

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Bill Maxwell, John Randall, Jr., Mary Jane Baker, Shirley Aubrey and Bill Hobbs.

Members Absent: None.

Also Present: Michael Hershman, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken and all members were present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Member Aubrey made a motion to approve the minutes with corrections as stated. Member Maxwell seconded the motion. The vote was unanimous in favor of the motion.
3. **Petition #517 of John Eicks, landowner and David Eicks, petitioner, is for Special Use to construct a garage for personal use.** The property is zoned “GI” and is located on the East side of Rangeline Rd. (200E) just North of 100S (Mounds Rd.) in Union Township, with the physical address being 2308 S. Rangeline Rd.

Mr. Hershman informed the board that he had spoken to David Eicks and as they are having a hard time getting their information from the DNR and the fact that his dad, John Eicks, has been ill they have decided to withdraw their petition.

Mr. Eicks was informed he would need to submit a letter of withdrawal to the Planning Commission staff so it will be on file in the office.

Member Maxwell made a motion, seconded by Member Randall to accept their withdrawal. The vote was unanimous in favor of the motion.

Petition #517 of John Eicks, landowner and David Eicks, petitioner, is for Special Use to construct a garage for personal use has been withdrawn.

New Business

1. **Petition #558 of Mike & Denise Smith, landowners and petitioners, is for a Special Use to open a kennel and boarding facility.** The property is zoned “CR” and is located on the south side of County Road 1000 North, east of County Road 1000 West in Pipe Creek Township, with the physical address being 9721 West 1000 North, Elwood.

Mr. Hershman said, a mix of fields and houses characterize the surrounding area. The site is a house and several outbuildings located in a field. The house and outbuildings are at the end of the gravel lane.

Staff has received proof of proper notification.

The applicant intends on boarding up to 30 dogs. Further, the applicant intends on breeding 4 adult dogs. The waste generated will be spread on the 37.75 acres the applicant owns. The applicant is proposing a barn to house the animals. The applicant does have a letter from a James Rodewald, DVM at Elwood Animal Hospital regarding the operation.

Staff does have several concerns. First, the proposed building for the kennel will need a state design release. Staff is concerned that the building will meet the applicable building codes. The building should be more than just a pole barn. Second, staff is concerned about the waste disposal with the potential of 30 dogs plus puppies. Simply field applying the waste will not work, even with 37 acres. In the past, the Board has required the waste be disposed of in a dumpster or other means offsite.

Mike Smith, 9721 W 1000N, Elwood, IN

Mr. Smith said, I am applying for a special use to operate a dog kennel and may be a boarding kennel in the future. The building will be 42' x 64' with a ten foot ceiling. It will house up to 30 dogs. There will be 30 separate kennels and dog runs inside and out. The kennel part is intended to acquire some Bullmastiffs and Boston terrier dogs to breed and sell.

I have talked to some builders and am getting estimates on the type of building that we want. It is kind of on hold right now as we are waiting to find out if we pass this step and then we will proceed. The new building will be if you drive down the lane it will be to the right and rear of the horse barn. There is an acre pasture out there right now.

My understanding is, that if you own more than three dogs that constitutes a kennel and that is why I am applying for the special use. In the future it is our intention to board other people's dogs. Right now we use our dogs for breeding purposes. We hope to start small and then if business allows it we will grow, and we plan on boarding dogs for other people when they go on vacations.

We have two dogs there now that belongs to us. Neither one of these types of dogs are going to be bred for fighting.

Mr. Shine said, with this being a petition for the entire 37 acres it would be subject to unlimited animals, you may want to consider limiting the number of dogs and the size of the physical facility. If there were to expand it over time then they would have to come to the board for another approval.

Mr. Smith said, on the side of the building I plan on having doggie doors for each individual dog. That way they can run in and out. It will be a 4' x 8' kennel on the inside and outside for each dog. The inside exercise area will be 30' x 50'. And on the outside I have that acreage

which is about one acre and I plan on fencing that in and have an exercise area outside for the dogs.

To breed the dogs I probably will use the existing horse barn for now. But if this is approved we want to start the construction on the new barn right away. We will be breeding to sell.

Mr. Smith was informed the State would have to approve his plans for the new building before a local permit is obtained.

Mr. Smith said, we figure there will probably be one litter from each breed per year. The average litter is, the bullmastiff is any where from seven to 12 pups and the Boston terrier is any where from (not audible) small litter.

There will be a maximum of six adult dogs. There will be one sire and two female for each breed. Each female would have approximately four litters of puppies a year. So we are talking maybe 35 puppies a year. The maximum for boarding would be 30.

For the waste disposal I originally planed on using a manure spreader and distributing it out on the fields. Mr. Hershman informed me that I would need a dumpster for removal so I will see that it is done that way.

I figure this will be kind of a seasonal business. I have talked to the neighbors and have heard nothing negative back from any of them.

There were no remonstrators present.

Member Hobbs said, I make a motion that we approve Petition #558 with the stipulations that staff has recommended that we require a dumpster to be used instead of spreading the manure on the property; also a state design release be forwarded to the staff before a permit can be issued for --- and the Findings of Facts as such; the approval would not be injurious to the public health, safety and morals of the community, no the proposed operation sits in the middle of a 37 acre property. Will the requirements and development standards set forth in district for such exceptions be met, yes applicant does have sufficient acreage. Will the proposed use subvert or permanently injure other property or uses in the same district and vicinity, no. Fields characterize the surrounding area. And will the proposed use be consistent with the character of the zoning district; yes the CR district does allow animals and crops.

The maximum number of dogs for boarding shall be no more than 30 and for breeding there shall be no more than two males and four female dogs.

Member Maxwell seconded the motion.

The vote was unanimous in favor of the motion. **Petition #558 of Mike & Denise Smith, landowners and petitioners, is for a Special Use to open a kennel and boarding facility was approved.**

2. Miscellaneous: Nothing was presented.

Member Maxwell made a motion, seconded by Member Aubrey to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:31:12 A.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary