

May 9, 2023
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Jeff Gustafson, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, May 9, 2023, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, David Hostetler, Matt Miller and Jim Kephart. Also present was Ty Adley Plan Director, Lori Lowry and interested parties.

Mr. Bennett made a motion to approve the minutes from the April 11, 2023, Board of Zoning Appeals meeting as corrected, seconded by Mr. Miller. Motion carried by acclamation.

The second item of business was 23-BZA-08 AMMF - A request by Michael Hochstetler for a Special Use to allow a dog kennel; located at: 2484 2 B Rd., Bremen, IN German Twsp., Zoned A-1. Mr. & Mrs. Michael Hochstetler of 2484 2 B Rd., Bremen was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to permit a dog kennel with 25 adult dogs (Golden Retrievers and Bernese Mountain Dogs, but plans to start with about 15. They plan to raise 150-225 puppies per year. The plan is to purchase a 16x48' portable building then set it in place and install in floor heat and ac. The in-floor heat is created by the 6" raised floor with 24" wide full length aluminum heat pads that will be heated with hot water, similar to in-floor heat in concrete. There will also be ceiling and exhaust/ventilation fans. There will be 14 inside houses with runs that are 5.5' x 16'. The houses will be large enough for 2 adult large breed dogs so that they will not have to be alone. The kennel will be built to USDA specs will be inspected and certified by the USDA. The applicant will also be certified by Canine Care Certified which is a program developed by Purdue University to ensure the health and overall well-being of the adults as well as the puppies. The applicant is also a member of ICAW (Indiana Counsel of Animal Welfare). The dogs will have inside and outside access at all times and will be exercised in a large play yard on a daily basis. The kennel will be dry and spot cleaned daily. It will also be sanitized "by-weekly". The waste from the dogs will be composted with the horse manure and applied to the applicant's fields. The applicant will be working close with Dr. Weldy's Associates to develop a vaccination/deworming schedule and he will be doing his own genetic testing with Paw Prints Genetics to ensure that he is breeding dogs without genetic diseases. The puppies will all be socialized with standards developed by Canine Care Certified/Purdue University and will be sold to brokers at 8 weeks of age.

Recommendation:

Based on the information provided and review by Technical Review Committee, staff and TRC would recommend approval of the proposal with the conditions:

Marshall County Board of Zoning Appeals

5/9/2023

- The ordinance requirements are met
- Limit of adult dogs to 9
- Requirement that they also have 6 months to come into compliance with the kennel ordinance for the violation of operating a kennel without BZA approval.
- Staff would amend the original recommendation to include the condition that the facility is required to include the condition that the facility is required to be Canine Cares Certified. As a note, should any of the development standards set forth in the zoning ordinance or conditions set by the BZA not be met, a violation may be pursued and result in the kennel be revoked.

Mr. Hochstetler had a signed petition from area property owners in favor of his proposal.

Mr. Hochstetler had three options to propose to the board.

- A. 9 dogs – Only having 9 dogs will be an after hours business. With all the paperwork involved in canine care he will NOT have it for 9 dogs. Will follow the principles just not the certifications.
- B. 12 dogs - No Canine Care Certification
- C. 25 dogs – Will not have 25 dogs right away. He would grow into it as the facility allows. USDA inspected, Canine Care and BOAH Certified. With more than 20 breeding females BOAH certification is required. Voluntary BOAH certification is allowed.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Miller. Motion carried by acclamation.

1. Nancy Cox 11165 13th Rd. Director of the Humane Society. They handle 1500 animals a year. Ever since COVID people are getting rid of their pets because of the economy and people going back to work. Isn't in favor of another breeder coming into the community where they are going to pump out an additional 200 puppies a year. Agreed to let him have the 9 dogs that he has now because it seemed to be the majority of thoughts of the TRC. This is a puppy mill. As long as animals are dying in the shelter she isn't in favor of this type of business.
2. Brenda Harper City of Plymouth Didn't understand why the applicant had 9 dogs and now he has 12 dogs. Shouldn't that be a violation?
3. Letter submitted by area neighbors in favor of the request.
4. Cheryl Rager 9398 3rd Rd. Lagrange and Elkhart Counties are the worst rated for puppy mills and doesn't want Marshall County to follow suit. Believes puppy mills are terrible as they have little human interaction.
5. Marilyn Rans Email Is not in favor of puppy mills and she believes they are inhumane left in cages and no human interaction.

Mr. Miller made a motion to close the public hearing, seconded by Mr. Hostetler. Motion carried by acclamation.

Ms. Cox was invited to the property and there were several conversations over the phone, but Ms. Cox didn't come out to the property.

There is currently a developmental standard within the ordinance that allows the Plan Director

Marshall County Board of Zoning Appeals

5/9/2023

and Humane Society to visit the property anytime unannounced.

Mr. Hochstetler hasn't had to re-home a dog yet. He is familiar with a facility that re-homes and is a veterinarian. He has specific standards and doesn't take all dogs.

The new facility will always have access to the outside. The runs are 6' wide and 16' long and will be assembled with vinyl and washed down daily. There will be a play yard where the dogs will be let out into daily to play.

The dogs cycle twice a year. However, it is recommended that they breed two times and skip once.

With either the 9 or 12 dog limit, Mr. Hochstetler will still have a full-time job.

He still plans to build the facility with hopes to have up to 25 dogs in the future. He would like to have permission now for the 25 dogs and not have to come back. But, would follow the wishes of the board.

Up to this point the applicant has been selling all the dogs wholesale. He would like to get into selling retail to get to know the new owners

The three extra dogs are good quality dogs that he would have to pay \$275 to rehome them. He would like to keep them.

Mr. Adley read and explained the definition of a kennel within the ordinance.

Mr. Bennet made a motion to approve 23-BZA-08 AMMF - A request by Michael Hochstetler for a Special Use to allow a dog kennel; located at: 2484 2 B Rd., Bremen, IN German Twsp., Zoned A-1 with the following stipulation:

- 1. 9 dogs**
- 2. USDA and BOAH Certified**
- 3. Once the new facility is up and running the board would welcome ou back for more dogs. At that time the canine care certificate would be required.**

Seconded by Mr. Miller. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

With no further business to come before the board the meeting was adjourned. Motion carried.

Respectfully submitted,

David Hostetler