

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, JUNE 5, 2018
7:00 P.M.

WHITLEY COUNTY GOVERNMENT CENTER

MEMBERS PRESENT

Marquis Jones
Jon Kissinger
Dwayne Knott
Dennis Warnick

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Dawn Boyd

MEMBERS ABSENT

Anthony Romano

VISITORS

Nine of the ten visitors signed the guest list at the June 5, 2018, Columbia City Board of Zoning Appeals meeting. A guest list is included with the minutes of this meeting.

CALL TO ORDER

Mr. Knott called the meeting to order at 7:00 P.M.

ROLL CALL

Ms. Thompson read the roll call with members present and absent listed above.

CONSIDERATION AND ADOPTION OF THE MAY 1, 2018, REGULAR MEETING MINUTES

Mr. Warnick made the motion to approve the May 1st minutes as presented. Mr. Kissinger gave the second, and the motion carried with a unanimous vote.

ADMINISTRATION OF THE OATH TO WITNESSES

Five guests were sworn in by Ms. Boyd.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 18-C-SE-2

Whitley County Highway Department requested a Special Exception for a municipal building in the I-1, Light Industrial Zoning District at 601 S. Line Street, Columbia City. Mr. Bilger summarized the Staff Report and explained that the request was for a 50'x68' salt storage building. He referred to the site plan and described the proposed location for the structure. A sewer line is planned to be relocated to allow for the structure. If it cannot be relocated, the footprint of the building will be shifted instead. Mr. Bilger outlined the required review criteria and stated that the request seemed supportable. He stated two suggested conditions – to grant the request as presented and per the site plan, and that no material storage be allowed on the west or south sides of the structure.

Brandon Forrester, County Engineer, was present to describe the petition request. He explained that currently 400 tons of salt are held on site, but the salt is deteriorating the structure. Also, 1300 tons of salt were used by the County last year, so the current building is inadequate. The proposed structure will hold 1500 tons of salt and be made of materials designed to better resist the salt's corrosive nature. The current building will then be used to store equipment that is presently stored outside. Mr. Forrester distributed building plans that had recently been approved by the Commissioners. He stated that he was agreeable to the Staff's suggested conditions and that the intent is for the salt to be fully contained within the structure. The Board asked several questions about the materials of the structure and the process of using the salt. Mr. Knott asked if anyone else was present who wished to speak. Hearing none, the public hearing was closed for Board discussion. Mr. Warnick then made the motion to approve 18-C-SE-2 with the two suggested conditions listed in the Staff Report. Mr. Kissinger gave the second, and the Board voted unanimously to carry the motion.

2. 18-C-SE-3

Dr. Colleen Quinn, DVM, requested a Special Exception for an obedience school with pet training and small scale boarding at 1935 W. Business 30, Columbia City. Mr. Bilger explained that the property is zoned Agricultural, and the request is for a home occupation, but it exceeds the maximum allowable square footage. A person will live in the home and be employed by Dr. Quinn to care for the boarded animals. The boarding of animals could be considered a kennel, which is a use that must be permitted by a Special Exception. Mr. Bilger stated that the nature of this request is more broad than a typical kennel because the main focus is on the obedience school and training. He outlined the Review Criteria in the Staff Report and listed 7 suggested conditions of approval. He pointed out that one condition called for an evaluation of the septic system because the office had received a comment letter from a concerned neighbor. Mr. Kissinger asked the zoning of the area. Mr. Bilger replied that the property is zoned Agricultural, as well as all the surrounding

properties. The nearest zoning change are the Residential properties of Westgate Subdivision, located approximately 900 feet east of the subject property.

Dr. Colleen Quinn was present to describe the proposal to the Board. She gave details on her plan to utilize the property primarily for dog training classes and programs while offering small scale boarding to animals attending consecutive classes and especially for animals that would not do well in traditional boarding environments due to age, medical conditions, and etc. The dogs would stay in the home and be cared for by the live-in employee(s). No animals with behavior problems or aggressive personalities would be eligible for training or boarding at this location. Mr. Knott asked if the boarded dogs would be in an outdoor kennel at night. Dr. Quinn replied that there would be no kennel or additional structure; boarded dogs would stay in the home just like any other pet. They may be crated if that is what they are used to in their own homes. She clarified that the garage may be remodeled but as an indoor play area. Mr. Kissinger asked about the plan for managing manure. Dr. Quinn said she had been looking into underground systems, but if that does not work out, she will scoop feces into the trash. Scooping is the method used at the clinic, and she also manages her personal property this way with seven dogs.

