

MILLCREEK TOWNSHIP BOARD OF ZONING APPEALS

PUBLIC MEETING MINUTES

DATE & TIME: Tuesday, September 29, 2015 @ 7:00 p.m.

LOCATION: Millcreek Township Hall, 10420 Watkins Road, Marysville Ohio 43040

CALL TO ORDER: Meeting called to order by Chairman Jason Comstock at 7:01 p.m.

ROLL CALL: Planning/Zoning Administrator Phil Honsey called the roll of members present.

Members Present: Steve Cameron
Brian Clark
Jason Comstock, Chair

Members Absent: Jeff Pieper
Bob Whitmore, Alternate
Jim Teitt

Others Present: Phil Honsey, Millcreek Township Planning/Zoning Administrator
Keith Conroy, Millcreek Township Board of Trustees
(Please reference Enclosed Exhibit "A" for the complete attendee sign is sheet)

LEGAL NOTICE: Jason Comstock summarized the following legal notice as published in the Marysville Journal Tribune at least ten (10) days prior to the hearing:

LEGAL NOTICE

The Millcreek Township Board of Zoning Appeals will hold a public hearing on Tuesday, September 29, 2015 at 7:00 p.m. at the Millcreek Township Hall, 10420 Watkins Road, Marysville, Ohio 43040. The board will be considering an application by Michael and Linda Fite for a Conditional Use Permit for a proposed dog training and boarding facility on a 5.8 acre parcel at 7320 Hinton Mill Road, Ostrander OH, 43061. A copy of the application is available on the township website at www.millcreektwpohio.us. Other administrative business may be presented to the board for discussion and consideration following the public hearing. The public is invited to attend.

Phil Honsey, Zoning Administrator
Millcreek Township
(937) 644-3449 phone
zoning@millcreektwpohio.us

Published in the Marysville Journal Tribune September 10, 2015

OLD BUSINESS: None

NEW BUSINESS:

Public Hearing – Application #129 – Mike and Linda Fite, Applicants – Request for a Conditional Use Permit for a Dog Kennel (Boarding and Training Facility)

Chairman Comstock welcomed the attendees and asked that Court Reporter Celeste C. Dawley, RPR, of Fraley Cooper Professional Court Reporters, swear in those in attendance. The oath was administered to all present.

Chairman Comstock asked the Zoning Administrator to first provide a staff report and indicated the applicants would then be given an opportunity to present their case.

The Zoning Administrator noted the written staff report (see enclosed Exhibit "B") quotes the applicable standards for review as contained in the Millcreek Township Zoning Resolution and further describes requests for additional information staff made of the applicant when the report was circulated a week prior to the meeting. He noted the applicant was sent the same agenda materials and staff report at the same time they were sent to the Board.

The Zoning Administrator noted that the Millcreek Township Comprehensive Plan, as updated in 2011, prioritizes preservation of agricultural land in this part of the township. This area is zoned U1, primarily for agricultural, with very limited, large lot residential permitted. He noted this is a very low density area, as there are only three parcels total abutting and across the street from the subject property, and no residential dwelling within 400 feet.

Chairman Comstock asked if the primary design issues relate to the 200' and 400' setbacks from property lines. The Zoning Administrator indicated that would be correct, in his opinion.

Chairman Comstock invited the applicants to present their case. Mr. Fite handed out a document entitled "Come, Sit and Stay – Business Plan" (see Exhibit "C"), and gave an overview of his application and experience, and the proposed size of the structure, kennel runs, and training areas. At the request of Mr. Cameron, Mr. Fite described the type of fencing to be used which he considered an upgrade to normal chain link fencing.

Mr. Clark asked if restrooms would be included in the kennel building. Mr. Fite indicated a "port-a-john" is planned. Mr. Cameron asked about hours of operation. Mr. Fite said 7 AM to 7 PM.

Mr. Cameron asked about lighting. Mr. Fite indicated there would be one pole mounted security light and perhaps a porch light on the building.

Mr. Clark asked about signage. Mr. Fite said they are anticipating having a dead ash tree in the front carved into a dog statue as an indicator of the facility, but no other signage is anticipated at this time. The Zoning Administrator noted that the applicant would be required to apply for a separate sign permit in advance if any signage would be contemplated, and the restrictive standards of signage related to Home Occupations would be applied for such an application.

Chairman Comstock asked if this fenced in outside area would be the net effect of a dog park. Mr. Fite answered no – it would only be for a play area for dogs trained or housed at the proposed kennel.

The applicant described how group training classes would be conducted. Plans are to have training one week day and "maybe Saturday". The Zoning Administrator asked if dogs would be left outside unattended. The applicant indicated that dogs would be housed indoors, but would be let out to take care of necessary business.

The applicant described the existing vegetation on the property, and the 3' to 4' landscaping mound and 5' to 6' spruce trees which would be planted along the west side of the building for screening. Mr. Comstock asked if the pond shown in one of the application

The Chairman invited questions and comments from the audience.

