

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
October 22, 2019 7:30 P.M.

MEMBERS PRESENT

Elizabeth Deckard
Tim Denihan
Sarah Lopez
Danny Wilkinson
Doug Wright

ATTORNEY

Dawn Boyd

STAFF

Nathan Bilger
Mark Cullnane

MEMBERS ABSENT

None

VISITORS

Ten visitors signed the guest list at the October 22, 2019 regular meeting of the Whitley County Board of Zoning Appeals. The original guest list is kept on record in the Columbia City/Whitley County Planning & Building Department.

CALL TO ORDER/ ROLL CALL

Mr. Wilkinson called the meeting to order at 7:30 p.m. Mr. Cullnane read the roll call with all members present and absent listed above.

CONSIDERATION AND ADOPTION OF THE MAY 28, 2019, JUNE 25, 2019, JULY 23, 2019, AND AUGUST 27, 2019 REGULAR MEETING MINUTES

The minutes for the May 28, 2019, June 25, 2019, July 23, 2019, and August 27, 2019 regular meetings were presented for approval. Mr. Wilkinson asked the Board if it had corrections or additions to either of the minutes. Mr. Denihan made a motion to approve the May 28, 2019, June 25, 2019, July 23, 2019, and August 27, 2019 minutes as presented. Mr. Wright seconded, and the minutes were approved by a vote of 5-0.

OATH TO WITNESSES

Approximately 9 guests were sworn in by Ms. Boyd.

OLD BUSINESS

There was no old business.

NEW BUSINESS

19-W-VAR-15

Brad Lemay requested a variance of the required rear and side yard setbacks to construct a new dwelling at 2632 E. Stalf Road, Columbia City. The property is located on south side of E. Stalf

Road, approximately 650' east of Center Street in Section 12 of Thorncreek Township, and is zoned LR, Lake Residential.

Mr. Bilger summarized the staff report. He stated that the petitioner has proposed a 60.4'x33.25' dwelling with an attached garage to replace a recently demolished 16'x42' dwelling. The new dwelling would be located approximately 3.25' from the west property line, approximately 3' from the east property line, and approximately 10.25' from the right-of-way line along the rear yard. Since this lot has lake frontage, rear setback standards apply to the street side. The proposed setbacks would require a 4.75' rear variance and a 2' side variance.

Mr. Bilger presented aerial photographs of the property, along with a survey, site plan, and floor plan submitted by petitioner. The rear yard (street side) setback of the proposed dwelling would be similar to those of dwellings on surrounding properties. The front (lake side) half of the property lies within the flood fringe, thus the property owner has proposed a dwelling that is moved closer to the rear property line than what would be proposed were it not in the flood fringe.

Mr. Bilger reviewed a comment letter from the County Engineer which suggested that the Board consider requiring drainage plans for lakefront properties in the future because dwellings are often spaced very closely together. Mr. Bilger reviewed the findings of fact review criteria found in the staff report.

Mr. Wilkinson asked the petitioner to approach the podium. Brad Lemay, 9404 E. 375 North, Churubusco, approached the podium. He stated that the property owner, Patricia Evans, wishes to construct a new dwelling and that the relatively narrow lot combined with a desire to have a two-car attached garage along with an entry and living area of reasonable width has resulted in a request for variance of side yard setback requirements. Mr. Lemay stated that the dwelling was positioned on the property so that an average size vehicle can sit in the driveway and not be too close to the road, while also not pushing the house further into the flood fringe.

Mr. Lemay stated that drainage tile will be placed along the rear (street side) property line to address drainage issues. Mr. Wilkinson asked Mr. Lemay if the house would be raised in order to meet elevation requirements in the flood fringe. Mr. Lemay stated that elevations have been marked by the surveyor and that the house would be raised at least two feet above the height of the 100-year flood to meet elevation requirements. Mr. Lemay stated that the dwelling would sit on pilings, and that he has received quotes to perform soil borings to determine how far into the ground the pilings should go to safely support the dwelling.

Mr. Wilkinson asked the Board if it had any questions for Mr. Lemay. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning this petition. Hearing none, Mr. Wilkinson asked for any further discussion prior to holding a vote.

