order to proceed with development under the Prior Zoning Ordinance, Section 27-1904(b) of the current Zoning Ordinance requires an applicant to “provide a statement of justification which shall explain why the Applicant has elected not to develop a specific property pursuant to the provisions of [the current] Zoning Ordinance.” The following statement satisfies this requirement.

The Applicant has elected not to development the Property pursuant to the provisions of the current Zoning Ordinance because Ms. Leone owns the Property and would not otherwise be permitted to operate her business if her application were subject to the provisions of the current Zoning Ordinance. Ms. Leone purchased the Property with the intention of operating her business, and the Property can be improved to prevent adverse impacts to neighboring properties. Ms. Leone has engaged in conversations with her neighborhood and held a neighborhood meeting, which was not required by law.

#### **II. PROPOSED DEVELOPMENT & NATURE OF REQUEST**

Ms. Leone currently resides in the existing single-family dwelling located in the central portion of the Property. The Applicant is proposing to retrofit the mostly wooded Property with a permitted kennel use by (1) providing new dog run areas in the northern and southern portions of the site that will include new fencing and (2) repurposing an existing ±550 square foot structure for occasionally boarding dogs overnight; the structure was previously used as a garage and may have

been used as a boarding facility for dogs by a prior owner.<sup>1</sup> The Applicant's clients—individual pet owners—do not drop off or pick up their dogs. Instead, the Applicant will utilize transport vans that will pick up dogs off site at scheduled times in the morning and drop off dogs off site at the end of the business day. As such, the daily transport van trips to and from the Property represent the only anticipated traffic to and from the site generated by the kennel use, with the exception of a few employees.

As part of the Applicant's proposed retrofitting for the kennel in the Property's prior R-R Zone, the Applicant is proposing to retain an existing gravel driveway extending south from Greencastle Road that is over 400 feet long and a gravel parking area near the existing single-family dwelling. To avoid clearing a large number of mature trees on site, to install an impervious 22-foot-wide asphalt driveway and concrete hardscape parking area, the Applicant specifically requests departures from four design standards:

- **Sec. 27-554: Surfacing.**
- **Sec. 27-561: Marking.**
- **Sec. 27-563: Connection to Street.**
- **Sec. 27-566: Parking Facilities for the Physically Handicapped.**

In combination, the requested departures are intended to largely retain the existing driveway and parking area in their current conditions, with minor modifications related to improving surfacing and providing emergency vehicle turnaround capability. Importantly, the requested relief will help the Applicant operate her small business on site without affecting wooded areas and changing the rural residential character of the Property and Greencastle Road streetscape.

Sec. 27-239.01(a) of the Prior Zoning Ordinance authorizes the Planning Board to grant flexibility by authorizing the Planning Board or Planning Director to permit a departure from design standards set forth in Part 11 of the Prior Zoning Ordinance. As demonstrated herein, the circumstances of the proposed development and subject property warrant flexibility as it relates to application of four design standards under Part 11.

### **III. REQUESTED DEPARTURES & ANALYSIS**

The Applicant is requesting four Departures from Design Standard to facilitate development of the proposed kennel use at the Property. Each requested Departure satisfies the required findings that the Planning Board must make to approve the request, as set forth in Section 27-239.01(b)(7)(A) of the Prior Zoning Ordinance. A description of each Departure request and an analysis demonstrating compliance with the applicable criteria is set forth in this Statement of Justification.

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<sup>1</sup> The proposed kennel use will be a principal nonresidential use of the Property. Accordingly, under Sec. 27-424.01, the dwelling on site will be considered secondary to the kennel and is subject to subject to all regulations applicable to a main building in that zone, in lieu of any other provisions of this Subtitle pertaining to the location and height of accessory buildings in Residential Zones.

## **A. Departure from Sec. 27-554: Surfacing**

### **1. Proposed Development & Applicable Code**

The Applicant is proposing to retain an existing ±425-foot gravel driveway that extends south from Greencastle Road toward the central portion of the Property and connects to the existing single-family dwelling and parking area on site. Sec. 27-554 of the Prior Zoning Ordinance reads:

*All parking lots shall be surfaced in such a manner as to be dust free.*

The current and proposed parking area is located at the end of the existing driveway, adjacent to the single-family dwelling on site. As part of retaining the existing driveway and parking area, the Applicant proposes to improve the driveway and parking area surface conditions with new gravel where appropriate to ensure that dust is limited without repaving both areas with impervious asphalt. As will be demonstrated, the requested Departure from Sec. 27-554 satisfies the required findings set forth in Section 27-239.01(b)(7)(A)(i)–(iv) that the Planning Board must make to grant relief.

### **2. Required Findings.**

*In order for the Planning Board to grant the departure, it shall make the following findings:*

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;*

Comment: The “purposes” of the Prior Zoning Ordinance are set forth in Sec. 27-102 and will be equally well or better served by the Applicant’s proposal. The “purposes” relevant to this application relate to protecting the public from adverse impacts, retaining the character of the community, promoting the relationship between the uses and the land, and protecting environmental features. The Applicant’s requested departure will, in part, help ensure that the proposed development will not adversely affect adjoining properties. As further described in Section II (C) of this Statement of Justification, the Applicant is requesting departures from multiple design standards to avoid clearing a significant number of mature trees and wooded area on site and replacing them with over 400 linear feet of impervious asphalt. Without the requested departures, strict adherence to Sec. 27-554 and Sec. 27-563 would negatively impact the Greencastle Road streetscape and adjacent properties by changing its rural residential character.

To this end, preservation of on-site wooded area also advances the Prior Zoning Ordinance’s specific purpose in protecting against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features. Importantly, this departure from Sec. 27-554 would allow the Applicant to retain the existing parking area to (1) preserve existing trees and (2) avoid providing significant impervious surface that may negatively impact stormwater management for the site and surrounding properties.

Accordingly, the purposes of the Prior Zoning Ordinance will be equally well or better served by the Applicant's request to improve the existing parking surface with new gravel where appropriate. In addition, this section incorporates by reference the other relevant parts of this Statement of Justification analyzing the "purposes" of the Prior Zoning Ordinance and how those "purposes" are served by this application.

**(ii) *The departure is the minimum necessary, given the specific circumstances of the request;***

Comment: The requested departure is the minimum necessary, given the specific circumstances of the request. The Applicant is proposing to retain the existing gravel parking lot and improve specific areas of the parking lot with new gravel surfacing where appropriate. When used for the kennel, the parking lot will only be used by the drivers of the transportation vans and a minimal number of employees. The wooded lot and location of the parking area will ensure that any dust from the gravel would be limited to the parking area, itself, and its vicinity. Given the limited dust in its current condition, upgrading the existing parking surface with new gravel would reduce dust to the fullest extent possible, while also functionally accommodating for a full standard turnaround at the terminus of the driveway and parking area. Accordingly, the Applicant's proposed surfacing represents the minimum relief necessary to avoid unnecessarily resurfacing the entire driveway and adjacent parking area.

**(iii) *The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in the areas of the County developed prior to November 29, 1949;***

Comment: The requested departure is necessary to alleviate circumstances which are unique to the site. As a result of the existing large gravel parking area, surrounded by features that would limit dispersal of dust beyond the vicinity, which are circumstances unique to the site when compared to nearby properties, a departure from 27-554 is necessary. From a practical standpoint, the Applicant does not anticipate much, or any, public traffic coming to and from the Property as a part of the kennel use. The Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Individual customer drop off and pick up is not a component of the Applicant's business model and would only be allowed under very unique and isolated circumstances. Furthermore, the scheduled and minimal traffic would not cause the dispersion of much dust in the parking area, is necessary to avoid environmental impacts—such as tree clearing and stormwater management issues resulting from additional impervious surface—and would help protect the rural, wooded character of the Property.

**(iv) *The departure will not impair the visual, functional, or environmental quality of the site of the surrounding neighborhood.***

Comment: The requested departure will not impair the visual, functional, or environmental quality of the site of the surrounding neighborhood. Approval of this request will allow the Applicant to improve the existing gravel driveway and parking area to avoid clearing trees located in the 1.13-acre forest stand on site, which currently contributes to the rural residential character along Greencastle Road. Importantly, this departure will also prevent addition of substantial impervious surface on site—which would negatively impact stormwater management on site and in the



surrounding neighborhood. In other words, the departure would retain—not impair—the existing trees, which are visible from adjoining properties and prevent all of the negative consequences of installing asphalt on a property with rural features.

## **B. Departure from Sec. 27-561: Marking**

### **1. Proposed Development & Applicable Code**

The Applicant is proposing to provide a total of four designated parking spaces adjacent to the existing gravel parking area in the central portion of the Property. In accordance with the requirements of Sec. 27-568 of the Prior Zoning Ordinance, two parking spaces will be provided to accommodate the existing single-family detached dwelling on site and two parking spaces will be provided to accommodate the proposed kennel use.<sup>2</sup>

Sec. 27-561 of the Prior Zoning Ordinance requires that:

*(a) Each parking space (except those provided for, and on the same lot with, one-family dwellings) shall be marked by a permanent, durable, contrasting material.*

*(b) Signs or arrows shall indicate the directions of traffic movement on driveways.*

Due to the proposed gravel driveway and parking area, it may not be possible to provide permanent markings to delineate the nonresidential parking spaces. As demonstrated below, the requested Departure from Sec. 27-561 satisfies the required findings that the Planning Board must make to grant relief:

### **2. Required Findings.**

*In order for the Planning Board to grant the departure, it shall make the following findings:*

*(i) **The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;***

Comment: The relevant “purposes” of the Prior Zoning Ordinance as provided by Sec. 27-102, such as encouraging economic development activities that provide desirable employment and a broad, protected tax base, will be equally or better served by the Applicant’s departure request from Sec. 27-561. The Applicant is proposing to relocate her small business from Montgomery County to Prince George’s County. This request, in combination with requests from other parking-

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<sup>2</sup> Two spaces are provided to accommodate the proposed nonresidential use. The Applicant has utilized the Prior Zoning Ordinance’s minimum parking requirements for the (1) “animal hospital, veterinarian” use—which requires 1 space per 500 square feet of gross floor area of kennel area—and (2) the “commercial trade/services use—which similarly requires 1 space per 500 square feet of gross floor area. The proposed kennel use will utilize the existing structure on site, which is approximately 550 square feet of gross floor area. As such, the Applicant is providing two parking spaces for the nonresidential use.

related design standards, will allow the Applicant to bring her services to and possibly provide employment opportunities for Prince George's County residents. This request for relief from striping the ±900 square foot gravel parking area with four designated parking spaces also efficiently utilizes the existing parking area and driveway on site and avoids impacts to environmental, wooded area by not requiring additional impervious asphalt surface to accommodate the business. This section also incorporates by reference the other relevant parts of this Statement of Justification analyzing the "purposes" of the Prior Zoning Ordinance and how those "purposes" are served by this application.

***(ii) The departure is the minimum necessary, given the specific circumstances of the request;***

Comment: The requested departure represents the minimum relief necessary. The provision of four designated parking spaces is the minimum required to serve both the principal nonresidential kennel use and the secondary single-family residential use. The Applicant is proposing two spaces for each use in a ±900 square foot gravel parking area. Marking these spaces is not necessary due to the minimal traffic and routine parking patterns generated by the proposed kennel use. As mentioned, the Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Individual customer drop off and pick up is not a component of the Applicant's business model and would only be allowed under very unique and isolated circumstances. Markings are generally required to delineate individual parking spaces for larger nonresidential enterprises, accommodating more public traffic and use than the proposed kennel. Due to the size of the kennel business and the anticipated pattern of minimal traffic, this departure request is reasonable and represents the minimum necessary to provide ample parking spaces for the principal kennel use and the secondary residential use.

***(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in the areas of the County developed prior to November 29, 1949;***

Comment: The requested departure is necessary to alleviate circumstances which are special to the subject use and Property. As discussed, the Property is largely wooded and already improved with an existing gravel driveway and gravel surface parking area. To avoid impacts to this largely wooded property, the Applicant is proposing to retain the existing unique gravel driveway and parking areas. It is not be possible to stripe the existing gravel parking area with permanent markings to delineate individual spaces. The Applicant is proposing four standard parking spaces in this parking area without permanent markings, preserving the wooded, rural character of the Property.

***(iv) The departure will not impair the visual, functional, or environmental quality of the site of the surrounding neighborhood.***

Comment: The requested departure will not impair the visual, functional, or environmental quality of the site of the surrounding area. The requested relief from striping individual parking spaces in the existing gravel parking area is necessary in order to avoid clearing trees and adding additional impervious surface on site. Anyone standing adjacent to the property would not be able to see the parking area as a result of the existing features of the site; therefore, a lack of parking-space striping

would have no effect whatsoever on the visual, functional, or environmental quality of the surrounding neighborhood. Both clearing and additional impervious surface would negatively impact the environmental quality of the Property and the surrounding rural residential neighborhood. The proposed parking is sufficient to functionally accommodate the Applicant's business and personal residence, as the four required parking spaces will not need to be delineated with striping to facilitate minimal and routine traffic on site.

### **C. Departure from Sec. 27-563: Connection to Street**

#### **1. Proposed Development & Applicable Code**

The Applicant is proposing to retain an existing ±425-foot-long gravel driveway that extends south from Greencastle Road toward the central portion of the Property to connect to the existing single-family dwelling and parking area on site. In order to do so, the Applicant would require a departure from Section 27-563, which reads:

*Every parking lot shall be connected to a street by means of a driveway. This driveway (except those provided for, and on the same lot with, one-family dwellings), shall be at least eleven (11) feet wide for each lane, exclusive of curb return and gutters. In the case of a corner lot, no driveway shall be located less than twenty (20) feet from the existing or proposed ultimate point of curvature of the curb or the edge of the pavement of an uncurbed section (whichever forms the greater distance to the point of curvature of the fillet of the driveway apron).*

The existing driveway is approximately 11-feet-wide and runs alongside significantly wooded area on the northern portion of the Property and is currently surfaced with gravel. The current and proposed parking area is located at the end of the existing driveway, adjacent to the single-family dwelling on site. As part of retaining the existing driveway's location and dimensions, the Applicant proposes to improve the driveway area surface conditions with new gravel where appropriate. As demonstrated below, the requested departure from Sec. 27-563 satisfies the required findings that the Planning Board must make to grant relief.

#### **2. Required Findings.**

*In order for the Planning Board to grant the departure, it shall make the following findings:*

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;***

Comment: The "purposes" of the Prior Zoning Ordinance as provided by Sec. 27-102, such as promoting the most beneficial relationship between the uses of land and buildings and protecting landowners from adverse impacts of adjoining development, will not be impaired by the applicant's proposal to retain the driveway in its almost-current condition. Rather, the Applicant's requested departure will, in part, help ensure that the proposed development will not adversely impact adjoining properties. The Applicant is primarily requesting this departure to avoid clearing a significant number of mature trees and wooded area on site and avoid having to double the width

of the existing driveway and pave it. Without the requested departure, strict adherence to Sec. 27-563 would negatively impact the Greencastle Road streetscape and adjacent properties by changing its rural residential character.

To this end, preservation of the on-site wooded area also advances the Prior Zoning Ordinance’s specific purpose in protecting against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features. Importantly, this departure from Sec. 27-554 will allow the Applicant to retain the existing driveway to (1) preserve existing trees and (2) avoid providing significant impervious surface that may negatively impact stormwater management for the site and surrounding properties.

Accordingly, the “purposes” of the Prior Zoning Ordinance will be equally well or better served by the Applicant’s request to improve the existing driveway surface with new gravel where appropriate. In addition, this section incorporates by reference the other relevant parts of this Statement of Justification analyzing the “purposes” of the Prior Zoning Ordinance and how those “purposes” are served by this application.

