

**WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT**

19-W-SE-11 **SPECIAL EXCEPTION**
Michael & Tiffany Stonebraker
2806 N. Etna Road

OCTOBER 22, 2019
AGENDA ITEM: 7

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 22 acres

The petitioner, owner of the subject property, is requesting special exception approval for a kennel use at 2806 North Etna Road in Thorncreek Township. The property is located on the north side of Etna Road, approximately at the intersection of Sheckler Road. The property is currently improved with a single-family dwelling, a barn, a recently-constructed pole building, and stone parking area. The petitioner operates a landscaping business as an apparent non-traffic generating home occupation.

The petitioner proposes to construct a 30'x48' building containing 20 indoor kennels and 12 external runs. Also proposed are two 16'x40' outdoor play areas to be enclosed with 8' chain link fence. The building is to be located between the existing dwelling and a recently-constructed pole building, at the intersection of the driveways. Parking would be accommodated on an existing gravel parking pad.

A sign for the use would be installed in the field and visible from Etna Road. No specifications for the sign have been submitted. As a kennel use, not a home occupation, the size of the sign would be at the discretion of the Board, up to the maximum allowable under the zoning code. The maximum sign area would then be 144 sq. ft. total (48' building width times 3 sq. ft. allowable sign area), or 72 sq. ft. per side. The Board has the discretion to condition a smaller maximum sign area if it finds to do so.

Approximately 5-6 customers per day would be expected, with 20 being the maximum number of dogs boarded at one time. No other services would be provided. Hours of operation would be by appointment only, Monday through Sunday. The petitioner would be the only employee.

Per the zoning code, a "place primarily for keeping of four (4) or more adult dogs" is defined as a kennel. Because the petitioners live on the property, a traffic-generating home occupation approval might apply, but the area of the kennel building exceeds the maximum allowable as a home occupation. This request is to be reviewed for a kennel alone.

In the AG, Agricultural District, kennels require a special exception approval through the Board of Zoning Appeals.

REVIEW CRITERIA

Indiana Code §36-7-4-918.2 and Section 10.9(A) of the Zoning Code authorize the Board to review special exceptions and state the criteria listed below upon which the Board must base its review. Staff's comments/proposed findings of fact under each criterion.

- 1. The special exception shall not involve any elements or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards;**

It is unlikely that this proposal will have any elements or conditions that may be particularly dangerous, injurious, or noxious to other properties, and should generally comply with performance standards. Noise of barking dogs when outside in the dog runs or exercise areas may

be a performance standard consideration, but the 300'± setback from the kennel to Etna Road, as well as the existing woods, topography, and the overall property area, would likely mitigate any noise.

Waste from the dogs is proposed to be collected and spread on ground elsewhere on the petitioner's property.

2. The special exception shall be sited, or oriented and landscaped to produce a harmonious relationship of building and grounds to adjacent buildings and properties;

The proposed special exception would add an accessory building to the property that would likely be harmonious with the existing buildings, both on-site and adjacent. The exterior fencing and dog runs would be less harmonious, it is Staff's understanding that these areas would be located toward the rear of the property. Additionally, there is a fair grade difference between Etna Road and the proposed kennel location, so the visibility of the runs would be minimized.

3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;

Accessory buildings are common in the AG district, and the proposed structure should be comparable to those found elsewhere. Again, the dog runs and fencing could be seen as out of place with the neighborhood, but the placement and site conditions should minimize their visibility.

4. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and

Access to the property would use the existing driveway and gravel parking area, roughly 300' from Etna Road. The submitted expectation of around 5-6 vehicles per day would not likely create traffic congestion. The existing driveway does have a limited sight distance to the north due to trees and the hill, which could present a problem for drivers exiting the property. Again, given the volume of traffic, this is not likely to cause congestion.

5. The special exception shall preserve the purpose of this Ordinance as stated in Section 1.4.

The proposal is a special exception use already listed in the Zoning Ordinance. The Comprehensive Plan appears to indicate that this site would be Transitional Agriculture, so this animal-based use does not seem to conflict with its recommendations. Based on these facts, the above criteria, and any conditions the Board sees necessary, the proposal would preserve the purpose of the Ordinance.