Mr. Denihan asked Mr. Lemay to further describe the property owner's plan to address drainage issues brought up during Mr. Bilger's review of the staff report. Mr. Lemay stated that the property owner would place drainage tile along the rear of the property that wraps around the dwelling and directs surface water toward the lake.

Mr. Wright stated that he is concerned with the small setbacks on both sides of the house, and that he would like to see a 5-foot setback on at least one side.

Mr. Wilkinson asked if the Board had any additional questions or comments for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning this petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson called for a vote on the petition. The variance petition passed by a vote of 4-1, with Mr. Wright voting in opposition.

19-W-VAR-17

Jared Bennett requested a variance of the required front yard setback to construct an addition to an existing pole building at 3545 N. 50 West, Columbia City. The property is located on the west side of N. 50 West, approximately ½ mile south of W. 400 North in Section 20 of Thorncreek Township, and is zoned AG, Agricultural District.

Mr. Bilger summarized the staff report. He stated that petitioner has proposed an approximately 30'x40' addition to the north side of an existing pole building located near CR 50 West. The proposed addition would sit in roughly the same location, and with a similar setback, as a previous structure that was removed around 2009. The addition, as proposed, would sit approximately 25.9' from the right-of-way line. This property has a 40' setback requirement for primary and accessory structures, thus petitioner is requesting a 14.1' variance.

Mr. Bilger stated that the submitted plot plan survey indicated a 25' right-of-way for CR 50 West, rather than the typical 20' right-of-way assumed for local roads. Staff located prior surveys for this and adjacent properties that indicate either a 20' or 25' right-of-way along CR 50 West. He stated that the 25' right-of-way was used in preparing the staff report to match the submitted plot plan. To address the discrepancy, Mr. Bilger recommended that the Board consider wording the final motion, if it is to approve, to state the setback from both the right-of-way line and the centerline of CR 50 West.

Mr. Bilger presented aerial photographs of the property. He stated that the topography of the property makes the location proposed by petitioner to be appropriate for the addition. The property slopes at a grade of 18% immediately behind the existing pole building. Placing the addition behind the existing structure would require petitioner to place a large amount of fill along the slope. Mr. Bilger stated that the only flat area in the vicinity of the existing pole building is the area proposed by petitioner for the addition.

Mr. Bilger reviewed the findings of fact review criteria found in the staff report. He stated that this petition appears to meet the review criteria, largely because of the unsuitable topography elsewhere on the property.

Mr. Wilkinson asked the petitioner to approach the podium. Jared Bennett, 3545 N. 50 West, Columbia City, approached the podium. Mr. Bennett stated that the proposed placement of the addition results from the steep grade of the hill directly behind the existing structure. Mr. Bennett

added that there is a row of 3 or 4 trees at the top of the hill that would need to be removed to place the addition behind the structure.

Mr. Wilkinson asked Mr. Bennett if this addition would be used for storage. Mr. Bennett confirmed that the addition would be used for storage.

Mr. Wilkinson asked the Board if it had any questions for the petitioner.

Ms. Lopez asked Mr. Bennett if the proposed addition would have the same footprint as the structure that was demolished around 2009. Mr. Bennett confirmed that it would have the same footprint as the former structure.

Mr. Wilkinson asked if any audience members had questions or comments concerning the petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson asked Mr. Bilger for clarification regarding how the suggested condition concerning the setback being measured from both the right-of-way line and the centerline of CR 50 West. Mr. Bilger suggested that it could be simply stated that the setback be measured as presented on the survey.

Mr. Denihan made a motion to approve the petition with the following condition:

1. The variance is granted as presented on the survey.

Ms. Lopez seconded, and the motion passed by a vote of 5-0.

19-W-VAR-18

Robert and Victoria Davis requested a variance of the required front yard setback to allow for construction of a deck at 6738 E. McGuire Road, Churubusco. The property is located on the south side of E. McGuire Road, approximately ¼ mile east of N. 650 East in Section 10 of Smith Township, and is zoned LR, Lake Residential.

Mr. Bilger summarized the staff report. He stated that petitioner has proposed a 12'x12' deck to be placed between the existing structure and Blue Lake. As the property has lake frontage, the required front yard (lake side) setback is 35'. The setback of the deck, as proposed, would be 26.4' from the property line, thus requiring an 8.6' variance.