***(ii) The departure is the minimum necessary, given the specific circumstances of the request;***

Comment: The requested departure is the minimum necessary, given the specific circumstances of the request. The Applicant is proposing to retain the existing gravel driveway width and improving specific areas of the driveway to with new gravel surfacing where appropriate. The existing ±11-foot-width is sufficient to accommodate vehicular traffic generated by the existing single-family dwelling and the proposed kennel use. As discussed, the Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Individual customer drop off and pick up is not a component of the Applicant’s business model and would only be allowed under very unique and isolated circumstances. Accordingly, a 22-foot-wide connection to Greencastle Road—for the purpose of accommodating frequent two-way traffic—is oversized and unnecessary for this Property. The Applicant is also proposing a full Department of Public Works & Transportation standard turnaround at the terminus of the driveway and parking area to provide for adequate circulation for one-way traffic. Due to the size of the kennel business and the anticipated pattern of minimal traffic, this departure request is reasonable and represents the minimum necessary to provide a sufficient and safe connection to Greencastle Road.

***(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in the areas of the County developed prior to November 29, 1949;***

Comment: The requested departure is necessary to alleviate circumstances which are special to the Property and proposed use. As mentioned, the Property is mostly wooded and is currently improved with an existing gravel driveway. The Applicant does not anticipate any public traffic to the Property as a part of the kennel use. The Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Individual customer drop off and pick up is not a component of the Applicant’s business model and would only be allowed under very unique and isolated circumstances. Due to the minimal traffic to and from the site, a

departure from 27-563 to maintain the existing driveway width is sufficient to accommodate anticipated traffic. Moreover, the departure is necessary to avoid environmental impacts—such as tree clearing and stormwater management issues resulting from additional impervious surface—and to help retain the rural, wooded quality of the Property.

- (iv) *The departure will not impair the visual, functional, or environmental quality of the site of the surrounding neighborhood.*

Comment: The requested departure will not impair the visual, functional, or environmental quality or integrity of the site. As mentioned, in combination with the requested departure from Sec. 27-554, the subject departure from Sec. 27-563 will retain the visual, functional, and environmental quality of the subject property and surrounding neighborhood. Approval of this request will allow the Applicant to improve the existing gravel driveway and avoid having to clear a significant number of trees located on the 1.13-acre forest stand on site, which currently contributes to the rural residential character along Greencastle Road. If required to comply with Sec. 27-563, the streetscape along Greencastle Road at this location would no longer resemble the rest of the surrounding neighborhood. In fact, if the existing driveway was widened to 22-feet, the Property’s frontage would resemble a large through street compared to other driveways on surrounding properties. Importantly, this departure will also prevent addition of substantial impervious surface on site—which would negatively impact stormwater management on site and in the surrounding neighborhood.

**D. Departure from Sec. 27-566: Parking Facilities for the Physically Handicapped.**

**1. Proposed Development & Applicable Code**

The Applicant is requesting relief from Sec. 27-566, requiring one reserved parking space for the physically handicapped. In accordance with the requirements of Sec. 27-568 of the Prior Zoning Ordinance, two parking spaces will be provided to accommodate the existing single-family detached dwelling on site and two parking spaces will be provided to accommodate the proposed kennel use. As a nonresidential use requiring less than 25 total parking spaces, Sec. 27-566 requires the provision of one reserved off-street parking space for the physically handicapped:

- (a) *Applicability.*
  - (1) *The requirements of this Section shall apply to all parking lots (except those provided for, and on the same lot with, one-family detached and semi-detached dwellings, and two-family detached dwellings).*
- (b) *Required number of spaces.*
  - (1) *The following number of parking spaces shall be reserved for the physically handicapped:*

<b>TOTAL REQUIRED PARKING SPACES IN LOT</b>	<b>REQUIRED MINIMUM NUMBER</b>
<i>Up to 25</i>	<i>1</i>

As a dog kennel business with less than 15 employees, the Applicant is exempt from Titles I and III of the Americans with Disabilities Act of 1990 (ADA). Accordingly, the Applicant is not required to reserve a parking space exclusively for ADA purposes. Although the Applicant is requesting relief from Sec. 27-566, the proposed ±900 square foot gravel parking area on site will provide sufficient parking spaces in close proximity to the existing structure and dwelling to functionally achieve the intent of Sec. 27-566 without reserving a specific space.

As demonstrated below, the requested departure from Sec. 27-566 satisfies the required findings that the Planning Board must make to grant relief.<sup>3</sup>

## **2. Required Findings.**

*In order for the Planning Board to grant the departure, it shall make the following findings:*

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;***

Comment: The relevant “purposes” of the Prior Zoning Ordinance as provided by Sec. 27-102, such as encouraging economic development activities that provide desirable employment and a broad, protected tax base, will be equally or better served by the Applicant’s departure request from Sec. 27-566. This request, in combination with requests from other parking-related design standards, will allow the Applicant to bring her services to and possibly provide employment opportunities for Prince George’s County residents. This request for relief from providing an additional parking space in an already constrained area provides for efficient land use through retention of the existing parking area and avoids impacts to environmental, wooded area by not requiring additional impervious surface to accommodate the business. Given the minimal parking generation and demand associated with the kennel use, retention of the existing parking area will provide more than sufficient parking space in close proximity to the existing structure and dwelling for those with disabilities that may need to visit the site. This parking area functionally accomplishes the intent of Sec. 27-566 by providing sufficient parking in close proximity to uses on site. This section also incorporates by reference the other relevant parts of this Statement of Justification analyzing the “purposes” of the Prior Zoning Ordinance and how those “purposes” are served by this application.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;***

Comment: The requested departure represents the minimum relief necessary. The provision of four designated parking spaces is the minimum necessary to serve both the nonresidential kennel use and the single-family residential use. The Applicant is proposing two spaces for each use in a ±900 square foot gravel parking area. Providing an additional reserved parking space is not necessary due to the minimal traffic and routine parking patterns generated by the proposed kennel use. As

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<sup>3</sup> The Applicant is coordinating with the applicable State or County regulating agency to confirm its exemption from the requirements for parking spaces for the physically handicapped, in accordance with Sec. 27-239.01.

mentioned, the Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Individual customer drop off and pick up is not a component of the Applicant's business model and would only be allowed under very unique and isolated circumstances. As stipulated by Titles I and III of the ADA, reserved parking spaces for the physically handicapped are required for larger businesses that are open to the public, and thus generate more public traffic and parking demand than the proposed kennel. Due to the size of the kennel business and the anticipated pattern of minimal traffic, this departure request is reasonable and represents the minimum necessary to provide ample parking spaces for the kennel use.

***(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in the areas of the County developed prior to November 29, 1949;***

Comment: The requested departure is necessary to alleviate circumstances which are special to the subject use and Property. As discussed, the Property is largely wooded and already improved with an existing gravel driveway and gravel surface parking area. To avoid impacts to this largely wooded property, the Applicant is proposing to retain the existing unique gravel driveway and parking areas. The Applicant is proposing four standard parking spaces in this ±900 square foot parking area to preserve the wooded, rural character of the Property and avoid introducing new hardscape and impervious surface.

***(iv) The departure will not impair the visual, functional, or environmental quality of the site of the surrounding neighborhood.***

Comment: The requested departure will not impair the visual, functional, or environmental quality of the site of the surrounding area. The requested relief from providing an additional parking space in the existing gravel parking area is necessary in order to avoid clearing trees and adding additional impervious surface on site. Anyone standing adjacent to the property would not be able to see the parking area as a result of the existing features of the site; therefore, the absence of one reserved parking space would have no effect whatsoever on the visual, functional, or environmental quality of the surrounding neighborhood. Both clearing and additional impervious surface would negatively impact the environmental quality of the Property and the surrounding rural residential neighborhood. The parking area is sufficient in size and proximity to existing structures on site to functionally satisfy the intent of Sec. 27-566 while accommodating minimal and routine parking demand.

#### **IV. CONCLUSION**

Based on the foregoing, the Applicant respectfully requests approval of the above-described departures from design standards in connection with, and as part of, the proposed development of a kennel on site. The departures from Sec. 27-554 and Sec. 27-563 are the minimum necessary and warranted to avoid clearing numerous mature trees in order to install an enormous asphalt driveway and parking area. The requested departures from Sec. 27-561 and 27-566 are the minimum necessary and warranted to retain the existing gravel parking area adjacent to the existing dwelling and reflect that the Applicant's private, small business will generate very little, if any, public traffic.

As a small business owner and resident of Prince George's County, the Applicant is looking forward to relocating her community-serving business to the County. The requested relief is minor in nature and the minimum necessary to avoid environmental impacts on site and mitigate any impacts to surrounding properties and the neighborhood related to the operation of One Leg Up Pets. To this end, if approved, the requested departures would preserve the existing rural residential character of the Property and its immediate context along Greencastle Road.

Sincerely,

LERCH, EARLY & BREWER, CHARTERED

A handwritten signature in blue ink, appearing to read "Peter Z. Goldsmith". The signature is stylized with large, flowing loops for the letters "P" and "G".

Peter Z. Goldsmith  
16701 Melford Blvd  
Suite 400  
Bowie, MD 20715  
240-481-6626  
[pzgoldsmith@lercheearly.com](mailto:pzgoldsmith@lercheearly.com)



## **Statement of Justification Supplement** **One Leg Up Pets – DDS-23002**

One Leg Up Pets, LLC (the “**Applicant**”) is submitting this Statement of Justification Supplement to address Planning Staff’s questions and comments raised during initial review of the Departure from Design Standards (DDS-23002) application for 4717 Greencastle Road, Laurel, Maryland (the “**Property**”).

### **I. APPLICANT’S RESPONSE TO PLANNING STAFF’S QUESTIONS & COMMENTS**

#### **A. SUMMARY OF PRE-APPLICATION NEIGHBORHOOD MEETING**

The Applicant hosted a Pre-Application Neighborhood Meeting at the Property on Saturday, February 1, 2024. This neighborhood meeting was not required as part of the application process; however, the Applicant hosted the meeting in an effort to connect with neighbors regarding the proposed Kennel use and answer any relevant questions related to the development review process. The Applicant prepared a presentation with slides detailing the proposed Kennel use, business operations, and background information on the Applicant and the business. One of the adjacent property owners, whose personal residence abuts the Property, attended the meeting and discussed the proposal with the Applicant at length. During the neighborhood meeting, the adjacent property owner signaled his support for the proposed DDS and Alternative Compliance applications and inquired about how to provide written testimony in support of the applications.

#### **B. DRIVEWAY / PARKING AREA FUNCTIONALITY & CIRCULATION**

The existing driveway and parking area, with proposed modifications and improvements, will accommodate safe and efficient vehicular circulation for the primary Kennel use, personal residence and deliveries. As detailed in the Applicant’s Statement of Justification, the existing ±11-foot-width is sufficient to accommodate the vehicular traffic generated by both uses. For purposes of the Kennel use, the Applicant will utilize transport vans at scheduled times throughout the day to transport dogs to and from the Property. Individual customer drop off and pick up is not a component of the Applicant’s business model and would only be allowed under very unique and isolated circumstances. Similarly, the personal residence on site will generate minimal traffic, which will largely occur before or after business hours. Through coordination with Planning Staff, the Applicant has revised plans for the driveway to provide for a 22’ wide connection to Greencastle Road and a designated vehicle turn-off area to accommodate safe and adequate circulation.

In practice, the driveway will allow vehicles turning off of Greencastle Road onto the Property to access the Kennel and dwelling on site. In response to Planning Staff’s comments, the driveway connection to Greencastle Road is widened to 22’ to (1) provide safe ingress and egress and (2) allow for multiple vehicles to safely utilize the driveway simultaneously. The 22’ wide driveway continues from the Greencastle Road connection south for 35’ before it tapers to 11’ for the remainder of its length toward the parking area. The existing driveway will also be improved to include a new gravel pull-off area for bypass space to allow vehicles to pass safely without

obstruction. An additional gravel pull-off area also provides a separate bypass space, as well as a designated pick-up and drop-off location for the Kennel use. Additional gravel is proposed toward the southern terminus of the driveway and parking area to provide an adequate vehicle turnaround, with dimensions provided in accordance with the Department of Public Works & Transportation's STD.200.10. The described improvements will be satisfactory to accommodate vehicular circulation related to the Kennel use, personal residence, and deliveries to the Property

### **C. OFF-STREET ADA PARKING SPACE**

The Applicant is currently showing one ADA parking space on the revised Departure Plan. The ADA parking space shown is labeled "proposed handicap space unless approved waiver granted." As an exempt small business under Titles I and III of the Americans with Disabilities Act of 1990, the Applicant is coordinating with applicable County and State operating agencies to obtain a waiver from ADA parking requirement in accordance with Sec. 27-239.01 of the Prior Zoning Ordinance.

### **D. SQUARE FOOTAGE FOR KENNEL & RESIDENTIAL USES ON-SITE**

Approximately 28,250 square feet of the ±2.75 acre Property (±23.6%) will be utilized for the primary Kennel business on site. Approximately 1,850 square feet of the Property (±1.5%) will be utilized as a personal residence for Ms. Leone, the owner and managing member of One Leg Up Pets.

### **E. DRIVEWAY WIDENING FOR TWO-CAR RADIUS AT CONNECTION TO GREENCASTLE ROAD**

The Departure Plan is revised to accommodate a two-car turning radius at the driveway's connection to Greencastle Road. This connection was previously shown as approximately 13' wide and is now widened to 22' feet in response to Staff's comments. The two-car turn radius of the driveway connection to Greencastle Road is 15' and the radii is consistent with existing conditions. The two-car turning width at the Greencastle Road connection—in conjunction with the (1) standard (STD.200.10) turnaround at the terminus of the driveway and parking area and (2) mid-driveway bypass area—will provide safe and adequate vehicular circulation on site.

### **F. PICK-UP & DROP-OFF PROCEDURES FOR KENNEL USE**

As part of the Applicant's business operations, dogs are transported to and from the Property by the Applicant's employees in designated transport vans. Transport vans will arrive to the Property for drop-off and pick-up between the hours of 11:30 A.M. and 6 P.M. The Applicant anticipates approximately 2–3 pick-up and drop-off cycles during this time period, with transport vans dropping-off pets on site and subsequently pick-up pets. As previously mentioned, the Applicant's customers do not generally drop-off or pick-up their dogs, except under isolated circumstances.

Pick-up and drop-off is staged in "Dog Run Area A," which is an approximately 23,300 square foot fenced area on the northern and central portion of the Property. The Applicant's employees will drive the Applicant's vans and enter the Property via the driveway along Greencastle Road,

and either (1) park in the designated parking area at the terminus of the driveway or (2) pull into a gated area along the western side of the driveway to pick-up or drop-off dogs in “Dog Run Area A.” Transport vans will pull into a separate gated area within “Dog Run Area A” to allow for safe transport of pets to and from the van and dog run area. The incoming driver will close the gate behind themselves and secure the gate prior to letting the dogs out of the van and safely allowing them to pass through the inside gate into the dog run area. The inside gate will then be secured and the outside entry gate opened before the van can reverse onto the driveway. This separate pull off area for transport vans will keep dogs safely enclosed in the yard while the driver pulls into and out of the dog run area. Once on the driveway, the transport van can utilize the full standard (STD.200.10) turnaround at the terminus of the driveway and parking area to exit the down the driveway to Greencastle Road.