Mr. Conroy asked about parking areas and spaces for the anticipated 1 to 2 part time employees, customers and the existing residence. Mr. Fite described the base and surface preparation (#2 stone as base, followed by ODOT spec #304 aggregate, and surfaced with aggregate containing fines) for the two primary parking areas (5-6 spaces at the kennel building towards the rear of the property and 8-10 spaces out front west of the existing residence.)

Mr. Forrest Day questioned if the applicants had ever run a business like this, and asked how long they had lived at the property? The applicants said they had not previously run a business like this, provided a brief background on their dog training experience, and indicated they had lived on the property since the fall of 1977.

Judi Nagode asked if the owners remain at the facility when training occurs. Mr. Fite said that they train owners as well as dogs, but on some occasions the owners don't stay. Mr. Cameron asked "What if you don't have enough handlers?" Mr. Fite said he would not do the class.

Ms. Nagode asked if the applicants intended to get into dog breeding? Mr. Fite said he is concentrating on his relationships with foster entities and is not an advocate for breeding. The Zoning Administrator asked Mr. Fite if he would agree to a stipulation that there would be no breeding at this facility, and Mr. Fite said he would agree to that.

Ms. Nagode asked what happened to "Doggy Day Care and Boot Camp" and Mr. Fite said those plans never materialized.

Ms. Nagode asked how the math works with 10 kennels and potentially 20 to 30 dogs at the facility? She asked are all the kennels inside? Mr. Fite said there are kennel runs outside, however they are under roof. He described a flap door that can be controlled to let dogs outside when necessary.

Ms. Nagode asked if the building will have air conditioning. Mr. Fite said it would be heated and cooled.

Ms. Nagode asked if dog training would include security dog training. Mr. Fite indicated there would be no security or police dog training. "Come, Sit and Stay" training would focus on making dogs better, per the American Kennel Club 10 step citizen certificate.

When asked about dog grooming, Mr. Fite indicated he would be willing to stipulate there would be no dog grooming at the facility.

Mr. Cameron asked about the Dog Warden being excited that the applicants could take problem dogs. Mr. Fite stated that these are not vicious dogs, they are dogs that "won't stay home". He said that in dealing with over 5,000 dogs, he has never had a dog that attacked people. He indicated that he would say for the record he will not take vicious dogs.

Mr. Conroy clarified the term the Ohio Revised Code uses is "dangerous dogs."

Ms. Nagode asked about noise. Noise standards as listed in the code were discussed.

David Manns read a letter expressing his concerns. (see Exhibit "D").

Mr. Conroy asked if the Board would consider limiting the number of kennel runs in the facility. Lengthy discussion followed on the number of kennel runs the building could house, the number of people and dogs that could be managed properly in training classes, and related parking and space parameters. The Board determined to break the issue into two categories: 1) A limit on the number of kennel runs permitted by this Conditional Use Permit, if approved, and 2) A limit on the number of people and dogs at the facility at any one time for training.

The Zoning Administrator noted the owners dogs at his house, separate from this outbuilding, would not count in the kennel totals, but, if the owner exceeded 6 dogs, a separate kennel permit would be required for that activity.

Chairman Comstock provided a list of conditions and compared notes with the Zoning Administrator regarding the details of the conditions.

Motion: Chairman Comstock moved approval, subject to the following conditions:

1. Hours of operation are limited to 7 AM to 7 PM,
2. Any signage proposed is subject to a separate permit under the sign provisions of the zoning resolution,
3. Up to 2 non-resident part time employees will be permitted,
4. The building will be located no closer than 60 feet to the west property line,
5. Group training at any one time will be limited to a maximum of 10 people and 10 dogs,
6. Screening near the west property line will consist of 3' to 4' earthen mound with 5' to 6' spruce trees plantings,
7. Six parking spaces surfaced with gravel will be provided at the building in the 48"x60' area, and lighting provided as described by the applicant,
8. A maximum of ten kennels is approved for this facility under this permit,
9. There will be no training of sentry dogs at this facility,
10. There will be no dangerous dogs, as defined by the Ohio Revised Code, housed or trained at this facility,
11. There will be no dog breeding at this facility,
12. Compliance with the site plan, as submitted.

Mr. Clark seconded the motion.

Action: The Zoning Administrator took a roll call vote. Mr. Clark, Yes. Mr. Cameron, Yes. Chairman Comstock, Yes. The motion passed.

Chairman Comstock instructed the applicants to coordinate with the Zoning Administrator on final permit issuance details.

OTHER BUSINESS:

Approval of Minutes of June 10, 2015 Meeting:

Chairman Comstock asked that the Board consider approval of the minutes of the June 10, 2015 BZA meeting. Mr. Cameron moved approval. Mr. Clark Seconded. All voted in favor of the motion. The minutes were approved as submitted.

ADJOURN: Mr. Clark made a motion to adjourn the meeting. Mr. Cameron seconded. All voted in favor of the motion. Chairman Comstock adjourned the meeting at approximately 8:40 p.m.

PREPARED BY:

Phil Honsey, Zoning & Planning Administrator

ATTEST:

DATE APPROVED:

Jason Comstock, BZA Chair