Joshua Smith addressed the Board and explained that he is the current property owner. He provided a receipt verifying that repairs had recently been made to the septic system. He stated that these repairs are intended to be a permanent solution to the past problems. In case anyone present had concerns about a business being operated on this property, Mr. Smith pointed out that a construction business has been operated on the neighboring property for many years. Also, his wife had a daycare facility here for 5 years, and prior to that, the property was home to Simon Ad Agency. Both businesses generated a good amount of daily traffic and easily utilized the existing parking.

Greg Fahl also came before the Board as the listing broker. He wanted to testify that Dr. Quinn is a good person who wants to do good things. Services are needed as the community grows, and he feels this would be one that people would want. He also pointed out that Dr. Quinn's veterinary business is well kept, and the property has been improved over the years. Mr. Fahl stated that it would be bad for both businesses if Dr. Quinn let the property deteriorate, so he feels further assured that the subject property would be maintained. He compared Dr. Quinn's proposal to an existing business that has a kennel with grooming on N. 150 East. The property is also just outside of City Limits and close to a subdivision. The grooming business would generate much more traffic than the dog-training business. Mr. Fahl said that he has had no trouble selling homes in that area, and the property values have not been decreased by the active business.

Mr. Knott asked Dr. Quinn to describe the planned fence. She replied that the west and north sides will be 6' privacy. The other sides will be chain link and will be constructed dog fencing to prevent digging and jumping. She told the Board that she had attempted to discuss her plans with the neighbors but that they would not speak with her. Her goal is to always be respectful of the neighbors both on this property and on the other properties that she owns.

Mr. Knott asked if anyone present wished to speak against the petition. Mary McManama addressed the Board and expressed that she did not want to live next to this business. She was concerned about the traffic and the ways in which the business might expand. Despite Mr. Fahl's comments, Ms. McManama stated that the aesthetics of the property would be destroyed and her property values would decrease. Mr. Kissinger asked Ms. McManama to clarify how the proposed business would be more detrimental to the area than the neighboring, long-existing construction business. Ms. McManama replied that she was not bothered by the construction equipment and activity while she would be bothered by the potential barking dogs and smell of feces. Ms. McManama asked Mr. Kissinger if he would like this type of business next to his property. Mr. Kissinger replied that his neighbor does own a kennel, and he has not heard even one dog bark. Mr. Kissinger voiced that he felt that the construction business would be a much bigger deterrent than the proposed business to a potential buyer of Ms. McManama's property.

Dr. Quinn addressed the concern about enlarging the business. She explained that her business model is for a small kennel/training center. If she does decide to expand, it would not be on this property but by way of purchasing a second property. The small scale is desired in order to create the goal of having a homelike feeling which would be lost in a larger operation. Mr. Knott asked who would live in the home. Dr. Quinn said that the occupant would be an employee, a married couple or a single person but no children. If the person is not qualified to train animals, they may have a different day job, and a trainer will be hired as well.

After the final comments from those in attendance, Mr. Knott closed the public portion of the meeting for Board discussion. Mr. Jones expressed that this proposal seemed to be a better situation than the chance one takes with a regular property owner who could own many animals, untrained, and leave them unattended for long periods of time every day. He stated that this proposal does not seem obtrusive to the neighbors. Mr. Warnick made the motion to approve the petition as presented with the conditions stated in the Staff Report and to allow 1 year grace period for paving the parking area. Mr. Jones gave the second. The Board members voted unanimously to approve the motion.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further discussion, Mr. Warnick made a motion to adjourn the meeting. Mr. Kissinger gave the second, and the members voted unanimously in favor. The meeting was adjourned at 8:04 P.M.

GUEST LIST

1. Colleen Quinn ----- 999 E. 500 North, Columbia City
2. Randy Swihart ----- 999 E. 500 North, Columbia City
3. Mary McManama ----- 1995 W. Business 30, Columbia City
4. Nick McManama ----- 1995 W. Business 30, Columbia City
5. Greg Fahl ----- 815 N. State Road 9, Columbia City
6. Lisa Smith ----- 1935 W. Business 30, Columbia City
7. Josh Smith ----- 1935 W. Business 30, Columbia City
8. Brandon Forrester ----- 801 S. Line Street, Columbia City
9. Jeanne List ----- 4670 S. 800 West, South Whitley