**G. APPROXIMATE NUMBER OF VEHICLES ACCESSING PROPERTY & ESTIMATED BUSINESS HOURS**

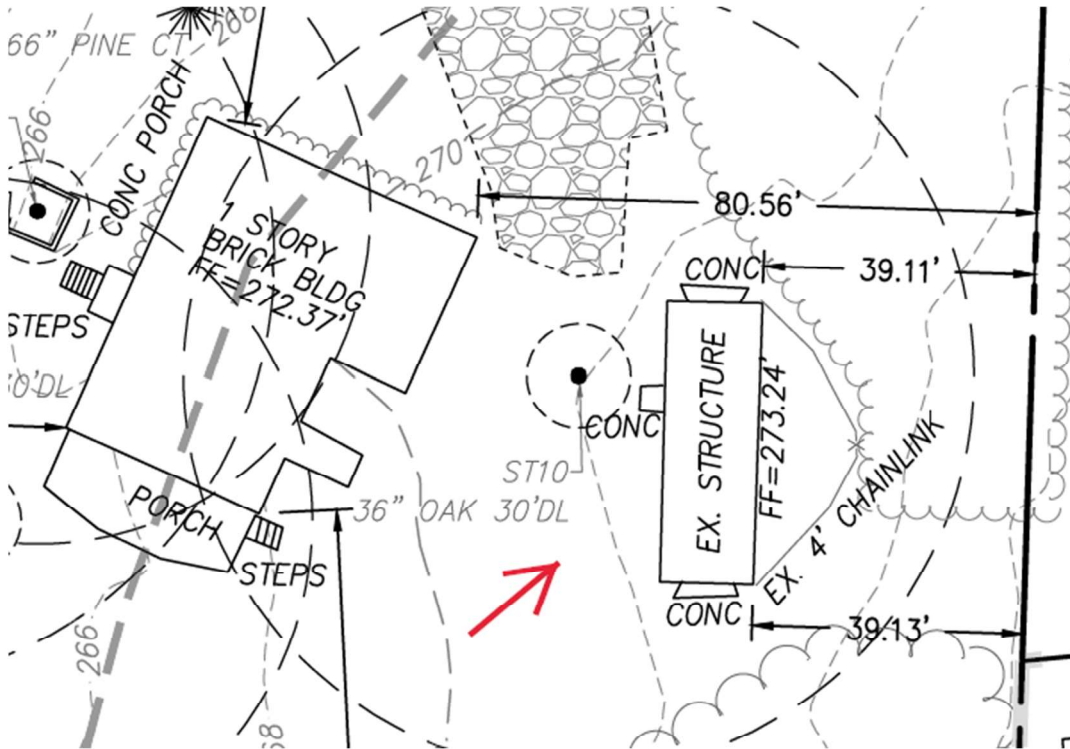
Ms. Kristin Leone, the owner and managing member of One Leg Up Pets, owns two personal cars and three transport vans, which are used in service of the Kennel use. Each of these vehicles will utilize the parking area at the southern terminus of the driveway. The existing parking area can accommodate parking for each vehicle. Parking is provided in this area in accordance with the requirements of the Prior Zoning Ordinance.

The business is not open to the public and the Applicant does not anticipate public traffic or parking demand on site. The Applicant’s anticipated hours of operation are 8:30 A.M. to 8 P.M., with pick-up and drop-off occurring between 11:30 A.M. and 6 P.M. A number of dogs will be housed on site for overnight stays in the indoor structure along the east side of the Property. Designated outdoor play time is limited to the dog run areas during operating hours. Both dog run areas are insulated with 8-foot high perimeter fencing to comply with all applicable noise requirements, as detailed in the Applicant’s March 2024 Acoustical Study.

**H. PHOTOS OF EXISTING STRUCTURE TO BE UTILIZED FOR KENNEL.**

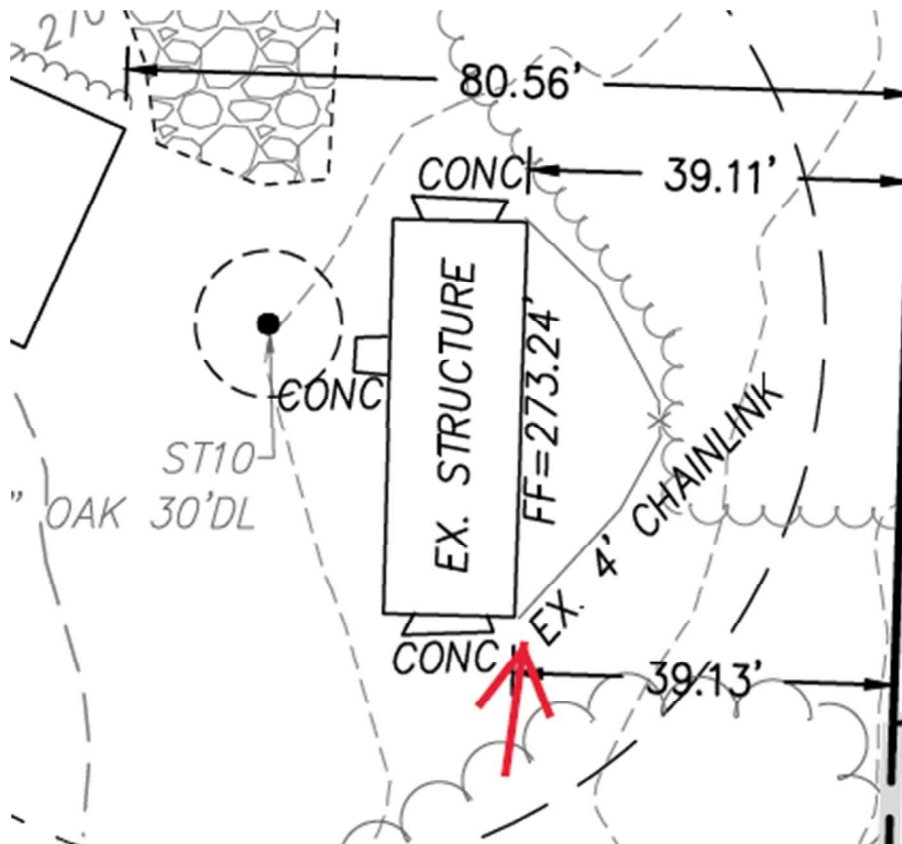
As part of its review, Staff has requested imagery of the proposed Kennel structure. Because the proposed applications are for Departures from Design Standards and Alternative Compliance, renderings of any proposed structure are not required as part of review and have not been prepared by an architect. Through coordination with Staff, the Applicant is providing photos of the existing conditions of the existing structure on site, which will be improved in the future as part of the proposed boarding facility for the Kennel.

# 1. VIEW OF EXISTING STRUCTURE LOOKING NORTHEAST

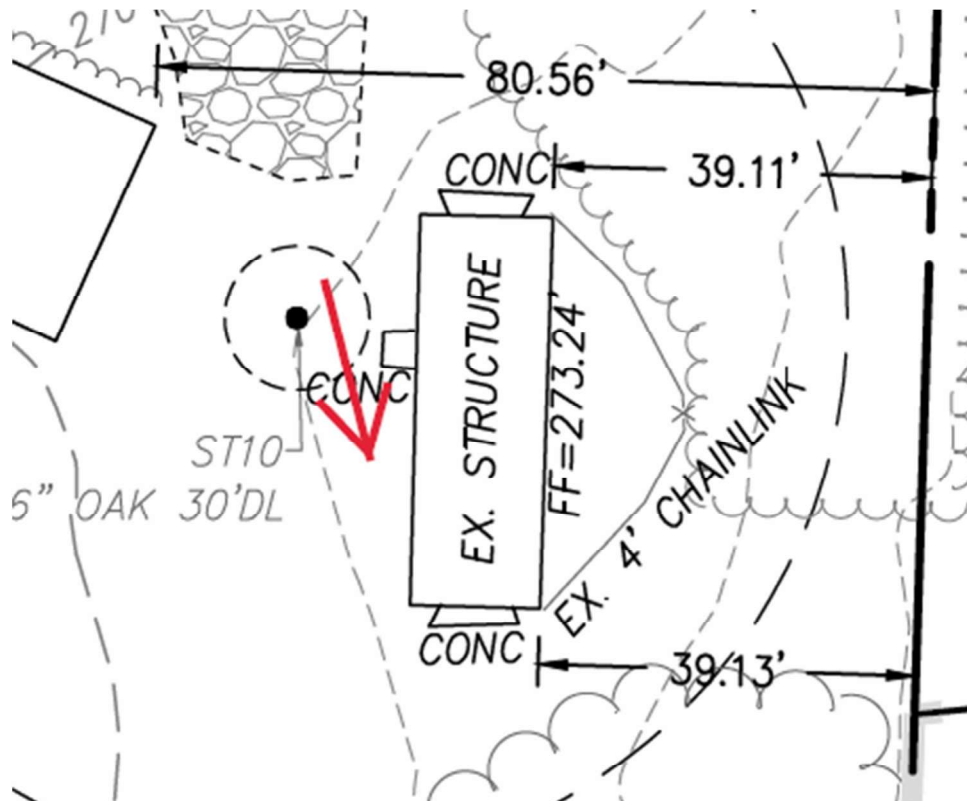




2. VIEW OF EXISTING STRUCTURE LOOKING NORTH, ALONG EASTERN SIDE



3. VIEW OF EXISTING STRUCTURE LOOKING SOUTH, ALONG WESTERN SIDE



## II. CONCLUSION

The Applicant submits this Statement of Justification Supplement to address Planning Staff's comments and questions from Staff's February 2024 review, which were transmitted to the Applicant on March 4, 2024. The Applicant looks forward to coordinating with Staff and the surrounding neighbors as the DDS and Alternative Compliance applications proceed through the review process.

Sincerely,

LERCH, EARLY & BREWER, CHARTERED



Peter Z. Goldsmith  
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February 5, 2024

M-NCPPC - Development Review Division  
ATTN: Alternative Compliance Committee  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

**RE: One Leg Up Pets DDS-23002 + AC-23013  
Alternative Compliance Statement of Justification**

Dear Alternative Compliance Committee,

Please accept this letter as a statement of justification for the request for Alternative Compliance (AC) for the landscape buffering requirements in section 4.7 of the Prince George's County Landscape Manual. This request is submitted for consideration as a companion case with DDS-23002. All documents noted on the Alternative Compliance Submittal Checklist are enclosed with this package.

### **Project Background**

The subject property is a 2.75-acre property. The property features an existing single family house, shed, and gravel driveway. Most of the existing property is wooded, as shown on NRI-007-2024. The property is bounded to the north by Greencastle Road and the Intercounty Connector (200) to the south. Residential single family homes border the property to the east and west. The applicant and current resident of the subject property is seeking to use the property as her residence and for her dog kennel business. The commercial use of the subject property will require landscape buffers and building setbacks that will overlap the existing house, structure, and gravel driveway.

### **Eligibility for Alternative Compliance**

In accordance with section 1.3 of the Prince George's County Landscape Manual, the following conditions necessitating AC are present on site:

- 3) Space limitations, unusually shaped lots...:** The subject property is a narrow lot bounded by Greencastle Road and the Intercounty Connector (200), with single family homes bordering the property to the east and west. The lot is long and narrow, resulting in the buffers consuming a significant portion of the property.
- 4) Change of use on an existing site increases the buffer required by Section 4.7, Buffering Incompatible Uses, more than it is feasible to provide.:** The change in use to allow for a dog kennel use on the property has resulted in the buffers overlapping the existing driveway, house, and structure. The applicant is seeking alternative compliance to allow for the driveway to remain within the landscape buffer and reduce the buffers adjacent to the existing house and shed.

### **Compliance with Equal or Better Standard**

A portion of the landscape buffer located along the northeast corner of the site is located where the existing 11' wide gravel driveway enters the site and runs up to the existing single family house. To meet the requirement of "equal or better" for this area the applicant proposes providing a 6' tall privacy fence along the property to screen the existing drive and provide the required plantings between the existing drive and



the dog run area to the west of the drive. 98% of the required buffer yard will have existing, mature vegetation in conjunction with a 6' sight tight fence and additional plant units provided.

A 50' section of the landscape buffer and building setback on the east side of the property is requested to be reduced by 15' to accommodate the existing structure. In order to meet the requirement of "equal or better" for this section of buffer the applicant is proposing providing a 6' tall privacy fence along the perimeter of the existing wooded area and bamboo, and providing additional plantings in that area to provide additional screening. The existing structure is proposed for use as a boarding area for the kennel, and the existing structure is proposed to be insulated to reduce noise and minimize potential disturbances to neighboring properties.

Lastly, a 50' section of the landscape buffer and building setback on the west side of the property is requested to be reduced by 15' to accommodate the existing single family home. In order to meet the requirement of "equal or better" for this section of buffer the applicant is proposing providing a 6' tall privacy fence along the property perimeter and the required plantings will be provided. 92% of the required buffer yard will have existing, mature vegetation in conjunction with a 6' sight tight fence and additional plant units provided. The existing house is not proposed for use as a kennel and will continue to function as a residential dwelling. This 50' section of reduced buffer will not feature any areas proposed for the dog kennel use.

If you have any questions or need additional information, please contact me at 518-312-1017. Thank you in advance for your time and effort in this review.

Sincerely,  
ATCS, PLC

Victoria Ballester, PE, MBA  
Vice President, Operations Manager



Countywide Planning Division  
Environmental Planning Section

301-952-3650

April 29, 2024

**MEMORANDUM**

**TO:** Natalia Gomez Rojas, Planner II, Zoning Section, DRD

**VIA:** Tom Burke, Planning Supervisor, Environmental Planning Section, CWPD *TB*

**FROM:** Christian Meoli, Planner II, Environmental Planning Section, CWPD *CM*

**SUBJECT: One Leg Up Kennel: DDS-23002 and AC-23013**

The Environmental Planning Section (EPS) has reviewed the above-referenced referral information received by EPS on April 1, 2024. The property is currently developed with an existing single-family home and detached garage. The proposal is for a departure from design standards (DDS) and alternative compliance (AC) to allow for a portion of the property to be utilized for kennel use with associated fencing, landscaping, driveway improvements, and interior renovations. The EPS recommends the approval of DDS-23002 and AC-23013.

**ENVIRONMENTAL REVIEW**

The site has an approved natural resource inventory (NRI-007-2024), which shows the property contains 1.67 acres of existing woodland and no regulated environmental features. The site has been issued a numbered exemption from the Woodland and Wildlife Habitat Conservation Ordinance (E-006-2024) because the project will not require any woodland clearing.

The project is exempt from stormwater management requirements because the proposed limits of disturbance are less than 5,000 square feet. The project will be subject to further review at the time of permit and the Department of Permitting, Inspections and Enforcement reserves the right to impose restrictions, if necessary, prior to permit.

The Environmental Planning Section finds this application to be in conformance with the requirements of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and the prior Subtitle 27 (Zoning Ordinance). The Environmental Planning Section recommends approval of DDS-23002 and AC-223013.



May 2<sup>nd</sup>, 2024

## MEMORANDUM

**TO:** Natalia Gomez Rojas, Planner II, Zoning Review Section, Development Review Division

**VIA:** David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division

**VIA:** Kierre McCune, Planning Supervisor, Master Plan and Studies Section, Community Planning Division

**FROM:** Korey Arsenault, Planner I, Master Plan and Studies Section, Community Planning Division

**SUBJECT:** DDS-23002 & AC-23013 One Leg Up Kennel

## DETERMINATIONS

Pursuant to Part 27-239.01(b)(7)(A) of the Prior Zoning Ordinance, Master Plan conformance is not required, however relevant Master Plan policies and strategies are listed below.