Mr. Bilger presented aerial photographs of the property. He pointed out that the front setbacks of structures on other properties along E. McGuire Road are similar to the proposed setback for petitioner's proposed deck. Mr. Bilger presented a survey of the property showing the proposed deck. Mr. Bilger noted that the proposed structure may encroach into the flood fringe, and that the petitioner has indicated an intention to abide by the requirements of the flood code.

Mr. Bilger reviewed the findings of fact review criteria found in the staff report, noting that petitioner's front property line is not the shoreline, unlike the adjacent subdivision, which affects the application of the setback.

Mr. Wright asked whether the petitioner could apply for a vacation of a common area between the front property line and the shoreline that would extend petitioner's front property line to the shoreline and, thus, remove the need for a variance. Mr. Bilger stated that it could be possible, but the method would be to use quiet title through the courts.

Mr. Wilkinson asked the petitioner to approach the podium. Nick Davis, 1625 Forrest Drive, Plainfield, IN 46168, approached the podium to speak on behalf of petitioner. Mr. Davis stated that his family wants to fix up the structure on their lake property and potentially construct an addition in the future, and that this variance petition is part of the process of making these improvements.

Mr. Wilkinson asked the Board if it had any questions for Mr. Davis. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning this petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson called for a vote on the petition. The variance petition passed by a vote of 5-0.

19-W-VAR-19

Micropulse, Inc. requested a variance to modify and relocate the required buffering landscaping for their IPM, Industrial Park/Manufacturing, zoned property at 5865 E. State Road 14, Columbia City. The property is located on the north side of E. State Road 14, approximately 1,000' west of S. 600 East in Section 03 of Jefferson Township.

Mr. Bilger summarized the staff report. Mr. Bilger stated that petitioner is being required to install a buffer yard after receiving development plan approval of an addition to its commercial building on the subject property.

Mr. Bilger stated that, per §5.6(BY-01)(A) of the Zoning Ordinance, the following buffer standards apply when an IPM-zoned district is adjacent to an AG, RR, LR, VC, or GC district:

1. The owner of the subject property is responsible for installing the buffer yard.
2. The adjacent property owner shall not have to participate in installing the buffer yard.
3. An additional 10' of setback is required in addition to the normal setback on the yard(s) abutting the other zoning district.
4. One deciduous canopy tree planted a minimum of every 30', or coniferous tree every 20'.
5. All trees must be planted within 5 to 15 feet from the property line and on the subject property.
6. All trees must have at least a 1 1/2" caliper, be properly maintained, and be replaced if the tree dies, is diseased, or is damaged.

He stated that the perimeter of the IPM-zoned district is approximately 5,000'. Since the entire perimeter is surrounded by AG or GC-zoned districts, the entire perimeter could be subject to the

buffer yard standards of the Zoning Ordinance. However, Brian and Sonya Emerick (principals in petitioner Micropulse, Inc.) own four of the eight abutting and adjacent AG-zoned properties. An Emerick family member owns another of the abutting properties, and an existing GC-zoned business is also an abutting property.

Mr. Bilger stated that petitioner is requesting a reduction in the total number of trees by not installing trees along property frontages abutting properties owned by the Emericks, the Emerick family member, or the GC-zoned business. Instead, petitioner requests approval to place trees along property frontages abutting nearby residential properties. This would place most of the trees off of the subject property. Petitioner has also requested that landscaping not be required along the CR 600 East frontage due to power lines and a legal drain easement that parallel the west side of the road. Petitioner thus requests variance of §5.6(BY-01)(A)(4), §5.6(BY-01)(A)(5), and possibly §5.6(BY-01)(A)(2).

Mr. Bilger presented aerial photographs of the subject property and surrounding area along with a landscaping plan submitted by the petitioner. He stated that, per the submitted landscaping plan, petitioner requests approval to place trees on the western boundary of the property immediately north of the subject property. This property is owned by Mr. and Ms. Emerick and abuts four residential properties to the east. Mr. Bilger reviewed the findings of fact review criteria found in the staff report.

