

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

**23-W-SE-13      SPECIAL EXCEPTION**  
Melinda Jagger  
858 E. 400 North

**JULY 25, 2023**  
**AGENDA ITEM: 5**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 6.115 acres

The petitioner, owner of the subject property, is requesting special exception approval for a kennel use at 858 East 400 North in Section 22 of Thorncreek Township. The property is located on the south side of 400 North, approximately 1,800' east of Airport Road, and is comprised of most of Lot 6 in Sunnyview Hills. The property is currently improved with a single-family dwelling and an outbuilding.

The petitioner proposes to use the existing pole building for a dog boarding kennel and "doggy daycare." As submitted, the building would be remodeled with insulation sufficient to reduce dog noise. There would be 8 "suites" and 4 indoor kennels, and a fenced indoor/outdoor play area. The play area is to be located behind the building so as not to be visible from neighbors. As described, the petitioner would be present whenever dogs would be outside in order to control barking.

Hours of operation would be 8am to 5pm for the doggy daycare, and 8-10am and 3-5pm for kennel pickup/dropoff. Lighting would be residential exterior lights, if any. Signage is proposed at the road and on the building.

No details on the pickup/dropoff arrangement were submitted at the time of writing. No specific number of daily customers was submitted, but the number would be limited by the 12 spaces described above. The petitioner would be the only employee at this time.

The petitioner suggested that dog grooming may be added later and requested that be considered as a possibility with this petition.

Note that this lot is subject to the covenants and restrictions of the Sunnyview Hills subdivision, recorded in 1996. The covenants state that the lots shall be used for single-family residential purposes. As the Board does not enforce covenants, it is up to the petitioner to verify their compliance with that or any other regulations outside of the Board's authority.

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 may be a performance standard consideration, but the 275'± setback from the kennel to the nearest dwelling would mitigate some noise. The petitioner's stated policy to be outside while dogs were outside should also mitigate noise from barking.

Odor can also be an issue, so waste from the dogs should be collected and disposed of properly.

Additionally, the septic system will need to meet the requirements of the Health Department; this is particularly important for the possible dog grooming business.

- 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 remodel an existing accessory building that is presumably already harmonious with the existing buildings, both on-site and adjacent. The exterior fencing proposed would be less harmonious, but it is Staff's understanding that these areas would be located out of view of surrounding residences. the rear of the property.

- 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 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. The slope and vegetation along the west side of the building should provide additional buffering.

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

The existing driveway would be used for access to this use; the driveway is shared with the adjacent residence at 864 E. 400 North. It is presumed, although no plan has been submitted, that a driveway extension would be installed and additional parking made available for the use. There should be sufficient room for such a parking area.

With 12 spaces available for the keeping of dogs, there could be approximately 12 drop-offs and 12 pickups per day for the proposed dog day care operation. This would likely have an impact on the shared driveway; however, the Board should determine whether this would constitute 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 Mixed Rural or Rural-Agricultural, so this animal-based use does not seem to conflict with its recommendations.

#### **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.
3. A parking plan will be submitted and meet the requirements of the parking code.
4. The addition of dog grooming will require an additional and/or revised Special Exception.
5. There shall be no more than 18 dogs on the property as part of the Special Exception.
6. The requirements of the Health Department will be met.
7. The area of the freestanding sign will be limited to 12 sq. ft. (6 sq. ft. per side). On-building signage will not exceed 96 sq. ft. (total).
8. Pick up and drop off of dogs will be limited to the hours of 8:00 a.m. to 5:00 p.m.
9. There shall be no more than one non-resident employee of the kennel without Board approval.

Date report prepared: 7/5/2023

**BOARD OF ZONING APPEALS RECORD OF ACTION**

Motion: \_\_\_\_\_ By: \_\_\_\_\_ Second by: \_\_\_\_\_  
 Approve \_\_\_\_\_  
 Approve w/conditions \_\_\_\_\_  
 Deny \_\_\_\_\_

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<i><b>Vote:</b></i>	<b>Green</b>	<b>Sheiss</b>	<b>Wilkinson</b>	<b>Wolf</b>	<b>Wright</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

## Brent Bockelman

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**From:** Jagger, Melinda <[redacted]>  
**Sent:** Friday, June 16, 2023 3:14 PM  
**To:** Brent Bockelman  
**Subject:** [External] Request to open a kennel at 858 E 400 N

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

We would like to open a family owned and operated kennel and doggy day care at 858 E 400 N in our existing pole barn which is several feet from 400 N. The barn will be insulated with the proper materials to offset any additional noise. Hours of operation would be 8 – 5 doggy daycare hours and 8:00–10:00 a.m. and 3:00–5:00 p.m. pickup and drop off for the kennel. Grooming is not something we have plans for initially but would like that to be included as a possibility. It seems like it would be a natural path for the business to take eventually. There would be 8 suites that range in size. We will also have 4 indoor kennels for those that would prefer something smaller and at a lower cost. There will be an indoor and outdoor play area for the dogs. The outdoor play area will be fenced in, and the animals will not be visible. When the animals are outside, we would be outside, they would not be left unattended and allowed to bark and disrupt our neighbors. We would not require special outdoor lighting. It would be standard lighting which would not interfere with the neighbors. Due to our hours of operations outdoor lighting is not essential. We would like to have a small sign that would be near our driveway for clients to know which driveway they should use. We would keep this small and back far enough so it would not interfere with the line of site while pulling out of the driveway. We would also have an additional sign attached to the pole barn.

If you have any questions, please feel free to contact me at

Thank you,

**Mindy Jagger**

Customer Care Rep I - CL | Service Center

West Bend Mutual Insurance Company  
1900 South 18th Avenue  
West Bend, WI 53095

Please be aware that insurance coverage cannot be bound, altered, or cancelled over the phone, by voicemail, or by email without confirmation from a licensed insurance representative.





Meinika, David L & Tamara S

Boggs, Gary A & Rachel M

Meinika, David L & Tamara S

McIntarfer, Roger L

Trowbridge, Victor L & Linda Kaye

Dolsen, Sonya M

Dunn, Lena M

Old School Investments, Llc

Barnett, Trenton

Daniel, Alan & Karl

Miquelon, Christopher J & Stephanie J

Vance, William T & Debra L

Keim, William S & Cindy S

Jagger, Jeffrey D & Tina L

Arnold, Steven E & Stump, Karen H

Schlotterback, Jeffrey D & Kimberly A

Schmidt, E Hans & Cindy M

Devito, Kenny & Megan

Menzie, Brian & Valerie

Morarity, Gerald E & Jagger, Melinda S

Oldenburg, Brad & Ines

Worden, Romand M & Paula J

K & D Jagger Lic

Von Seggern, Robert J & Leslie

Jagger, Chad & Amy

Jagger, Ryan G & Leah V

Jagger, Andrew R & Jennifer K

Jagger, Gail M & Jagger, Patricia L Trustees Revocable Trust

K & D Jagger Lic

Collar, Frederick L & Carolyn L

Collar, Frederick L & Carolyn L