## BACKGROUND

**Application Type:** Departure from Design Standards

**Planning Area:** 60

**Community:** Northwestern Area

**Location:** Approximately 1,150 feet to the west of the intersection of Greencastle Road and Old Gunpowder Road

**Size:** 2.75 Acres

**Existing Uses:** Single-family detached dwelling

**Future Land Use:** Low Density Residential

**Proposal:** Construction of fencing, improvements to gravel driveway/parking area, and interior renovation of existing structures to support use as a dog kennel

**Existing Zoning:** RR (Residential, Rural)

**Prior Zoning:** R-R (Rural Residential)

**Zoning Ordinance or Subdivision Regulations:** Prior Zoning Ordinance

## **GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** The 2014 *Plan Prince Georges 2035 Approved General Plan (Plan 2035)* places this application in the Established Communities Growth Policy Area. “Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for “context-sensitive infill and low-to-medium-density development” Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met” (p. 20)

**Master Plan:** The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* recommends Low Density Residential land use on the subject property. The proposed use conforms with the recommended land use.

In addition, the master plan recommends the following policies to help advance the intent and purpose of the plan.

### **Development Pattern**

#### **Policy 1:**

“Preserve and enhance the suburban neighborhood character.” (p. 13)

*Analysis: The properties designation as a home-business does uphold the suburban neighborhood character of this area. However, the proposed departure from design standards fails to align this property with the character of its environs. The neighboring properties of the applicant have dust free parking surfaces, and paved driveways.*

### **Economic Development, Urban Design and Historic Preservation**

#### **Policy 2:**

“Preserve and expand the residential character and housing options.” (p. 79)

*Analysis: As a dog kennel is allowed by-right in the R-R zone, the decision to have the kennel use in tandem with the residential use does not adversely impact the residential character of the community.*

#### **Strategy**

“Maintain a competitive local business framework by encouraging aesthetic property

enhancements and building upgrades, as well as enforcing property upkeep and compatibility with the existing building code.” (p. 80)

*Analysis: Adherence to the Design Standards serves in the advancement of this strategy by bolstering the attractiveness of the site and improving safety and ease of access. The connection of the parking lot to the street by means of a driveway, and surfacing of parking lots to be dust free is a design standard pursuant to Sec. 27-554 and Sec. 27-563 of the Prior Zoning Ordinances. The Master Plan directs applicants to adhere to the relevant building code, in this instance, that is the applicable Design Standards in the Prior Zoning Ordinance. The Community Planning Division recommends conformance to the Master Plan through the provision of driveway connection to the street and dust free surfacing of the parking lot.*

**Aviation/MIOZ:** This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone

**SMA/Zoning:** The 2010 *Approved Subregion 1 Sectional Map* Amendment retained the subject property in the R-R zone.

cc: Long-Range Agenda Notebook

May 1, 2024

**MEMORANDUM**

TO: Natalia GomezRojas, Zoning Review

FROM: Kelsey Shaffer, Permit Review Section, Development Review Division *KLS*

SUBJECT: Referral Comments for DDS-23002 & AC-23013 – One Leg Up Pets

1. The total square footage of the kennel area shall be added to the parking schedule to show how the parking requirement was calculated.
2. The length of the handicap parking space provided must be dimensioned at 19' and shall be demonstrated on the site plan.
3. The height of all structures shall be demonstrated on the site plan.
4. The required and provided lot coverage shall be demonstrated on the site plan.
5. All structures on the property shall be labeled as to what their proposed use is (dwelling, kennel, etc.).
6. Per Section 27-442(i), the kennel and all dog run areas must be setback 25' from the side and rear lot lines, and 50' from any dwelling on an adjoining lot. This shall be demonstrated on the site plan.
7. The site plan submitted shows an 8' fence along both sides and the rear of the property, right on the property line. Per Section 27-420, fences more than 6' in height shall not be located in any required yard and shall meet the setback requirements for main buildings. This shall be demonstrated on the site plan.



May 28, 2024

**MEMORANDUM**

**TO:** Natalia Gomez Rojaz, Planner II, Zoning Section  
**VIA:** Mridula Gupta, Planner IV, Subdivision Section *MG*  
**FROM:** Mahsa Vatandoost, Planner II, Subdivision Section *MV*  
**SUBJECT:** DDS-23002; One Leg Up Pets

This departure from design standards (DDS-23002) application has been filed on a property which is located on Tax Map 8 in Grids E-2 and E-3. The subject property consists of a 2.75-acre acreage parcel known as Parcel 50 which is recorded in the Prince George's County Land Records by deed in Book 48409 page 427. The property is located within the Residential, Rural (RR) Zone. However, this application is being reviewed pursuant to the prior Zoning Ordinance and Subdivision Regulations. Therefore, the property is reviewed pursuant to the prior Rural Residential (R-R) zoning of the property, and prior Subdivision Regulations. This application was accepted for review on April 1, 2024, and comments were provided at the SDRC meeting on April 26, 2024. This referral is based on revised plans received on May 23, 2024.

The property is currently improved with a 1,850-square-foot single-family detached dwelling and 550-square-foot accessory garage. The applicant proposes to make site improvements to the property to facilitate commercial use, specifically, a dog care business.

There are no prior preliminary plans of subdivision (PPS) or final plats of subdivision approved for the subject property. The property has remained in the same configuration and acreage since January 1, 1982, and no additional development is proposed with this application. However, the proposed use of the accessory garage is proposed to change from residential use to commercial use. Therefore and even though the GFA of the structure is not changing, the GFA of this structure is considered a new development. The existing development, with no proposed increase in gross floor area (GFA), but a use change to an accessory garage is exempt from filing a PPS and final plat per Section 24-107(c)(7)(C) of the prior Subdivision Regulations. The existing dwelling unit was in place prior to January 1, 1990, and the proposed change of use to the garage will result in development that is less than 5,000 square feet of GFA in addition to development in existence prior to January 1, 1990.

**Additional Comments:**

1. Any future development on the subject property may require approval of a preliminary plan of subdivision and final plat, prior to approval of building permits.



**Recommended Conditions:**

None.

The referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the plans and must be consistent with the legal description of the property. There are no other subdivision issues at this time.




5/28/2024

**MEMORANDUM**

TO: Natalia Gomez, Zoning Review Section, Development Review Division

FROM: Leah Daniels, Transportation Planning Section, Countywide Planning Division  
*Leah Daniels*

VIA:  Noelle Smith, AICP, Transportation Planning Section, Countywide Planning Division

**SUBJECT: DDS-23002 & AC-23013 - ONE LEG UP PETS**

**Proposal**

The subject application seeks four Departures from Design Standards (DDS-22005) to facilitate the development of a kennel use at the subject property. The applicant is proposing to modify an existing garage to operate as a dog day care and occasional boarding service as well as serve as the principal residential use of the business owner. The site requires the applicant to widen the existing driveway from 11-feet to 22-feet in width and provide two additional parking spaces onsite.

**Prior Conditions of Approval**

There are no prior approvals applicable to the subject site.

**Master Plan Compliance**

**Master Plan Right of Way**

This site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*. The subject site has a frontage along Greencastle Road (C-110) which is a master planned collector roadway with an 80-foot right-of-way (ROW).

**Comment:** Staff recommend the applicant revise the submitted site plan to include the designated ROW, and delineate 40-feet from centerline.

**Master Plan Pedestrian and Bike Facilities**

The MPOT recommends a side path along the property's frontage on Greencastle Road. Due to the nature of this application, staff does not recommend the installation of the facility.

**Transportation Planning Review**

**Zoning Ordinance Compliance**

**Departure from Design Standards**

Section 27-239.01(7)(A)(i-iv) lists the required findings to grant a departure from design standards required.

**(7) Required findings**

**A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

**Comment:** The applicant proposes that the subject property's development into a dog kennel will retain the character of the community without adversely impacting the site's environmental features. This application requests relief from surfacing, marking, and street connection which will allow the applicant to adequately conform to Zoning Ordinance regulation while minimally impacting on-site wooded areas. This is supported because dogs will be transported via vans to minimize the amount of traffic on site. Staff find the applicants proposed departure from driveway width, surfacing material, and markings adequate and serve the site effectively without detrimental impact to adjacent properties.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

**Comment:** The applicant has proposed to retain the existing gravel driveway and provide new gravel where appropriate. The application also proposes the driveway to be widened to 22 feet for a distance of 36 feet, providing designated areas to accommodate vehicles entering and exiting the site. Additionally, the application states that the driveway will only be used by employees of the dog kennel. Staff find that the proposed upgrades to the existing driveway still maintain efficient circulation and parking.

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

**Comment:** Staff agrees with the applicant's assertion that "the departure is necessary to alleviate circumstances unique to the site." The layout of the existing structures on site combined with the proposed use necessitates a departure from parking and surfacing requirements. Staff concur that the minimal traffic to the property will reduce the dispersion of dust. Requiring the applicant to resurface the driveway with an impervious material may present adverse environmental impacts.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

**Comment:** Staff concurs with the applicant's statement of justification (SOJ) regarding that the departure will allow for the applicant to improve the existing gravel driveway and parking area without clearing additional trees onsite. To permit the applicants request to maintain some of the wooded area retains the environmental quality of the site and acts as a buffer, which in turn maintains the visual integrity of the surrounding neighborhood.

### **Conclusion**

Based on the standards listed in Section 27-239 and the required findings, staff is in support of this application and is recommending approval of the Departure from Design Standards DDS-23002 if the following condition is met:

1. Prior to approval, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate the 80-foot ultimate right-of-way, (40- feet from the centerline) along Greencastle Road, including dedication, if necessary.



**DATE:** June 11, 2024

**TO:** Lakisha Hull, AICP, LEED AP BD+C, Planning Director

**VIA:** Jill Kosack, Chair, Alternative Compliance Committee

**FROM:** Christian Meoli, Alternative Compliance Committee Member

**PROJECT NAME:** One Leg Up Pets

**PROJECT NUMBER:** Alternative Compliance AC-23013

**COMPANION CASE:** DDS-23002

**ALTERNATIVE COMPLIANCE**

**Recommendation:**              X      Approval                      Denial

**Justification:** SEE ATTACHED

Christian Meoli

*Christian Meoli*

\_\_\_\_\_  
Reviewer's Signature

**PLANNING DIRECTOR'S REVIEW**

          Final Decision                      Approval                      Denial

  X      Recommendation                      Approval                      Denial

  X              To Planning Board

                  To Zoning Hearing Examiner

Planning Director's Signature

  
Lakisha Hull (Jun 12, 2024 14:49 EDT)

06/12/2024

\_\_\_\_\_  
Date

**APPEAL OF PLANNING DIRECTOR'S DECISION**

**Appeal Filed:**

**Planning Board Hearing Date:**

**Planning Board Decision:**              Approval                      Denial

**Resolution Number:**

Alternative Compliance: AC-23013  
Name of Project: One Leg Up Pets  
Companion Case: DDS-23002  
Date: June 11, 2024

Alternative compliance is requested from Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

**Location**

The subject 2.75-acre property is located at 4717 Greencastle Road in Laurel, approximately 400 feet west of the intersection of Greencastle Road and Birkhall Drive. The property is bounded to the north by Greencastle Road and surrounded by single-family detached residential uses. The site is improved with an existing single-family detached dwelling, shed, and driveway. The property and surrounding properties are zoned Residential, Rural (RR); however, the companion Departure from Design Standards, DDS-23002, and alternative compliance request are submitted under the requirements of the prior Zoning Ordinance.

The site is located within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the 2014 *Plan Prince George's 2035 Approved General Plan*, as found in Prince George's County Planning Board Resolution No. 14-10 (see Prince George's County Council Resolution CR-26-2014, Revision No. 31).

**Background**

DDS-23002 proposes a kennel use on a 28,250-square-foot portion of the property and seeks a DDS to retain an existing gravel driveway, which does not meet requirements for width. The existing single-family detached dwelling is proposed to remain as a personal residence.

The applicant requests alternative compliance from Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual as follows:

**Section 4.7. Buffering Incompatible Uses**

**REQUIRED: Section 4.7. Buffering Incompatible Uses, along the western property line**

Length of bufferyard	684 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	92 percent
Fence or wall	N/A
Plant units (80 per 100 linear feet)*	44**

**Notes:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the proposed 6-foot-high, board-on-board fence.

\*\*The requirement is 547 plant units; however, per Section 4.7(c)(4)(D) of the Landscape Manual, this requirement may be reduced in proportion to the percentage of the landscape yard occupied by existing trees.



**PROVIDED: Section 4.7. Buffering Incompatible Uses, along the western property line**

Length of bufferyard	684 linear feet
Minimum building setback	50 feet (534 linear feet) 35 feet (50 linear feet)
Minimum landscape yard	40 feet (534 linear feet) 25 feet (50 linear feet)
Existing trees	92 percent
Fence or wall	Yes
Plant units	53

**REQUIRED: Section 4.7. Buffering Incompatible Uses, along the eastern property line**

Length of bufferyard	646 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	98 percent
Fence or wall	N/A
Plant units (80 per 100 linear feet)*	10

**Notes:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the proposed 6-foot-high, board-on-board fence.

\*\*The requirement is 517 plant units; however, per Section 4.7(c)(4)(D) of the Landscape Manual, this requirement may be reduced in proportion to the percentage of the landscape yard occupied by existing trees.

**PROVIDED: Section 4.7. Buffering Incompatible Uses, along the eastern property line**

Length of bufferyard	646 linear feet
Minimum building setback	50 feet (596 linear feet) 35 feet (50 linear feet)
Minimum landscape yard*	40 feet (596 linear feet) 25 feet (50 liner feet)
Existing trees	98 percent
Fence or wall	Yes
Plant units	26

**Note:** \*An existing 11-foot-wide driveway is located within the landscape buffer and is proposed to remain.

**Justification of Recommendation**

The applicant requests alternative compliance from the requirements of Section 4.7, Buffering Incompatible Uses, for the western and the eastern property lines. A Type D bufferyard is required for a kennel use adjoining single-family detached dwellings, which requires a minimum building

setback of 50 feet, a minimum landscape yard width of 40 feet, and 160 plant units per 100 linear feet of property line. Section 4.7(c)(4)(E) of the Landscape Manual allows properties within the prior Developing Tier to reduce the plant unit requirement by up to 50 percent, if a 6-foot-high opaque fence or wall is installed within the bufferyard.

For the western property line, a reduction in the landscape yard and building setback by 15 feet is proposed for 50 linear feet (7.3 percent of the total length) due to the existing single-family home. The bufferyard currently contains 92 percent existing, mature trees. The applicant will install a 6-foot-high fence along the property boundary to provide enhanced screening. The landscape plans shall be revised to depict this fence. In addition, the applicant has proposed additional plantings adjacent to the southern dog run area, focusing plantings in areas of highest impact from the proposed kennel use. The Alternative Compliance Committee recommends that additional evergreen shrub plantings be provided within the landscape buffer proximate to the western edge of the southern dog run. In addition, evergreen shrubs should be added on the western side of the northern dog run proximate to the neighboring single-family detached homes. All plantings shall be field located to avoid impacts to existing trees; however, the intent is to provide a relatively solid row of evergreen shrubs in these areas.

For the eastern property line, a reduction in the landscape yard and building setback by 15 feet is proposed for 50 linear feet (7.7 percent) due to the existing shed, which is proposed to be converted to a dog boarding structure. The bufferyard currently contains 98 percent existing, mature trees. As part of the alternative compliance request, the applicant is proposing to retain an existing 11-foot-wide gravel driveway within the buffer yard. The Alternative Compliance Committee finds that the retention of the existing driveway will result in the preservation of existing trees, which provide quality buffering.