Mr. Bilger stated that §5.6(BY-01)(A)(2) leaves open the possibility that an adjacent property could participate in installing the buffer yard if they voluntarily agree to do so. Petitioner has requested to place trees on the property immediately to the north of the subject property. Mr. and Ms. Emerick own this property and have voluntarily agreed to participate in installing the buffer yard.

Mr. Bilger reviewed the following conditions suggested in the staff report:

1. Hazen Properties, LLC, owner of 5978 S. 600 East, and Kenneth and Barbara Emerick, owners of 5901 E. State Road 14, provide for the record a statement waiving the required buffering along their frontages with the petitioner's property.
2. The requirements of points 4 and 5 above apply to where a landscape buffer is proposed.

Mr. Wilkinson asked Mr. Bilger if the Board could revisit buffer yard requirements if additional expansions of Micropulse were to occur. Mr. Bilger stated that the Board could add a condition that asserts its right to revisit buffer yard requirements in the event that Micropulse, Inc. expands on the subject property in the future.

Mr. Wilkinson asked the petitioner to approach the podium. Brian Emerick, 5865 E. State Road 14, Columbia City, approached the podium to speak on behalf of the petitioner. Mr. Emerick stated that Micropulse, Inc. has expanded multiple times at its current location and that typically buffering has been placed along the north and east side of the complex. Mr. Emerick stated that petitioner hopes that the Board finds this landscaping plan to be acceptable for the long-term. Mr. Emerick stated that he has received verbal agreement from Hazen Properties and Kenneth Emerick to waive the required buffering along their frontages with the subject property. Mr.

Emerick asked the Board for the option to place a fence in lieu of trees along the path described in the landscaping plan submitted by petitioner. Mr. Emerick stated that he is under the impression that the Columbia City Zoning Ordinance allows for the placement of a fence in lieu of trees where a buffer yard is required.

Mr. Bilger stated that the Columbia City Zoning Ordinance does allow for the placement of a fence where a buffer is required, in some circumstances.

Mr. Denihan asked how petitioner intends to maintain the trees proposed in the landscaping plan. Mr. Emerick stated that he has already planted a 25' wide strip of agricultural field to grass suitable for a drainage easement, and that he would plant trees this fall and then begin regular irrigation next spring.

Mr. Wright asked Mr. Emerick how tall of a fence he is considering. Mr. Emerick stated that he is considering a 6' or 8' tall fence, but is open to negotiation with the Board. He suggested potentially having spacing, for example 1", between fence "slats" [aka pickets].

Mr. Emerick discussed the placement of trees for aesthetic, buffering, and wind breaking purposes at other areas on the subject property.

Mr. Wilkinson asked the Board if it had any questions for the petitioner.

Mr. Wright stated that he supports allowing an 8' fence with spacing between the slats as an option.

Mr. Emerick asked how close to the property line can the fence be placed. Mr. Bilger said that the County zoning code does not regulate fence location, and state law has provisions only for shared fences. Generally people place fences within the property line to avoid disputes with the adjacent property owner.

Ms. Deckard asked Mr. Bilger if it would be a problem if the Board approved a condition that allows placement of a type of buffer, such as a fence, that is not explicitly mentioned in the Zoning Ordinance. Mr. Bilger stated that doing so would not cause a problem since this is a variance request.

Mr. Wilkinson asked the Board if it had any additional questions for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning this petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wright made motion to approve the petition with the following conditions:

1. The variance is granted as presented and per the submitted landscaping plan.
2. Hazen Properties, LLC, owner of 5798 S. 600 East, and Kenneth and Barbara Emerick, owners of 5901 E. State Road 14, provide for the record a statement waiving the required buffering along their frontages with the petitioner's property.

3. One deciduous canopy tree planted a minimum of every 30', or coniferous tree every 20', where the landscape buffer is proposed.
4. Petitioner may place an 8' wooden fence with 1" spacing between slats in lieu of the above landscaping, or may combine or alternate said fence with the landscaping.
5. All trees must be planted within 5 to 15 feet from the property line and on the subject property where the landscape buffer is proposed.
6. Petitioner will be responsible for maintenance of trees, fence, or any combination of the two, where the landscape buffer is proposed.

Ms. Lopez seconded, and the motion passed by a vote of 5-0.