SUGGESTED CONDITIONS

If the Board moves to grant the special exception, the following are suggested conditions of the approval:

1. The Special Exception is granted for the applicant and is non-transferable.
2. The Special Exception is granted as presented and per the site plan.
3. There shall be no more than 20 dogs on the property as part of the Special Exception.
4. The Highway Department and Health Department to review and approve usage of the driveway and septic system for the proposed use, if necessary.
5. The area of the sign will be limited to 64 sq. ft. (32 sq. ft. per side).
6. Pick up and drop off of dogs will be limited to the hours of 7:00 a.m. to 5:00 p.m.
7. There shall be no more than one non-resident employee of the kennel without Board approval.

Date report prepared: 10/17/19.

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

<i>Vote:</i>	Deckard	Denihan	Lopez	Wilkinson	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

Bed & Biscuit Inn, LLC

Property Location:

2806 N Etna Road Columbia City, IN 46725

This is a 22 Acre property that consists of tillable cropland and is partially wooded. The building will be constructed approximately 65+/- feet from our home and over 300 feet from Etna Road. The building will not be visible from Etna Road, a sign will be placed in the front field and it will be visible from Etna Road.

Building Dimensions:

30x48 building with attached 24x32 covered pavilion for outside runs. The entire building will be insulated and will have 1 ½" foam insulation in the walls for additional sound control. Interior walls will be finished in white steel liner panel. Huntington Heating & Cooling will install a 3-ton heating/cooling system to provide heating and cooling for the entire building. The location on the property where the building will be placed has a limestone gravel driveway that is approximately 100' X 125' that clients will be able to use to easily park, turn around & exit.

Kennel Dimensions:

- (20) 4x5 Indoor kennels custom made by Gator Kennels. (see attached)
- (12) 5x10 outdoor kennel runs, separated by chain link fence
- (2) 16x40 outdoor play areas enclosed with 8' chain link fence



Metzger R

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730'±

WASTE AREA

Septic

Well

565'±

2855

NETNARD

Proposed Kitchen

300'±

existing outdoor play area

PARKING AREA

316'±

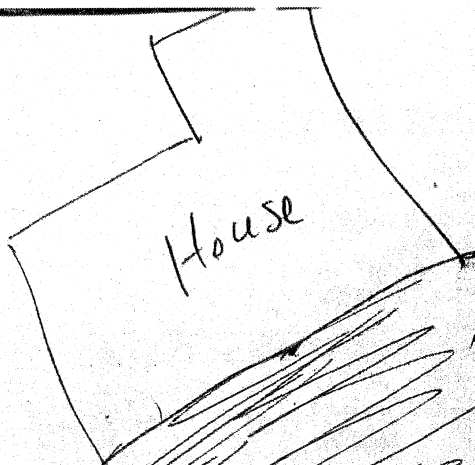
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W SHECKLER RD

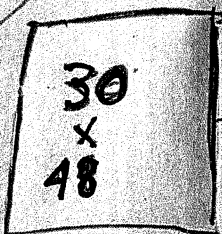
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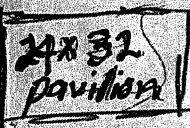
NETNARD



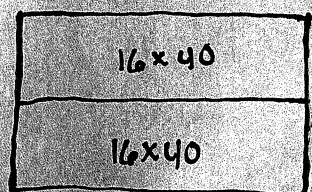
House



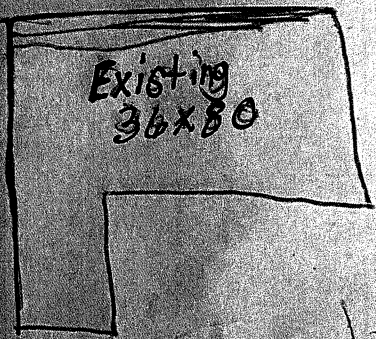
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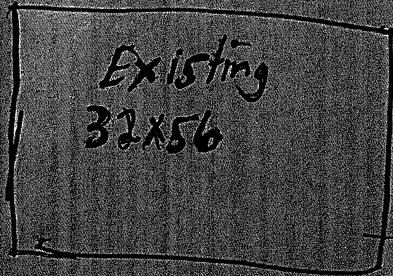
24x32
Pavilion



16x40
16x40



Existing
36x80



Existing
32x56



N

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