The applicant will install a 6-foot-high fence along the eastern property boundary, excluding the portion of existing bamboo, to provide enhanced screening. However, the Section 4.7 schedule identifies the requirement based on a 50 percent reduction in planting requirement due to the installation of a 6-foot-high fence along the entirety of the property line. The landscape plans shall be revised to depict the extent of proposed fencing, and revise the schedule to comply with the updated Section 4.7 requirement. In addition, the applicant has proposed additional plantings adjacent to the southern dog run area, to focus plantings in areas of highest impact from the proposed kennel use. The Alternative Compliance Committee recommends that additional evergreen shrub plantings be provided within the landscape buffer proximate to the eastern edge of the southern dog run. In addition, evergreen shrubs should be added on the eastern side of the northern dog run proximate to the neighboring single-family detached homes. In addition, a label and detail for the sound-proofing materials in the dog boarding structure shall be provided. Additional evergreen shrubs should be provided behind the dog boarding structure. All plantings shall be field located to avoid impacts to existing trees; however, the intent is to provide a relatively solid row of evergreen shrubs in these areas.

The Alternative Compliance Committee finds that, given the provision of the fence and strategic planting units recommended by the Committee, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.7 of the Landscape Manual.

#### **Section 4.9. Sustainable Landscaping Requirements**

Section 4.9(c)(4) requires that existing vegetation, in fulfillment of Landscape Manual requirements, shall not contain invasives species. The applicant requests alternative compliance

from this requirement to retain an existing section of bamboo in the middle eastern portion of the property, in fulfillment of Section 4.7 requirements.

### **Justification of Recommendation**

The retention of the existing bamboo grove, in fulfillment of Section 4.7 requirements, will, where it is located, provide a dense screen of the proposed kennel use from the adjacent single-family detached dwelling. In addition, the bamboo spreads onto the adjacent property, so even if it is removed on this property, it may just come back. Therefore, the Alternative Compliance Committee finds retaining the existing bamboo acceptable but recommends installing bamboo root barriers on the property to ensure it does not spread further. The landscape plans shall be revised to provide a label and detail for the root barrier.

The Alternative Compliance Committee finds that, given the provision of the bamboo root barrier recommended by the Committee, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.9 of the Landscape Manual.

### **Recommendation**

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance AC-23013, from the 2010 *Prince George's County Landscape Manual*, for Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements, subject to the following conditions:

1. Prior to certification, the landscape plans shall be revised as follows:
  - a. Depict a 6-foot-high fence around the entirety of the property, but excluding the bamboo area, and revise the Section 4.7 schedule accordingly.
  - b. Add a continuous row of evergreen shrubs immediately adjacent to the dog boarding structure, with appropriate separation distance from existing plant materials.
  - c. Add evergreen shrubs on either side of the northern dog run proximate to the neighboring single-family detached homes. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - d. Add a row of evergreen shrubs on either side of the southern dog run. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - e. Provide the location, label, and detail for a root barrier to prevent the bamboo from spreading.
  - f. Provide a label and detail for the soundproofing materials to be used in the dog boarding structure.

# **Additional Back-up**

**For**

**DDS-23002  
One Leg Up Pets**

PGCPB Agenda: 6/27/2014  
 PGCPB Item #: 10  
 Application: One Leg Up Pets, DDS-23002 & AC-23013  
 Reviewer Name: Natalia Gomez-Rojas

**APPLICANT’S EXHIBIT A**  
**PROPOSED REVISIONS TO STAFF REPORT**

The Applicant proposes all new language **bold underlined in blue** and all deleted language *~~italicized stricken through in red~~*. In addition to the language proposed and deleted below, the Applicant is formally withdrawing its departure request from Sec. 27-566 of the prior Zoning Ordinance for Parking Facilities for the Physically Handicapped.

**FINDINGS**

\* \* \* \* \*

**2. Development Data Summary:** The following chart summarizes the development for the overall property, which will remain unchanged by this application.

Total area ~~destined~~ **designated** to kennel

\* \* \* \* \*

**6. Prince George’s County Zoning Ordinance:** The subject application requests the departure from ~~four~~ **three** design standards listed in Sections 27-554, 27-561, **and** 27-563 ~~and 27-566~~, respectively.

\* \* \* \* \*

~~**d. Departure from Section 27-566: Parking Facilities for the Physically Handicapped.**~~

~~**(a) Applicability.**~~

~~**(1) The requirements of this Section shall apply to all parking lots (except those provided for, and on the same lot with, one-family detached and semi-detached dwellings, and two-family detached dwellings).**~~

~~**(b) Required number of spaces.**~~

~~**(1) The following number of parking spaces shall be reserved for the physically handicapped:**~~

<del><b>Total Required Parking Spaces In Lot</b></del>	<del><b>Up to 25</b></del>
<del><b>Required Minimum Number</b></del>	<del><b>1</b></del>

~~**The applicant requests relief from the requirement of one ADA parking space, stating that as a dog kennel business with less than 15 employees, the applicant is exempt from**~~

~~Titles I and III of the 1990 ADA, and is currently coordinating with applicable County and state operating agencies to obtain an exception from ADA parking requirement, in accordance with Section 27-239.01(c)(1) of the prior Zoning Ordinance, which states:~~

~~**“A Departure from the Design Standards for parking facilities for the physically handicapped shall not be granted unless an exemption from the requirements for the handicapped in the applicable building codes has been obtained from the State and County agencies responsible for administering those codes.”**~~

#### **Required Findings**

~~The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:~~

~~**A. In order for the Planning Board to grant the departure, it shall make the following findings:**~~

~~**(i) The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**~~

~~The purposes of the prior Zoning Ordinance are equally served with the four parking spaces proposed by the applicant given the small business operation system and its exemption from Titles I and III of the 1990 ADA.~~

~~However, staff believe that the purposes of the prior Zoning Ordinance will be better served if the ADA space is provided, as the submitted plans indicate there is sufficient space to accommodate it within the proposed parking area, unless the exception mentioned in Section 27-239.01(c)(1) is granted.~~

~~**(ii) The departure is the minimum necessary, given the specific circumstances of the request.**~~

~~The applicant cites that due to the small business model and due to the minimal traffic and routine parking patterns, the departure is the minimum necessary since an ADA parking is required for larger business and open to the public that would generate more public traffic and parking demand than the proposed kennel.~~

~~Staff find that given the reasons above, the departure request is reasonable. However, it does not represent a specific circumstance applicable, and ADA parking shall be provided unless the exception mentioned in Section 27-239.01(c)(1) is granted.~~



~~(iii) — The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;~~

~~The applicant cites specific site conditions including its rural character, wooded characteristics and the already improved gravel driveway and parking area as unique circumstances.~~

~~Similarly, staff find that the mentioned circumstances are not applicable to the requested departure, and ADA parking shall be provided unless the exception mentioned in Section 27-239.01(c)(1) is granted.~~

~~(iv) — The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.~~

~~The proposed parking area is not visible from adjacent properties due to the existing environmental features of the site; therefore, the absence of one reserved parking space would have no effect whatsoever on the visual, functional, or environmental quality of the surrounding neighborhood.~~

~~Staff find that the proposed parking area, including an ADA parking space, is adequately screened from the surrounding neighborhood as shown in the submitted plans.~~

~~Accordingly, staff does not support the departure requested from Section 27-566, unless an exception from the requirements for the handicapped in the applicable building codes has been obtained from the state and County agencies responsible for administering those codes, is granted. Consequently, a condition is included herein requiring the applicant to demonstrate compliance with Section 27-239.01(c)(1) in order to receive relief from the design standard reviewed here.~~

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning staff recommend that the Planning Board adopt the findings of this report and APPROVE Departure from Design Standards DDS-23002, and Alternative Compliance AC-23013, for One Leg Up Pets, subject to the following conditions:

1. Prior to certification, the departure site plan shall be revised, as follows:
  - a. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate the 80-foot ultimate right-of-way (40 feet from the centerline) along Greencastle Road, including dedication, if necessary.
  - b. Include the height of all existing structures.
  - c. Include the required and provided lot coverage.
2. Prior to certification, the landscape plan shall be revised, as follows:
  - a. Depict a 6-foot-high fence around the entirety of the property, but excluding the bamboo area, and revise the Section 4.7 schedule of the 2010 *Prince George's County Landscape Manual* accordingly.
  - b. Add a continuous row of evergreen shrubs immediately adjacent to the dog boarding structure, with appropriate separation distance from existing plant materials.
  - c. Add evergreen shrubs on either side of the northern dog run, proximate to the neighboring single-family detached homes. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - d. Add a row of evergreen shrubs on either side of the southern dog run. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - e. Provide the approximate location, label, and detail for a root barrier, which will generally begin at the southeast terminus of the gravel driveway, extend southeast, and terminate at the eastern property line adjacent to the dog boarding structure, to help prevent the existing bamboo at this location from spreading on site. The root barrier shall be provided at this location unless the operating agency determines that installation would result in (1) disturbance of on-site woodland or (2) cumulative woodland clearing that exceeds 5,000 square feet and thus invalidates approved Woodland Conservation Ordinance Exemption E-006-2024 or triggers stormwater management concept plan requirements.
  - f. Provide a label and detail for the soundproofing materials to be used in the dog boarding structure.

~~3—Prior to permitting, the applicant must demonstrate compliance with Section 27-239.01(c)(1) of the prior Prince George's County Zoning Ordinance, by providing an exemption from the handicapped requirements in the applicable building codes obtained from the state and County agencies responsible for administering those codes. If such an exemption is not provided, the handicap space must be constructed.~~

**PGCPB Agenda:** 6/27/2014  
**PGCPB Item #:** 10  
**Application:** One Leg Up Pets, DDS-23002 & AC-23013  
**Reviewer Name:** Natalia Gomez-Rojas

**APPLICANT'S EXHIBIT B**  
**NOISE IMPACT ANALYSIS**



Phoenix Noise & Vibration, LLC  
5216 Chairmans Court, Suite 107  
Frederick, Maryland 21703  
301.846.4227 (phone)  
301.846.4355 (fax)  
www.phoenixnv.com

Revised: 25 June 2024  
Original Date: 20 February 2024

Kristin Leone  
One Leg Up Pets LLC  
4717 Greencastle Road  
Laurel, Maryland 20707

Reference: One Leg Up Kennel  
Noise Impact Analysis  
Project No. OLU2301

Dear Ms. Leone:

Phoenix Noise & Vibration has conducted an evaluation of future noise impact generated by dogs at the proposed dog kennel, One Leg Up, at 4717 Greencastle Road in Prince George's County, Maryland. This evaluation included computerized noise modeling of the site and surrounding properties and barrier design necessary to mitigate dog noise to comply with Prince George's County noise control ordinance.

Results of this analysis determined that noise generated by dogs at One Leg Up will comply with the Prince George's County residential maximum daytime allowable noise level of 60 dBA at neighboring residential property lines with additional mitigation. Dogs will not be permitted outside the facility during nighttime hours; therefore, the nighttime noise limit does not apply.

Two noise mitigation options are presented in this report. An 8-foot-tall noise barrier around each of the two dog run areas or an 8-foot-tall noise barrier along the north, east, and west property lines can maintain noise levels at surrounding residential property lines from dogs at One Leg Up below 60 dBA in accordance with Prince George's County noise control ordinance.

The applicant has decided to construct an 8-foot-tall noise barrier around each of the two dog run areas to mitigate noise from the dog run areas upon neighboring residential properties. A 6-foot-tall, wooden, "sight tight" privacy fence will also be constructed on the east and west property lines of the site.

Additionally, the existing shed on the property will be converted to a dog boarding area. Modifications to the exterior wall construction of this structure to mitigate dog noise from inside the boarding area are presented within this letter.

## 1 PRINCE GEORGE’S COUNTY NOISE CONTROL ORDINANCE

Noise generated by the kennel will be evaluated according to Division 2, *Noise Control*, of Subtitle 19 of Prince George’s County Code of Ordinances. Section 19-122a states the maximum allowable noise levels for receiving land use categories:

**Table 1: Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories.**

Day/Night	Industrial	Commercial	Residential
Day (7:00 a.m. to 10:00 p.m.)	75	67	65
Night (10:00 p.m. to 7:00 a.m.)	75	62	55

Section 19-122a also states:

*A person must not cause or permit the emission of a prominent discrete tone or impulsive noise that exceeds a level, at the location on a receiving property where noise from the source is greatest, that is 5 dBA lower than the level set in paragraph (1) for the applicable noise area and time.*

Therefore, noise levels from dogs at One Leg Up must not exceed 60 dBA during daytime hours (7:00 a.m. to 10:00 p.m.) at surrounding residential properties. Because the dogs will remain indoors during nighttime hours (10:00 p.m. to 7:00 a.m.), 60 dBA was the maximum limit used at surrounding residential properties for this analysis.

## 2 SITE CONDITIONS

One Leg Up is located directly south of Greencastle Road and approximately 150 feet north of Route 200 (see Figure 1). The property is adjacent to multiple residential properties; however, the land between Route 200 and One Leg Up is unoccupied. A 6-foot-tall, wooden, “sight tight” privacy fence is proposed on the east and west property lines of the site. Two dog run areas, one to the north and one to the south, are also proposed for the property.



Figure 1: One Leg Up and surroundings (4717 Greencastle Road shown in red, dog run areas shown in blue). Aerial image from Google Earth, dated October 2020.



### 3 NOISE MEASUREMENTS

Noise measurement data used in this analysis was collected during a 2022 survey of a dog kennel in Montgomery County, Maryland. On March 10<sup>th</sup>, 2022, Phoenix Noise & Vibration conducted an on-site survey that included observations and noise measurements of barking dogs. Measurements were made using two Norsonic Type 140 Precision Integrating Sound Level Meters. The meters were calibrated prior to the survey traceable to National Institute of Standards and Technology (NIST). The meters meet the ANSI S1.4 standard for Type 1 sound level meters. Measurements were recorded over one-second intervals using a slow time constant.

The noise measurements made during this survey were taken at different distances from the three dogs that were present at the facility at the time. Noise measurements were taken of a barking pit bull, schnauzer, and approximately 40-pound mixed breed.

Table 2 presents the A-weighted maximum noise level measured while each of the three dogs were barking individually. The presented values are the maximum level that occurred over a measurement duration of at least 30 seconds and the distance from the dog at which each measurement was taken.

**Table 2: Maximum measured noise levels of dogs.**

Dog Breed	Distance (feet)	Maximum Noise Level (dBA)
Pit Bull	25	83
Mixed Breed (40 lbs.)	8	93
Schnauzer	10	77

### 4 COMPUTER MODELING

One Leg Up and the surrounding residential properties were modeled using CadnaA, a three-dimensional noise software program capable of determining noise level impact from multiple noise sources across vertical and horizontal surfaces while accounting for complex factors such as topography, surface reflections, and significant structures.

A model was developed to simulate the facility and its surroundings, as well as barking dogs in the future dog run areas at the facility and their noise impact upon the surrounding residential properties.

#### 4.1 Noise Model Limitations

There are a multitude of noise output scenarios possible with a facility like One Leg Up that will house many dogs at a time and many types of dogs, especially when attempting to account for detailed factors like how many dogs will be barking at once (whatever the occupancy), the various dog breeds, the type of bark (playful vs. aggressive), etc. Evaluating every scenario possible that could result from each of these factors is nearly impossible; therefore, certain assumptions must be made for the purpose of simplification and discussion on the potential noise impact from the facility.



## 4.2 Mitigation Design

### 4.2.1 Dog Run Areas

The modeled noise output from the dogs was calibrated using the on-site noise measurements. Please note that the dog noise sources used in the model were limited to the three dogs present at the kennel during the site visit (see Table 2) and that different dogs may produce slightly different noise levels (either higher or lower).

