

MINUTES
SOUTH WHITLEY BOARD OF ZONING APPEALS
REGULAR MEETING
DECEMBER 16, 2024
6:15 P.M.

SOUTH WHITLEY TOWN HALL
118 E. FRONT STREET

MEMBERS PRESENT

Sherri Ayres
Frank Baldrige
Rod Hardesty, Chairman
Doug Morrissey, Vice Chair
Anna Simmons

MEMBERS ABSENT

STAFF

Nathan Bilger

ATTORNEY

(absent)

(E)lectronic participant

AUDIENCE MEMBERS

Seven visitors at the meeting signed the Guest List, which is included with the meeting minutes.

CALL TO ORDER/ROLL CALL

At Mr. Hardesty's request, Mr. Bilger called the meeting to order at 6:15 P.M. and read the roll call, with members present and absent listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

Mr. Bilger confirmed that the November 18, 2024, meeting minutes were not yet completed and would be considered at the next meeting.

ADMINISTRATION OF OATH TO WITNESSES

Mr. Bilger administered the Oath to visitors who planned to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 24-SW-SE-2

Timothy Gable requested approval of a Special Exception for a kennel at 7900 W. State Road 14. Mr. Bilger summarized the Staff Report, describing the property and Mr. Gable's request to construct a new building to board dogs. Mr. Gable's proposal did not show any outdoor runs, and Mr. Bilger requested clarification on that matter because any outdoor component should be considered with the Special Exception request. He also stated that the signage proposed was not compliant with the Sign Code. In conclusion, Mr. Bilger suggested nine conditions of approval.

Mr. Hardesty asked if restrooms were required in the building. Mr. Bilger replied that they would be required if the employees were not relatives. Mr. Gable clarified that a single stall restroom was planned, for the benefit of customers and employees. He said there would be a 4'x8' outside run and a 4'x4' inside pen; he did not think he would allow the dogs to freely access the outside area. Mr. Bilger asked how noise would be controlled, such as if there were a dog constantly barking. Mr. Gable said he had looked into a foam barrier that would absorb noise. He stated that he was concerned about noise also, considering that his home would be close to the building. He added that he believed the average number of dogs at any given time would be around 10-12; he had listed 35 as a maximum but did not plan for that to be a regular occurrence. Mr. Gable confirmed for Mr. Hardesty that the entire kennel facility would be fenced, separate from the dog fence, so children visiting his strawberry patch would not be able to access the dogs.

There being no further questions for Mr. Gable, Mr. Bilger opened the public hearing and invited other visitors to speak. Eric Horvath described that he lived on River Road and asked where the outside run would be located. Mr. Gable described having two runs, one on the east side of the building and one on the west side. He also explained for Mr. Horvath that the foam sound barrier would be located a distance beyond the fence. Mr. Horvath asked what the Health Department's requirement was for feces removal. Mr. Gable said he would have a compost area, and the waste would be used as fertilizer on the farm. He added that wastewater would go down the floor drains to the septic.

Mr. Hardesty asked again if the dog run fence would be the same fence that people at the strawberry patch could walk up to. Mr. Gable said it would be the same fence but that the kennel would not likely be open during strawberry picking season, the first and second week of June. Mr. Gable clarified for Mr. Morrissey that if he did decide to have dogs present while offering strawberry picking, he would install a double fence. He added that his plan was to start the business by occupying just half the building, with just one outside area, and then expand to the full plan proposed as demand increased. Mr. Gable explained for Mr. Horvath that if he decided not to operate the kennel, he would use the building for farm machinery, a plan that played a role in the design of the building.

Julie Frantz, also on River Road, recalled that Mr. Gable had owned Coon dogs in the past. He confirmed there had been six dogs, eighteen years ago, and they had been located at his previous home, on the south side of State Road 14. Ms. Frantz stated that the Coon dogs had been very noisy. Mr. Gable agreed and described that the elevation of the area, the natural characteristics of the surrounding property, and the location of the animals, being on the south side of the building, created an echo that magnified the sound of the dogs barking. Ms. Frantz expressed concern that the proposed kennel would generate even more noise than the six dogs. Mr. Gable confirmed for Mr. Hardesty that he would be insulating the building (for temperature control), which would help mitigate the sound of barking when the dogs were inside the building.

Dan Beiswanger asked if the dogs would be outside at night. Mr. Gable replied that they would probably be kept inside at that time. He stated that he was also concerned about noise because he resided on the property. Mr. Hardesty asked what "exercise hours" would be. Mr. Gable did not have specific times but said there would be three 30-minute sessions, likely being early morning, mid-day, and evening. He added that he was open to suggestions regarding the noise. Mr. Gable asked if the neighbors had any current noise complaints

because he still owned six Coon dogs, but they were kept in the barn. No complaints were voiced. Mr. Gable stated that the river bottom created an echo where he had kept the dogs in the past, but the current location is not near that area.

Mr. Gable said his business would not include any grooming, but he did want to be able to bathe the dogs. Mr. Bilger stated that the Board would need to clarify bathing in their motion. Mr. Gable confirmed for Mr. Hardesty that he needed to carry special insurance for the kennel, to cover if anything should happen to an animal in his care. Ms. Simmons commented that Mr. Gable seemed to have thoroughly researched how to operate a kennel.

Staci Beiswanger requested that Mr. Gable ensure the dogs would not escape his enclosure. She expressed concern for the safety of the public, people jogging in the area or visiting the cemetery. Mr. Gable responded that he was committed to keeping the animals contained, as their caregiver. He explained the runs would have a fence, and the entire facility would have a fence around it, and if he did have dogs while people were picking strawberries, then he would have an additional fence around the perimeter fence or keep the dogs inside the building when visitors were present. Mr. Gable stated he would not accept any aggressive dogs, and all customers would need to show proof of their animals' vaccinations.

After all questions had been answered, Mr. Bilger closed the public hearing. Mr. Bilger proposed amending his suggested condition #4 to state: The addition of dog grooming or other services will require an additional and/or revised Special Exception *except that boarding baths are included and part of the Special Exception, whereas cutting hair, trimming nails, teeth cleaning, etc. is not included.* Mr. Morrissey made a motion to approve the petition with the suggested conditions, as amended. Ms. Simmons gave the second, and the motion passed 5-0.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Mr. Baldrige made a motion to adjourn. Ms. Ayres gave the second, and the meeting was adjourned, by unanimous vote, at 6:54 P.M.

GUEST LIST

1. Alice Hardesty 210 W. Poplar Street, South Whitley
2. Tim Gable 7900 W. State Road 14, South Whitley
3. Tina Gable 7900 W. State Road 14, South Whitley
4. Julie Frantz 7644 W. River Road, South Whitley
5. Staci Beiswanger 7700 W. River Road, South Whitley
6. Dan Beiswanger 7700 W. River Road, South Whitley
7. Eric Horvath 7480 W. River Road, South Whitley