19-W-SE-9

Amie Oliver requested a special exception approval to permit a secondary dwelling unit at 6661 E. 400 South, Columbia City. The property is located on the north side of E. 400 South, approximately $\frac{1}{3}$ mile west of S. 700 East in Section 26 of Union Township, and is zoned AG, Agricultural.

Mr. Bilger summarized the staff report. He stated that petitioner intends to place a 15.3'x60' manufactured home near the rear of the property to be used by the petitioner's mother, that the manufactured home would need to be a Type II or III manufactured home, and that the manufactured home would be removed from the subject property once petitioner's family member is no longer occupying the dwelling.

Mr. Bilger presented aerial photographs of the subject property along with a site plan submitted by petitioner. Mr. Bilger stated that it was unclear from the site plan where parking for the proposed secondary dwelling unit would be located, and added that a driveway permit would be required if the property owner wished to have a separate driveway for the proposed secondary dwelling unit. He pointed out on an aerial photograph a county-regulated tile drain that runs east-west across the property between the primary structure and CR 400 South. He stated that the existing driveway crosses this drain, that a new driveway cut would also cross the drain, and that County Drainage Board approval would be required to cross the drain with a driveway.

Mr. Bilger presented a floor plan submitted by petitioner. He then reviewed the findings of fact criteria found in the staff report. He stated that the petition appears to meet the review criteria, and listed the conditions of approval suggested in the staff report.

Mr. Wilkinson asked the petitioner to approach the podium. Amie Oliver, 6661 E. 400 South, Columbia City, approached the podium. Ms. Oliver stated that the driveway to access the proposed secondary dwelling unit would be an extension of the existing driveway.

Mr. Wilkinson asked the Board if it had any questions for the petitioner.

Mr. Denihan asked petitioner to confirm that the existing driveway would be extended to the rear of the property to create access to the proposed secondary dwelling unit. Ms. Oliver confirmed that she intends to extend the existing driveway to the rear of the property.

Mr. Bilger asked Ms. Oliver if the condition requiring removal of the secondary dwelling unit once it is no longer being occupied by a family member was acceptable. She stated that this condition was acceptable.

Mr. Wilkinson asked if any audience members had questions or comments concerning this petition.

Dave Ferguson, 6624 E. 400 South, Columbia City, approached the podium. Mr. Ferguson asked how the special exception would be dealt with in the event that Ms. Oliver sold the subject property.

Mr. Bilger stated that the special exception runs with the petitioner, and so the special exception would be removed in the event that petitioner sold the property. Mr. Bilger added that the Board could add a condition stating that the special exception is non-transferable.

Mr. Wilkinson asked the Board if it had any additional questions for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning this petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wright made a motion to approve the petition with the following conditions:

1. The special exception is granted as presented.
2. The special exception is granted for the applicant and is non-transferable.
3. The secondary dwelling unit shall be a Type II or II manufactured home, and shall be removed from the property when it is no longer occupied by a family member of the petitioner.
4. Health Department review and approval of the septic system shall be required.
5. If a new driveway is to be installed to access the dwelling unit, a Consent for Permanent Structure may be required to cross the legal drain in the front of the property.
6. In addition to the requirements in the Zoning Code definition of "secondary dwelling unit," the dwelling shall not be used as an income-producing rental unit.

Ms. Deckard seconded, and the motion passed by a vote of 5-0.

19-W-SE-10

New Singular Wireless PCS, LLC requested a special exception approval to permit a communication tower at 10800 S. 700 East, Roanoke. The property is located on the west side of S. 700 East, approximately ¼ mile north of State Road 114 in Section 35 of Jefferson Township, and is zoned AG, Agricultural.

Mr. Bilger stated that legal counsel for the petitioner contacted the Planning Department and expressed concern that the public hearing notice was published with a misspelling of petitioner's legal name. He stated that "New Singular Wireless PCS, LLC" should be "New Cingular Wireless PCS, LLC," and that petitioner's legal counsel felt that the discrepancy was substantial enough to warrant requesting a continuance of the petition.

Mr. Wilkinson asked Mr. Bilger if the petitioner was requesting a continuance to the November 26, 2019 regular meeting. Mr. Bilger confirmed such, and that new notifications would be made.