Since noise is expected to exceed 60 dBA as measured at the adjacent residential properties without mitigation, noise mitigation provided by barriers was analyzed with the CadnaA computer model. Barrier height was adjusted until the noise levels from dog barks at all the residential property lines bordering One Leg Up were below the Prince George's County residential maximum daytime allowable noise level of 60 dBA. Enclosed, Drawing 1 and Drawing 2 show the mitigation of dog-barking noise provided by these barriers.

Drawing 1 presents noise impact from dog barks with an 8-foot-tall noise barrier around each of the two dog run areas. Drawing 2 presents noise impact from dog barks with an 8-foot-tall noise barrier bordering Greencastle Road and along the east and west property lines. In Drawing 1, the noise barrier encloses the dog run areas, and in Drawing 2, the noise barrier replaces the proposed sight tight privacy fence. Both options can maintain noise levels at surrounding residential property lines at 60 dBA.

Please note that the light blue line in these drawings is the 60 dBA noise contour. On Drawings 1 and 2, the 60 dBA noise contour is contained within the east and west property lines of One Leg Up. While the 60 dBA noise contour falls slightly outside of the northern property line in Drawing 2, please note this is unavoidable due to the opening in the noise barrier for the driveway of One Leg Up and that the noise level is only slightly higher than 60 dBA in this location.

The noise barriers must be selected and/or constructed to function as a noise barrier and provide the noise reduction needed. If a wood fence style noise barrier is to be used, it must be constructed as shown in enclosed Detail S-002. If a vinyl fence style noise barrier is to be used, the recommended product is AIL Sound Walls.<sup>1</sup> Whichever style is chosen, the noise barriers must be built into the grade without gaps or openings along the bottom or between boards/vinyl panels.

### 4.2.2 Boarding Area

It is understood that the existing shed on the property will be converted to a dog boarding area. Comments from Prince George's County's Planning Department state that an effort should be made to modify the existing construction of the shed to mitigate dog noise from inside the boarding area.

Phoenix Noise & Vibration recommends that the existing exterior construction of the shed be modified to the following wall partition:

---

<sup>1</sup> <https://www.ailsoundwalls.com/products/>

- 1/2” minimum exterior sheathing (existing plywood).
- 2”x4” wood stud wall (existing wood studs).
- 3-1/2” fiberglass batt insulation.
- Resilient channel (Preferably ClarkDietrich RC Deluxe).
- 2 layers 5/8” type X gypsum board.

Please find a detail of this partition in the enclosed Detail WE-002C. The estimated Sound Transmission Rating (STC)<sup>2</sup> of this partition is 55 STC, which is a significant upgrade to the mitigation provided by the existing exterior plywood sheathing and wood studs.

---

<sup>2</sup> The Sound Transmission Classification (STC) rating is a single number value that quantifies the ability of a building partition to reduce airborne noise transmission from one side of the partition to the other. The higher the STC rating, the more noise the partition prevents from “passing through” to the other side. STC ratings apply to both wall partitions and floor/ceiling assemblies. STC ratings can only be reported for a given building partition if that partition was tested in a certified acoustical laboratory.

## 5 CONCLUSION

Noise generated by dogs to be boarded at One Leg Up will exceed the Prince George's County residential maximum daytime allowable noise level of 60 dBA at neighboring residential property lines without any additional noise mitigation. Noise barriers enclosing the dog run areas of the facility or in place of the proposed sight tight privacy fence are necessary to comply with the Prince George's County's noise control ordinance.

To limit noise levels to 60 dBA from dogs in the dog run areas, an 8-foot-tall barrier around each of the two dog run areas will be constructed by the applicant.

Modifications to the exterior wall construction of the existing shed, presented within this letter, will help to mitigate dog noise from inside the structure when it is converted to a dog boarding area.

Please contact me directly if you have any questions.

Sincerely,



Eamon Curley  
Engineer

Encl:

Section 6 – Noise Terminology

Drawing 1: Bark Noise Impact, 8 ft. Noise Barrier Around Dog Run Areas

Drawing 2: Bark Noise Impact, 8 ft. Noise Barrier at Privacy Fences & Along Greencastle Road

Detail S-002: Noise Barrier – Double Sided Wood Fence

Detail WE-002C: Exterior Wall With RC-1

## **6 NOISE TERMINOLOGY**

### **6.1 dB vs. dBA**

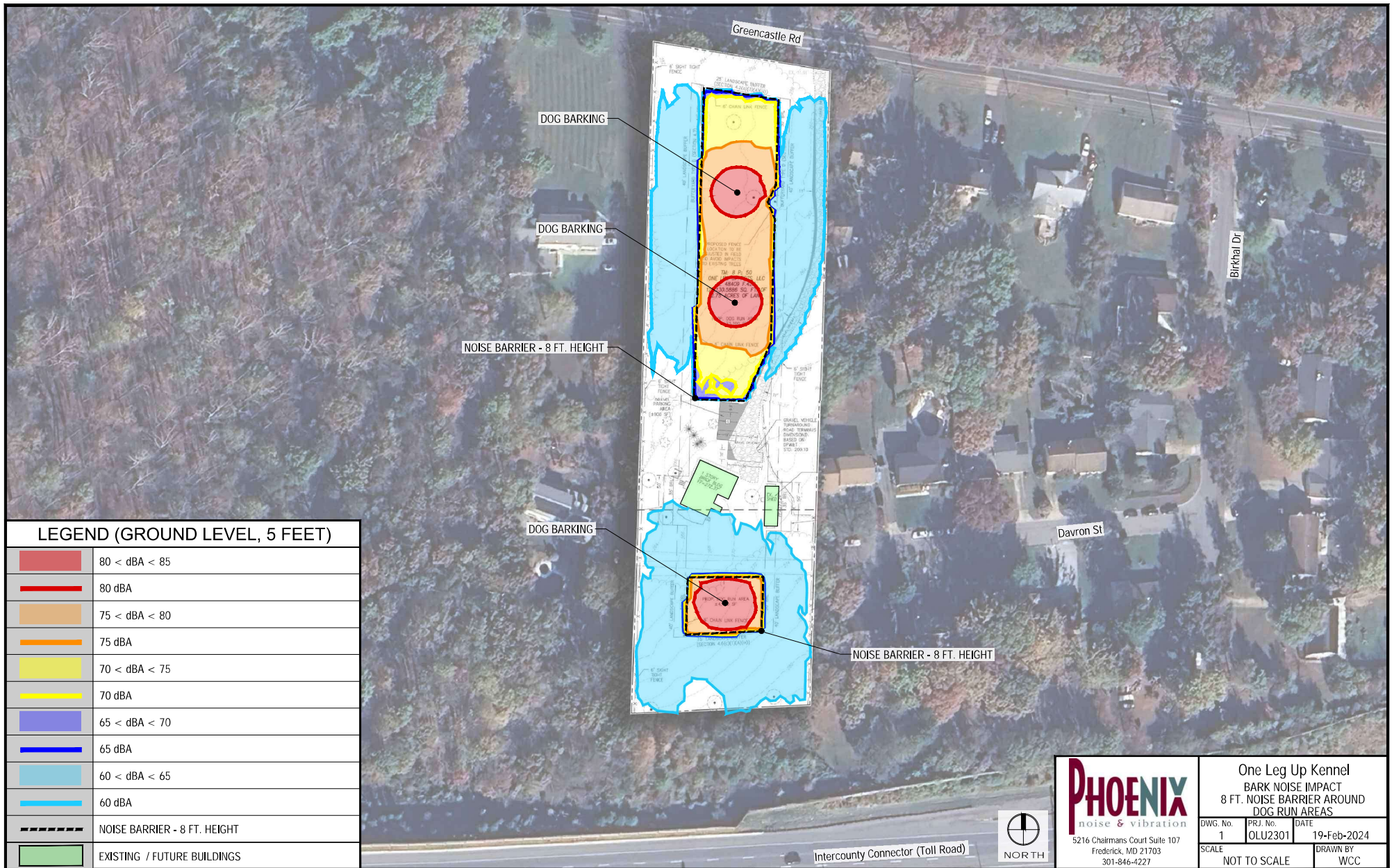
While the standard unit of measurement for sound is the decibel (dB), discussions of noise impacting the human ear use “dBA.” The “A” refers to a frequency weighting network used to simulate the human ear’s unequal sensitivity to different frequencies. The A-weighted noise level is therefore more representative of a human’s perception of a noise environment than the unweighted overall noise level in dB and is currently used in most all environmental noise studies.

### **6.2 Summing Noise Levels**

Noise levels from multiple sources do not add arithmetically, i.e., when two noise sources generate 60 dB individually, they do not produce 120 dB when combined. Noise levels are measured using a logarithmic scale; therefore, they must be summed logarithmically. In the decibel scale, two identical, non-coherent noise sources having the same noise level produce a 3 dB increase above the condition of one source alone (i.e. two 80 dB lawnmowers running at the same time generates 83 dB).

Similarly, two different noise sources with a difference of 10 dB in their individual levels results in no measurable increase in noise when they are combined. Put another way, the quieter noise source does not increase the overall noise generated by the louder source; i.e. adding an 80 dB lawnmower into a noise environment where a 90 dB lawnmower is already running does not increase the noise level above 90 dB.



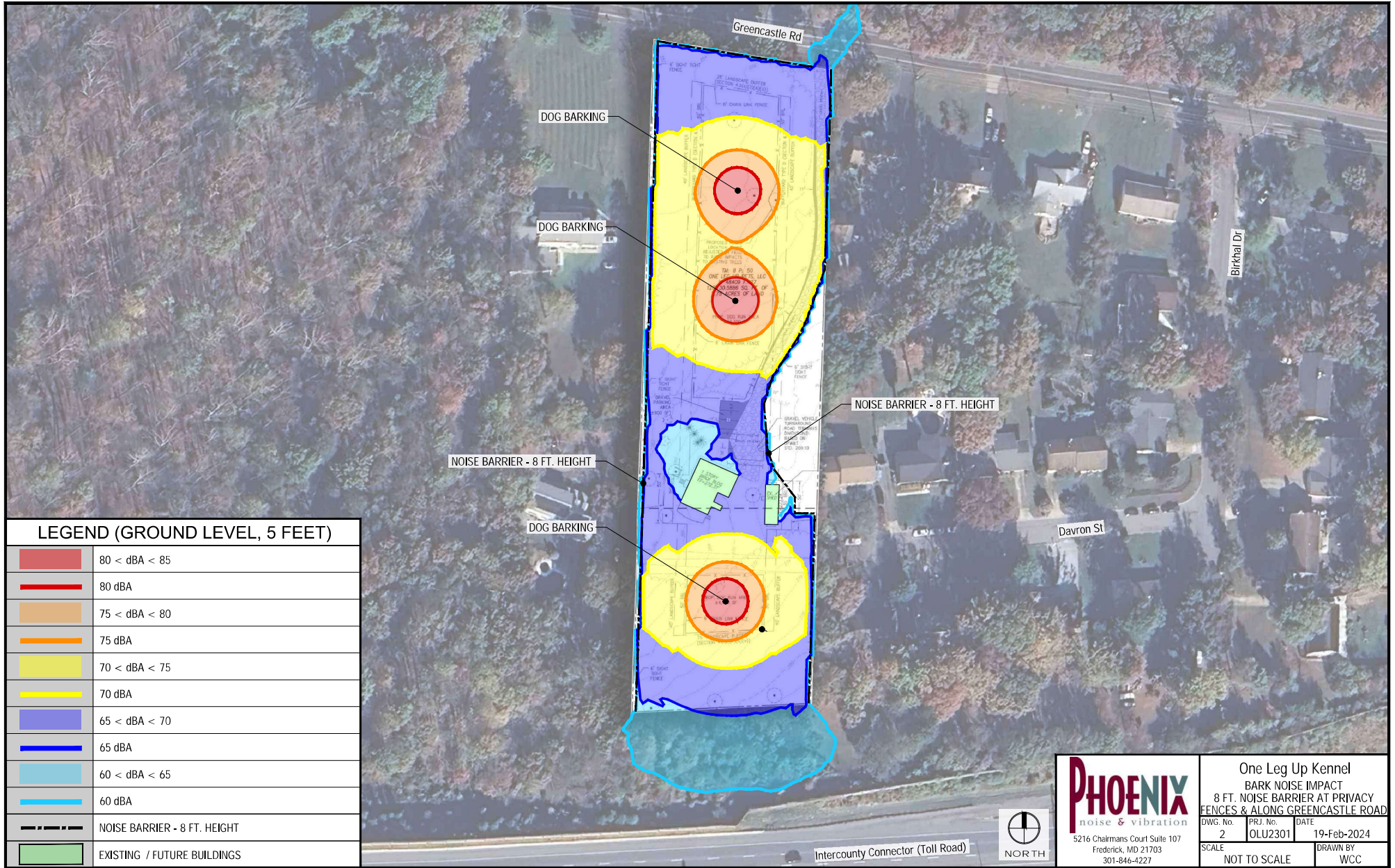


**LEGEND (GROUND LEVEL, 5 FEET)**

	80 < dBA < 85
	80 dBA
	75 < dBA < 80
	75 dBA
	70 < dBA < 75
	70 dBA
	65 < dBA < 70
	65 dBA
	60 < dBA < 65
	60 dBA
	NOISE BARRIER - 8 FT. HEIGHT
	EXISTING / FUTURE BUILDINGS

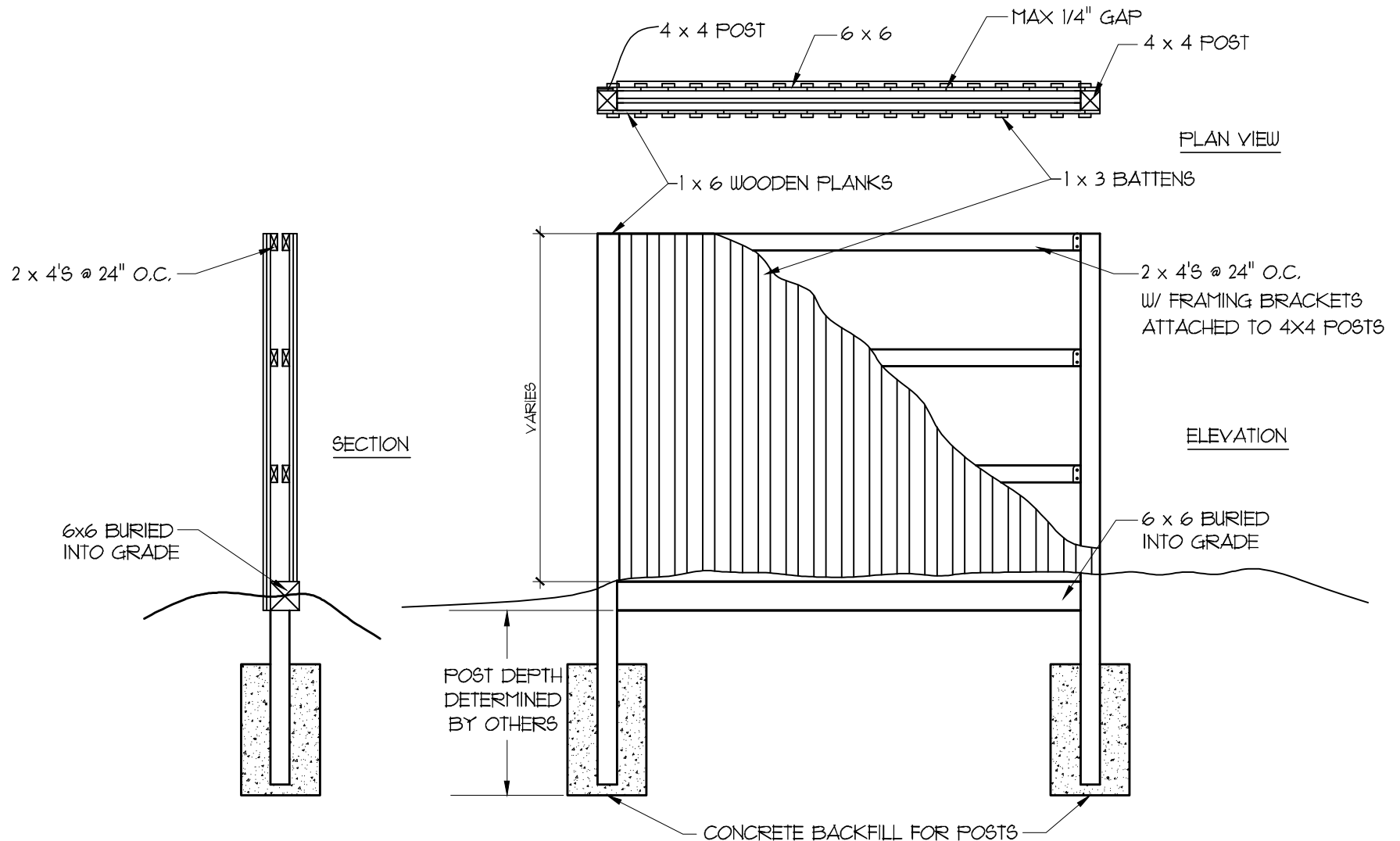
 5216 Chairmans Court Suite 107 Frederick, MD 21703 301-846-4227	<b>One Leg Up Kennel</b> BARK NOISE IMPACT 8 FT. NOISE BARRIER AROUND DOG RUN AREAS	
	DWG. No. 1	PRJ No. OLU2301
SCALE NOT TO SCALE		DRAWN BY WCC






