

Minutes of the July 11, 2006
Regular Meeting of the
Marshall County Board of Zoning Appeals
Third Floor Commissioner's Meeting Room, #307
Marshall County Building
112 West Jefferson Street
Plymouth, IN 46563

MINUTES

Chairman Foster Davenport called to order the July 11, 2006 meeting of the Marshall County Board of Zoning Appeals at 7:30 p.m. Present were Board Members: Foster Davenport, Gary Davis, Don Ecker, Robert Flora, Zoning Administrator, Ralph Booker, Secretary, Lori Lowry and interested parties. Absent was member Harold VanVactor.

The first item of business was the review of the minutes of the June 13, 2006 meeting. Mr. Ecker moved and Mr. Flora seconded a motion to approve the minutes as corrected. The motion passed by acclamation.

The second item of business was case 06-BZA-28 LIDGARD, Kris & Darla. A request for a Special Exception to allow a Kennel License for occasional breeding and rescue, located at 13565 4th Rd., Plymouth, IN, Zoned A-1, North Twsp. Mrs. Lidgard was present to represent her case. Mr. Booker gave the details and presented his Findings of Fact for the request. This is a request for a dog kennel in an area zoned agricultural, but it is in fact a very residential location. The kennel would be located in a 5 acre parcel adjacent to other 5 acre parcels which are only 165 feet wide to meet the requirements to build a house without going through the subdivision process. The general upkeep of the property is questionable. The applicant is going to have to prove they can house the dogs without impacting the lives of their neighbors. There

are dogs on the property now. He did not see them, because they were in the home at the time of investigation.

Mrs. Lidgard stated that they would like to build a kennel with individual runs that would face the opposite direction of the neighboring property as they are the closest neighbor and have children that are scared of the dogs.

Mr. Davenport asked Mrs. Lidgard how many dogs she planned to have and what type of dogs. Mrs. Lidgard stated that she plans to have no more than 4 or 5 Australian shepherds unless there is a litter of puppies each year.

Mr. Ecker moved and Mr. Flora seconded the motion to open the public hearing. The motion passed by acclamation.

- Dave Richard – 13711 4th Road is a neighboring property owner that is in opposition to this request as the noise of these animals will be a nuisance.
- Joe Ukinski – 13542 4th Road is a neighboring property owner that is in opposition to this request as the noise of these animals will be a nuisance.
- Lorna Zartman – 4441 N. Michigan Road is in opposition to this request until further information is heard.
- Ralph Scutchfield – asked if this facility was going to be full fledged kennel that is insured and blessed by the humane society.

Mr. Booker presented a letter to the board from Mr. & Mrs. Jerry Halt in opposition to this request.

Mr. Davenport moved and Mr. Ecker seconded the motion to close the public hearing. The motion passed by acclamation.

The board asked how many dogs are currently being housed and what type of housing. Mrs. Lidgard stated that she currently has eight but is looking to relocate at least three. As far as the facility they are planning a building with individual kennels off to the side with a cement floor and temperature control in the building.

Mr. Ecker asked for a plan of the dogs waste. Mrs. Lidgard stated that they considered putting it in their garden or bagging it up to dispose of it.

The board asked where the dogs are currently being housed. Mrs. Lidgard stated that they are kept in kennels inside the house.

The board asked if this facility was to be neat, clean, fenced and approved by humane society.

Mrs. Lidgard stated that she was going to try to keep everything as clean and sanitary as they possibly can. As far as the nuisance of barking, all of the neighbors have dogs that bark. There is no way to keep these animals from barking when there are others also barking.

Mr. Ecker stated, "When we look at what we have to go by to approve this, I find you at fault and am not sure about the injurious to the public health, safety and morals, and general welfare. It depends on how you take care of these dogs and if they ever get loose, because shepherds are not peaceful dogs by nature. The second item is the approval will not be injurious to the use and enjoyment of other property in the vicinity or diminish and impair property values within the neighborhood. I think you are doing a good job of keeping the property values down by looking at these photos. That is not what we can go by, but I do not see any indication whatsoever that this is going to be a proper kennel. There are some nice houses in that neighborhood that are well taken care of."

With that being said Mr. Ecker moved and Mr. Davenport seconded the motion to deny the request. The motion passed 4-0.

Mr. Booker advised Mrs. Lidgard that she cannot keep more than four dogs per the ordinance.

Violations:

Gross The neighbors are still complaining of the trash devaluing their property.

Tucker Resolved

Parenti The surveyor's office is assisting in the drainage issue.

Doll Selling cars on property and has too many junk cars; is supposed to remove some of the junk cars.

Williams Is to be cleaning up junk on property.

Marks Neighbors complaining of existing building too close to property line.

Good Recent kennel permit given to neighbor whose dogs are running loose

Minutes of the July 11, 2006

Regular Meeting of the Marshall County Board of Zoning Appeals

SR 8 Owner having a continuous yard sale; advised to cease this business.

Mr. Booker presented to the board an outline of Marshall County showing the locations of permits in this county along with a copy of our permit log for the year 2006.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by voice vote.

Respectfully submitted,

Gary Davis
Secretary