19-W-SE-11

Michael and Tiffany Stonebraker requested a special exception approval to permit a kennel at 2806 N. Etna Road, Columbia City. The property is located on the north side of N. Etna Road, approximately ½ mile west of N. 50 West in Section 29 of Thorncreek Township, and is zoned AG, Agricultural.

Mr. Bilger summarized the staff report. He stated that the property is currently improved with a single-family dwelling, a barn, a recently-constructed pole building, and stone parking area. 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 existing driveways. Parking would be accommodated on an existing gravel parking pad.

Mr. Bilger stated that a sign for the use would be installed in the field and visible from Etna Road, but that no specifications for the sign have yet been submitted by petitioner. The maximum sign area allowable under the Zoning Ordinance would be 144 sq. ft. total, or 72 sq. ft. per side. He added that the Board has the discretion to condition a smaller maximum sign area if it chooses to do so.

Mr. Bilger stated that petitioner has indicated that approximately 5-6 customers per day would be expected, with 20 being the maximum number of dogs boarded at any one time. No services besides boarding would be provided. Hours of operation would be by appointment only, Monday through Sunday. The petitioner would be the only employee.

Mr. Bilger reviewed comments submitted by the Highway Department and the Health Department. The Highway Department determined that, although not ideal, the existing driveway meets sight distance requirements. The Health Department has requested that petitioner locate the existing septic system and demarcate the corners with stakes to verify that the area they have designated for dog waste disposal does not overlay their septic system.

Mr. Bilger presented aerial photographs of the property along with a site plan provided by petitioner. Mr. Bilger described the proposed location of the kennel building along with the proposed outdoor play areas. Mr. Bilger pointed out on the site plan an area in the northeast corner of the property designated by petitioner as a dog waste disposal area.

Mr. Bilger reviewed a remonstrance letter received by staff. The letter complained of the noise created by barking dogs at a kennel operated by a former owner of the subject property. Mr. Bilger noted that noise created by barking dogs could be an issue for neighbors to the east, but that a wooded area on the subject property to the west would likely buffer noise.

Mr. Bilger reviewed the findings of fact criteria found in the staff report. He stated that the petition appears to meet the review criteria, and listed the conditions of approval suggested in the staff report.

Mr. Wilkinson asked the petitioner to approach the podium. Michael Stonebraker, 2806 N. Etna Road, Columbia City, approached the podium. Mr. Stonebraker stated that he and his wife want to build a boarding kennel on their property.

Mr. Wilkinson asked Mr. Stonebraker if the maximum number of dogs boarded at any one time would be 20. Mr. Stonebraker confirmed that the maximum number of dogs boarded at any one time would be 20.

Mr. Wilkinson asked the Board if it had any questions for the petitioner.

Mr. Wright asked Mr. Stonebraker where he intends to place the sign. Mr. Stonebraker stated that they intend to place the sign on a hill approximately 20' from the edge of N. Etna Road, near where W. Sheckler Road tees into N. Etna Road.

Mr. Stonebraker stated that they intend to either trim or remove the trees immediately south of the driveway to improve visibility while entering and exiting the driveway.

Mr. Bilger asked Mr. Stonebraker if the sign size limits listed in staff's suggested conditions are acceptable. Mr. Stonebraker confirmed that sign size limits offered by staff are acceptable.

Mr. Wilkinson asked if the hours of operation listed in staff's suggested conditions were picked by the petitioner or by staff. Mr. Bilger stated that these hours were selected by staff. Mr. Stonebraker requested that the allowed hours of operation be amended to 7:00 a.m. to 6:30 p.m. to accommodate people getting off work at 5:00 or 5:30 p.m. Mr. Wilkinson asked Mr. Stonebraker if 7:00 a.m. to 7:00 p.m. would be acceptable as allowable hours of operation. Mr. Stonebraker stated that those hours would be acceptable.

Mr. Wilkinson asked Mr. Stonebraker if it was correct that they would potentially have only one non-resident employee. Mr. Stonebraker stated that this was correct.

Mr. Wilkinson asked the Board if it had any questions for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning this petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wright made a motion to approve the petition with the following conditions:

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 7:00 p.m.
7. There shall be no more than one non-resident employee of the kennel without Board approval.

Ms. Lopez seconded, and the motion was approved by a vote of 5-0.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 8:39 P.M.