 5216 Chairmans Court Suite 107 Frederick, MD 21703 301-846-4227	One Leg Up Kennel BARK NOISE IMPACT 8 FT. NOISE BARRIER AT PRIVACY FENCES & ALONG GREENCASTLE ROAD		
	DWG. No. 2	PRJ No. OLU2301	DATE 19-Feb-2024
	SCALE NOT TO SCALE		DRAWN BY WCC

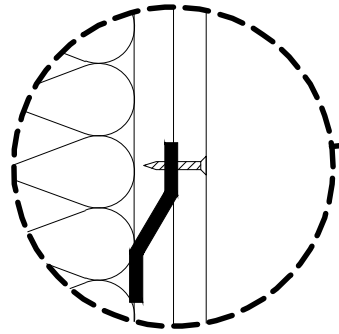




NOISE BARRIER - DOUBLE SIDED WOOD FENCE  
NOT TO SCALE

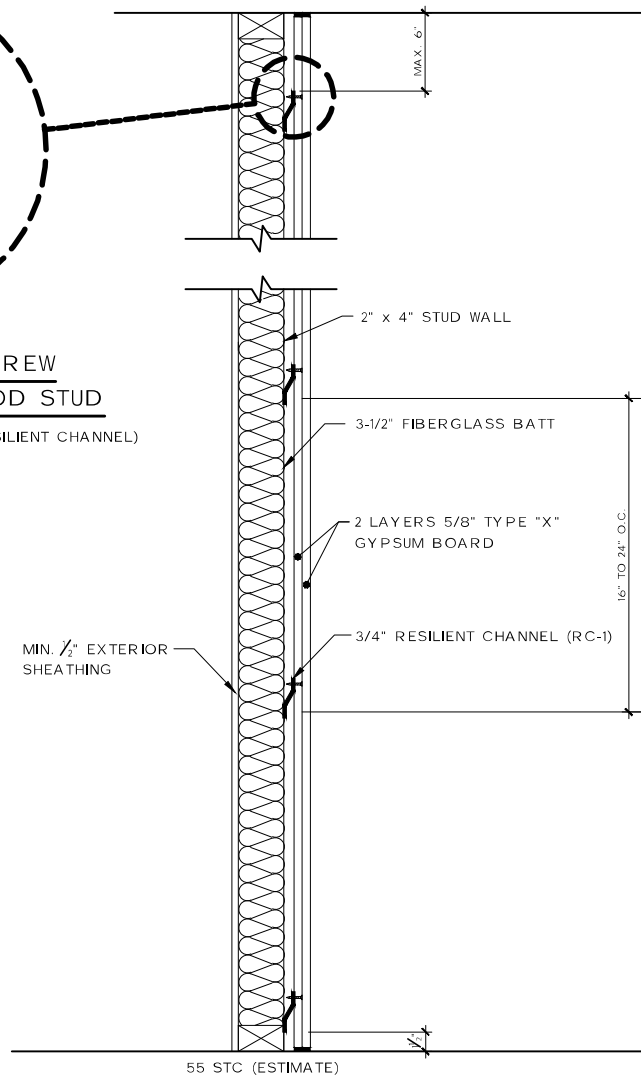
Copyright © 2022 Phoenix Noise & Vibration. All Rights Reserved.

 <p>5216 CHAIRMANS COURT, SUITE 107 FREDERICK, MARYLAND 21703-2881 P: 301.846.4227 F: 301.846.4355 www.phoenixnv.com</p>	<b>SITE</b>		SCALE: NOT SHOWN TO SCALE		
	NOISE BARRIER - DOUBLE SIDED WOOD FENCE		DWN BY:	CHK BY:	REV:
	FILE:		WCC		01
	xDTL-S002__1_2in_Noise_Barrier_Double.dwg		DATE:		ID #:
		140717		S-002	17 of 29



**RESILIENT CHANNEL SCREW  
MUST NOT PENETRATE WOOD STUD**

(APPLIES TO BOTH RC-1 & DOUBLE-LEGGED RESILIENT CHANNEL)

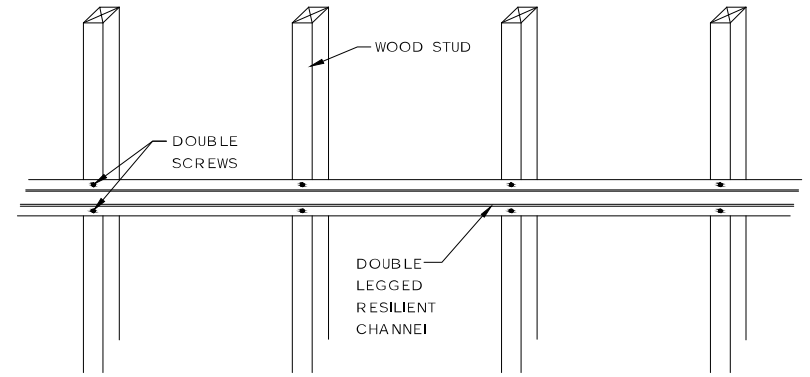


1

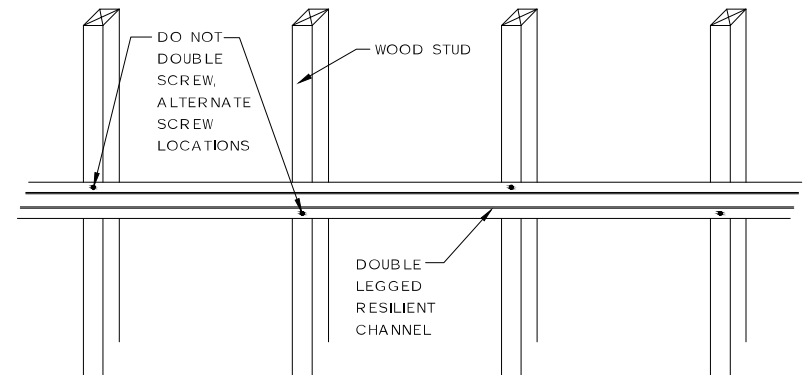
EXTERIOR WALL WITH RC-1

SCALE: 3/4" = 1'-0"

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INCORRECT INSTALLATION



CORRECT INSTALLATION

2

DOUBLE - LEGGED RC INSTALLATI

SCALE: 3/4" = 1'-0"

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5216 CHAIRMANS COURT, SUITE 107  
FREDERICK, MARYLAND 21703-2881

P: 301.846.4227  
F: 301.846.4355

[www.phoenixnv.com](http://www.phoenixnv.com)

## WALL / EXTERIOR

EXTERIOR WALL WITH RC-1  
2 x 4 - STC 55

FILE:

xDTL-WE002C\_3\_4in\_Wall\_Ext\_RC1\_2x4\_STC55.dwg

SCALE:

NOT SHOWN TO SCALE

DWN BY:

WCC

DATE:

240606

CHK BY:

ID #:

WE-002C

REV:

**Ford, Ronda**

---

**From:** Orvell Deonarain <o.deonarain@gmail.com>  
**Sent:** Thursday, June 20, 2024 3:12 PM  
**To:** dpiEBusinessLicenses@co.pg.md.us; animalcommission@co.pg.md.us; Council District 1; ZHE@co.pg.md.us; Larman, Brooke; PPD-PGCPB; Ann laurence; delcoelectric@live.com; Kaythi & Nate; Damdar, Asha I; Orvell Deonarain; Cook, Mary C.  
**Subject:** DDS-23002 4717 Greencastle Road Laurel MD 20707 - One Leg Up Pets llc-Kennel  
**Attachments:** 2Z42126086 (1).pdf; 6Z42320242.pdf; 1Z41708066.pdf

**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

While portions of this email do not pertain to everyone, we want all groups to be in the loop and aware. "One Leg Up Pets llc" - owner Kristin Leone has an upcoming virtual hearing 6-27-2024 @ 10AM with the zoning board regarding a driveway and handicap parking. The residents, most of whom are elderly or retired, are concerned that they will not be able to join via the "go to meeting link" or receive the call-in phone number. I myself will be on a field in Salisbury Maryland and unsure if I will have a cell signal or have an opportunity to participate. In case we cannot log in or have issues we want our concerns documented. We do not want a 22ft wide "impervious" driveway installed at 4717 Greencastle Road.

\*\*\*\*\*  
\*\*\*\*\*

ZONING-DPIE-CODE ENFORCEMENT DDS-23002

\*The immediate neighbors of 4717 Greencastle Road, some cc'd in this email, understand that this specific zoning hearing is regarding an "impervious" driveway and handicap parking. "One Leg Up Pets llc" which is a business recently purchased the residence at 4717, at the end of 2023. The owner of One Leg Up Pets llc, Kristin Leone, has stated she intends on using the property as a "doggy day care" and "kennel". We suspect this is the reason for the request for a 22 ft wide "impervious" driveway and handicapped parking (hard surface).

Has DPIE reviewed the "safety" of an entrance onto Greencastle Road?

In 2013 a resident directly bordering 4717 requested a new driveway accessing Greencastle Road however DPIE had safety concerns with a "entrance" onto Greencastle Road and the driveway was not permitted. See snippet below from original email from DPIE's District Engineer Steven G. Snyder, stating "safety concerns" plural, a full copy of the email can be provided upon request.

DPIE has traffic safety concerns with an **entrance from lot 1 directly to Greencastle Road.**

Greencastle Road allows for single lane 35mph traffic in two directions, East to Old Gunpowder and West towards Route 29. During rush hour traffic frequently backs up from Old Powder Rd down Greencastle Road past 4717, especially if there is an issue on Route 29. Any vehicle wanting to go West on Greencastle from 4717 has to cross the Eastbound bumper to bumper traffic by wedging their vehicle between vehicles. When this happens both the vehicle entering Greencastle Westbound and the vehicle traveling Westbound on Greencastle are blind to each other. In addition to the increased danger of entering vehicles from 4717, there is a crosswalk that was installed several years ago. Although the county is not responsible for the speed of vehicles traveling towards the crosswalk, drivers often don't realize there is a pedestrian getting ready to cross and come to an abrupt stop, causing a chain reaction with vehicles behind it. There has been numerous times we have heard and seen vehicles

screech to a halt in front of our property, and we feel it's only a matter of time before there is a collision. Adding this scenario to the previous only compounds the safety concerns from backed up traffic from Old Gunpowder Road.

Since 2013 the traffic flow on Greencastle road has increased, especially during rush hour. Logically, the "safety concerns" that DPIE expressed in 2013 would be greater now than previously. The traffic safety of the immediate neighbors and the commuters traveling on Greencastle Road should not be compromised as a result from this review.

\* Additional hard "impervious" surfaces and grading at 4717. Two of the residents bordering the east side of 4717 have ongoing issues with rain water runoff from 4717. Because of the natural topography at 4717 and the surrounding area, rainwater runoff crosses both 4711 and 4713. 4711 has tried to channel the water away from the yard with berms, gullies and a french drain along the driveway but it's still an ongoing issue. We tolerate the current rain runoff but we are concerned with any "impervious" surface or future grading done at 4717. At 4713 the runoff from 4717 would run across the east side of the home and flood the basement of the previous owners, eventually they graded the land and installed a storm drain to help relieve the runoff. Adding additional hard surfaces or grading at 4717 may compromise what we have already addressed and any improvements at 4717 should at minimum maintain this.

\*The land at 4717 Greencastle Road was purchased in 1953 and only bordered 1 private property, and undeveloped land, since then there has been significant residential development surrounding it. The property at 4717 now rests in the middle of 5 residential properties. Two of the private properties east of 4717 border from Davron St, one property borders it on the east side of Greencastle Rd and 2 more properties border it on the west side from Greencastle Road. One Leg Up Pets llc is using the prior zoning to benefit the business opening a "commercial" kennel in a residential neighborhood. The use of the prior zoning should not negate the fact that 4717 now rests in the middle of residential properties, and the residents' concerns are of significant value, we appreciate the hearing board requiring all requests for 4717 to be reviewed.

\*Residents bordering 4717 are concerned that any and all requests with zoning are to manipulate and create favorable conditions for work arounds, at no time should any request lead to a circumstance that would ultimately have a negative impact on the residents or neighborhood. Our concerns were elevated when an informative meeting was scheduled on April 19th a Friday at 7pm at 4717, and a member of the zoning review was present. We found it odd that a county employee would schedule and attend a meeting outside their normal work hours. While at the meeting there was no mention of a kennel by the zoning person or lawyer until a neighbor started asking. Kristin then mentioned that she plans on having 3 vans transport dogs to and from the property for her "doggy daycare". Since then the neighbors have spent numerous hours researching and acquiring information. We have spent our personal time traveling to the county buildings trying to do our due diligence and express our concerns.

#### R-R Zoning Ordinances Section 27-5102 (2)(E) kennel (iv) [27-5102](#)

"Any open exercise runs or pens shall be at least 75 feet from any lot line, with a Type B bufferyard provided between the run or pen and the property line, in accordance with the Landscape Manual"

\*4717 is a narrow wooded plot of land with private property running the entirety of both sides of 4717, the width of the plot does not make it suitable to meet section 27-5102. The plot at 4717 was acquired by Dr. Earle in the 50's, at the time of constructing the dwelling there were no other homes in the vicinity and the property bordered "UNDEVELOPED" land. Later 15 homes were built within 450ft of 4717, 5 of which now directly border 4717, and 2 of them on the West side of the property were built in the late 80's/early 90's.

\*We feel zoning is simply looking at what the property at 4717 is on paper and is not viewing the property in relation to the residential home bordering the property.

\*\*\*\*\*  
\*\*\*\*\*

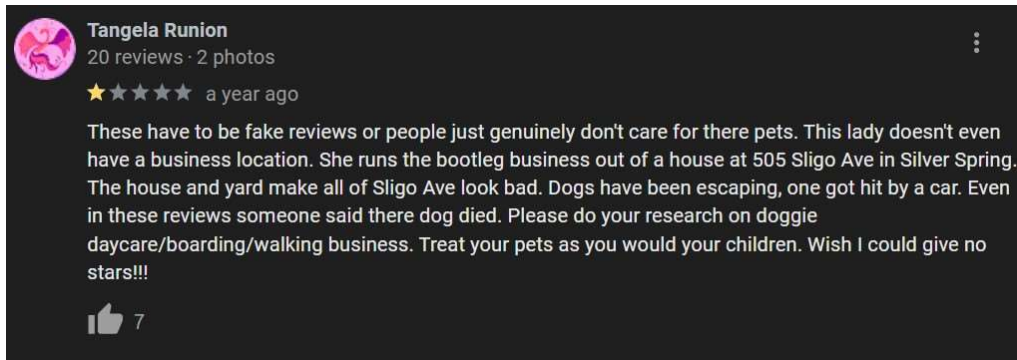
MNCPPC- Prince George's County Woodland Conservation

\* The property is 2.75 acres, does the Environmental Technical Manual apply to 4717?

\*\*\*\*\*  
\*\*\*\*\*

PG Business License /Animal Control

One Leg Up Pets llc has/had a rental mail box in Montgomery County. While the business is marketed a certain way we believe the track record of the business and its owner Kristin Leone is of concern to Prince Georges Co. While at a informal meeting that was held at the residence at 4717 on April 19th 2024, Kristin Leone stated she plans on transporting customers dogs with vans (plural) back and forth to the property at 4717 Greencastle Road for her "doggy daycare" as well as boarding dogs overnight as a "commercial kennel". We were able to find proof that the owner of One Leg Up Pets rented residential homes in the past and used them as "outdoor exercise yards" for as many as 20+ customers' dogs. At one location 820 Silver Spring Ave, in Silver Spring MD, One Leg Up Pets was simply using a fenced plot of land as an "outdoor exercise yard" for customers' dogs, see attached citation. Prince George's County/Animal Control should do their due diligence in reviewing any applications, as well as looking at the history of this business. Please respond back to this email to further discuss.







**Bruce L.**  
Silver Spring, MD  
60 photos 4 reviews 3

Sep 10, 2018

First to Review

Think twice before using their services. My dog died from a heat stroke under their "care." I arranged to have him boarded for two days with a pick up and drop off. It was very hot that day and he was dead by the time I got home. When I spoke to the woman who dropped him off at my apartment she said she thought he was anxious from the car ride. He was too weak to walk so she had to carry him up to the apartment. She told me she called the owner to ask what to do. The owner told her to stay with him and not leave. She said she watched him for a while and he seemed to relax and fall asleep. Then she sent me a message saying "He's home!!!" They should have protected him from the heat that day. Who knows how long he was outside and/or in a hot car. Something is wrong if a dog is too weak to walk. He needed medical attention. At a minimum I should have been contacted and told there was a problem. Instead she sat in my apartment and watched my dog die.







2242126086

UNIFORM CIVIL CITATION

WITNESS
RELATED CASE # / CITATION(S)

District Court of Maryland for Montgomery County
101 Monroe St Rockville MD 20850

Montgomery vs. Leone KIRSTIN

505 Sligo Ave Silver Spring Montg. MD 20910

DOB Height Weight Sex Race Hair Eyes
Telephone No. Day/Night: 202 351 7814

Based on personal knowledge of the undersigned officer the attached affidavit, the Defendant is charged with operating a Commercial Kennel without having a Commercial Kennel License issued by Montgomery County

at 505 Sligo Ave Montgomery at 230 PM on 10 / 25 / 19

of Md. Ann. Code Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR

Document/Article Chapters Section 404 Sub Section A Paragraph 2

Each day a violation continues is a separate infraction subject to an additional citation.

INSTRUCTIONS

YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.

YOU MAY PAY A FINE of \$ 100.00 (entire amount required) by 11-28-19 to the:
District Court. Payment of the fine will not close the case if abatement action is pending.
Agency/Municipality OFFICE OF THE COUNTY ATTORNEY EOB
at 4th Floor 101 Monroe St Rockville MD 20850

and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.

YOU MAY ELECT TO STAND TRIAL by sending your request in writing to the:
District Court Agency/Municipality Montgomery County Attorney
in writing by 11-28-19 at 101 Monroe St Rockville MD 20850

DO NOT SEND PAYMENT OF FINE. The District Court will mail you a notice of your trial date, time, and location. AT TRIAL the Court may impose a fine up to the maximum allowed by statute plus court costs.

IN ADDITION, Montgomery is seeking abatement of this infraction.
You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs. Payment of the preset fine will not satisfy the abatement action and an order of abatement may still be entered against you.

Failing to appear or pay the fine may result in a warrant being issued for your arrest.
Failing to pay the fine or request a trial date:
will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement;
you may be found guilty of a Code violation and the maximum fines, court costs, and administrative expenses can be imposed.
Failure to appear for a requested trial date:
the fine may be doubled and a judgment on affidavit entered against you;
you may be found guilty of a Code violation and the maximum fines and costs can be imposed.

I solemnly affirm under the penalties of perjury, and based upon personal knowledge or the attached affidavit, that the contents of this citation are true and that I am competent to testify on these matters.

The Defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act.
Issuing Officer's Signature ASD Butler 10-25-19
Agency Sub-Agency I.D. No. Telephone



UNIFORM CIVIL CITATION

6Z42320242

WITNESS

RELATED CASE # / CITATION(S)

District Court of Maryland for \_\_\_\_\_

Montgomery County	Address	DPS	
County/Municipality/State of Maryland		Agency	
vs. Leone, Kristin			
Defendant's (Last) Name	First	Middle	
505 Sligo Ave			
Current Street Address		MD	Apt. No.
Silver Spring		20910	
City	County	State	Zip
DOB	Height	Weight	Sex
			Race
			Hair
			Eyes
Telephone No. Day/Night:			

Based on  personal knowledge of the undersigned officer  the attached affidavit, the Defendant is charged with Failto cease and desist animal boarding. Outdoor exercise yard is allowed if it's fenced and set back at a minimum of 50 feet from any Residietal zone.

at 08:00  AM  PM on 5 / 25 / 2021  
Time Month Day Year  
at 820 Silver Spring Ave. Silver Spring MD 20910  
Location of Offense

County, MD in violation of:  Md. Ann. Code  Municipal Infraction/County Ordinance/Public Local Law/Local Code  COMAR Document/Article County Section 59 Sub Section 3.5.1 Paragraph

Each day a violation continues is a separate infraction subject to an additional citation.

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.  
 Defendant's Signature Mailed Certified Restricted and Regular

**INSTRUCTIONS**

YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.  
 YOU MAY PAY A FINE of \$ 500 (entire amount required) by 06-14-2021 to the:  
 District Court. Payment of the fine will not close the case if abatement action is pending.  
 Agency/Municipality Office of the County Attorney  
at 101 Monroe Street, 3rd Floor, Rockville, MD 20850  
Payment Location

and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.  
 YOU MAY ELECT TO STAND TRIAL by sending your request in writing to the:  
 District Court  Agency/Municipality Office of the County Attorney  
in writing by 06-14-2021 at 101 Monroe Street, 3rd Floor, Rockville, MD 20850  
Date Address

DO NOT SEND PAYMENT OF FINE. The District Court will mail you a notice of your trial date, time, and location. AT TRIAL the Court may impose a fine up to the maximum allowed by statute plus court costs.

IN ADDITION, Montgomery County is seeking abatement of this infraction.  
Agency/Municipality

You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs. Payment of the preset fine will not satisfy the abatement action and an order of abatement may still be entered against you.

<input type="checkbox"/> FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.
<input checked="" type="checkbox"/> FAILING TO PAY THE FINE OR REQUEST A TRIAL DATE: <input type="checkbox"/> will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement; <input checked="" type="checkbox"/> you may be found guilty of a Code violation and the maximum fines, court costs, and administrative expenses can be imposed.
<input checked="" type="checkbox"/> FAILURE TO APPEAR FOR A REQUESTED TRIAL DATE: <input type="checkbox"/> the fine may be doubled and a judgment on affidavit entered against you; <input checked="" type="checkbox"/> you may be found guilty of a Code violation and the maximum fines and costs can be imposed.

I solemnly affirm under the penalties of perjury, and based upon personal knowledge or the attached affidavit, that the contents of this citation are true and that I am competent to testify on these matters.

The Defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act.

	Ivania Segura	05-25-2021
Issuing Officer's Signature	Officer's Printed Name	Date
DPS	Permitting Services	28488
Agency	Sub-Agency	I.D. No.
		+1 2406428277
		Telephone

**Related Citations**

9Z99999999 issued to resident agent of the property

COURT COPY

540 755 044 5202



1Z41708066

UNIFORM CIVIL CITATION

WITNESS
RELATED CASE # / CITATION(S)

District Court of Maryland for MONTGOMERY
191 E. Jefferson St Rockville MD 20850
Address
Permitting Services Agency

Leone Kristin
Defendant's (Last) Name First Middle
505 Sligo Avenue
Current Street Address Silver Spring Montgomery MD 20910
City County State Zip

DOB Height Weight Sex Race Hair Eyes
Telephone No. Day/Night: 202 351 7814 E-mail: Management and Support

Based on personal knowledge of the undersigned officer the attached affidavit, the Defendant is charged with Failure to conduct Home occupation within the dwelling unit

at 505 Sligo Avenue Silver Spring MD at 2:30 PM on 1/3/19
Location of Offense Time AM/PM Month Day Year

of: Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR
Document/Article County Code Section 59 Sub Section 3-3.3.4 Paragraph 2.6.ii

Each day a violation continues is a separate infraction subject to an additional citation.

INSTRUCTIONS

YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.
YOU MAY PAY A FINE of \$500 (entire amount required) by 2449 to the:
Agency/Municipality Office of the County Attorney
at 101 Monroe St Rockville MD 20850
Payment Location

and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.
YOU MAY ELECT TO STAND TRIAL by sending your request in writing to the:
Agency/Municipality Office of the County Attorney
in writing by 2-18-19 at 101 Monroe Street
Rockville MD
Date Address

DO NOT SEND PAYMENT OF FINE. The District Court will mail you a notice of your trial date, time, and location. AT TRIAL the Court may impose a fine up to the maximum allowed by statute plus court costs.
IN ADDITION, Montgomery County is seeking abatement of this infraction.

You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs. Payment of the preset fine will not satisfy the abatement action and an order of abatement may still be entered against you.

FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.
FAILING TO PAY THE FINE OR REQUEST A TRIAL DATE:
will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement;
you may be found guilty of a Code violation and the maximum fines and costs can be imposed.
FAILURE TO APPEAR FOR A REQUESTED TRIAL DATE:
the fine may be doubled and a judgment on affidavit entered against you;
you may be found guilty of a Code violation and the maximum fines and costs can be imposed.

I solemnly affirm under the penalties of perjury, and based upon personal knowledge or the attached affidavit, that the contents of this citation are true and that I am competent to testify on these matters.
The Defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act.
Issuing Officer's Signature Sergio Hurtado Officer's Printed Name Date 1-3-19
Agency Sub-Agency I.D. No. Telephone 240473471

DC-028 (Rev. 10/2016) Print Date 08/2016 Scanned 1-15-19

## Ford, Ronda

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**From:** Orvell Deonarain <o.deonarain@gmail.com>  
**Sent:** Monday, June 24, 2024 11:57 AM  
**To:** PPD-PGCPB  
**Subject:** DDS-23002

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

1. Who asked for the 22ft “impervious/concrete” driveway and why?
2. Where is the proposed entrance onto Greencastle Road going to be?
3. Has DPIE investigated the safety of a 22ft wide driveway? And a 30ft apron onto Greencastle. The neighbor at 4711 was denied a new entrance onto Greencastle by DPIE for “safety concerns”
4. Does the county show on their records the location of a driveway at 4717?
5. A 22ft wide driveway is classified as “commercial”, this is a residential property that is fed by Greencastle Road that has a single lane width of 10-12ft.
6. Section 27-5102(e) Commercial Uses, 4717 Principal use is as a residence. It is not commercial. There is no need for a 22ft wide driveway. It also lies in the “residential zone” of the county zoning map.
7. On PGCO zoning enforcement web page clearly states the following  
Zoning Enforcement- “Is a tool for controlling illegal land use, such as COMMERCIAL activities in a residential neighborhood,” 4717 is a residential home in a residential neighborhood. 5 residential properties border it.  
<https://www.princegeorgescountymd.gov/departments-offices/permitting-inspections-and-enforcement/code-enforcement/zoning-enforcement>

## Ford, Ronda

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**From:** Rebecca Adams <rradams5@gmail.com>  
**Sent:** Monday, June 24, 2024 10:01 PM  
**To:** PPD-PGCPB  
**Cc:** pzgoldsmith@lercheary.com; kristin@oneleguppets.com  
**Subject:** Agenda Item #10 One Leg Up Pets-DDS-23002  
**Attachments:** Driveway Expansion.docx

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good Evening,

Attached is a letter I would like submitted to the record for consideration in regards to item #10 on the Agenda involving One Leg Up Pets- DDS-23002 on Thursday June 26th's PGCPB Planning Meeting.

Please let me know if you have any questions.

Regards,  
Richard E.B. Groome.

June 24,2024

To Whom It May Concern.

I am writing in regards to the hearing involving my neighbor, Kristin Leone at 4717 Greencastle Road (Laurel, MD) and the need to expand her driveway. I have lived next to and have been involved with the property at 4717 Greencastle Road my entire life. Currently I am residing directly next door to the "driveway in question" and am familiar with the structure, composition, and traffic patterns of the driveway. Since Kristin and her business have moved into 4717 Greencastle Road the traffic generated by her employees and customers has been minimal and non intrusive to me, my neighbors, and the traffic patterns on Greencastle Road. This will change if the driveway is expanded.

As a youth I worked at the large kennel at 4717 Greencastle for more than ten years and eventually purchased the property next door (4721 Greencastle Road). As a grandparent, pet owner, and nature enthusiast I do not see how expanding Kristen's driveway benefits those living adjacent to the property or the environment. Expansion encourages more traffic and a greater potential for injury to those who live nearby.

The previous small business that occupied 4717 Greencastle Road was similar in construct and function and was allowed to operate with the current driveway; There was not then, nor is there now a need to expand the driveway and change the landscape of our neighborhood. Expanding the driveway will remove the natural barriers and privacy that my neighbors and I have enjoyed for many years. Kristin's business design does not have long operating hours, late deliveries, or anything else that would necessitate the expansion of the driveway. Kristin has been a conscientious business owner and neighbor in making sure her business has minimal impact on her neighbors while simultaneously trying to positively promote small business ownership in Prince Georges's County.

As a resident, I am encouraged to see our community attracting small businesses that will provide job opportunities similar to those I had as a youth and resident. Mandating unnecessary actions will discourage future entrepreneurs from moving to Prince George's County. I fully support Christy in her efforts to expand her small business through purchasing property in Prince George's County

As a property owner, I want to maintain the natural landscape, privacy, and safety of the smaller driveway.. A bigger driveway encourages more traffic, faster speeds, and an increased possibility of injury to my grandson, pets, or neighbors.

Christy's small business will provide new opportunities for our community and we have a responsibility to encourage smart small business growth while ensuring there is minimal negative impact on those living in the vicinity.

Please let me know if you have any questions.

Sincerely,

Richard E.B.Groome  
4721 Greencastle Road  
Laure, MD 20707  
301.395.6400  
rickg@desbuild.com