

**TOWN OF SANTA CLAUS
BOARD OF ZONING APPEALS MEETING
June 21, 2021**

PRESENT:

Board members present: Bob Grundhoefer, Matt Taylor, Eric Snow, and Lynn Winkler.

ABSENT:

Board Members absent: Breck Vinson

Also present: Kevin Patmore, Town Attorney
Todd Hays, Building Inspector and Zoning Administrator
Members of public.

Matt Taylor, the Chairperson, called the meeting to order at 6:00 p.m. on Monday, June 21, 2021 at the Santa Claus Town Hall. This meeting was a public meeting.

The minutes of the meeting of March 15, 2021 were read. Eric Snow made a motion to accept the minutes without correction. The motion was seconded by Bob Grundhoefer and the motion carried 4 to 0. All four available Board members signed the final minutes and the signed copy was left on the table for the clerk treasurer.

OLD BUSINESS : None

NEW BUSINESS :

Special Exception Requested to Build Dog Boarding/Daycare Facility in Industrial Park

The Town Of Santa Claus is requesting a Special Exception to be made to the permitted uses of the Industrial Park Zone so that they can sell town land to Tracy and Jason Haycox for the purposes of creating a dog boarding and daycare facility. The Haycox's currently own Santa's Paws, but are outgrowing their facility. Kevin Patmore, Town attorney, stated that the Industrial Park does not list Dog Boarding/Daycare facilities as a permitted use. However, none of the zones list dog boarding/daycare as a permitted use.

Kevin Patmore and Jeff Stillman, who is a member of the APC (Advisory Plan Commission), both stated that the APC had discussed the issue at the meeting immediately prior to this BOZA meeting. That board decided that the best zone to allow such a facility would be the Industrial District and that such a facility would not substantially interfere with the Town of Santa Claus master plan.

The area in question is an approximately ten-acre plot south of Ruby Winkler Drive and north of Bough Road and immediately east of N CR 475E. This area was deemed to be approximately 380' to 400' deep in the north/south direction.

The Haycox's stated that their facility would have probably no more than 60 dogs at any one time and never more than 75 dogs. All dogs would be penned indoors no later than 8:00 pm. They stated that they prioritize sanitation, both inside and outside, and that all dog waste products, except urine, would be picked up daily and later removed by a trash company. They also stated that the entryway would be on Ruby Winkler Drive.

The Rickelmans, who own farmland immediately south of the entire property in question and who pasture cows there, were vehemently opposed to this dog care facility and stated that the noise and smell from the operation would affect their cows and would lower the value of their property. They also stated that this kind of use should not be permitted in our Industrial district since it was intended for light industries.

A lengthy discussion took place and all concerns were noted, including: 1) that having a dog facility there would lead to the dumping of dogs in the immediate area (2) noise levels that might be heard miles away in residential areas, and (3) the ability of the Santa Claus sewer system to handle this facility adequately.

It was later noted that Santa Claus Town is spending \$5 million to upgrade its sewer systems and it is assumed this would cover any problems that might come up in this area. It was noted by the Haycox's that they never intend on leaving a lot of dogs outside at one time and that they have never had a complaint about noise at their current place of business. It was decided that the dumping of dogs was not an issue.

The public hearing was closed.

Kevin Patmore stated that all required notices were sent out to neighboring property owners and no negative letters were returned.

It was noted that the setback lines were 20' and that the Bough Road had a 60'-wide right of way.

Matt Taylor reminded the Rickelman's and the Board that if another kind of light industry (but a permitted use) were located on this land, that their farm operation could be affected negatively much more than a dog care facility would: including chemical smells, 24-hour lights, 24-hour noise.

The Board asked a number of questions of Kevin Patmore, such as whether or not restrictions could be placed on the property if it was given a special exception, and what kind of restrictions could and should be placed on the property. The Board was reminded that the Haycox's had not bought the property yet, and could refuse to buy it, if too many restrictions were put in place.

Kevin Patmore reiterated the 3 standards that must be met before granting a Special Exception:


1. The establishment, maintenance, or operation of the special exception will not be injurious to the public health, safety, or general welfare of the community;
2. The special exception will not affect the use and value other property in the immediate area in a substantially adverse manner;
3. The establishment of the special exception will be consistent with the character of the district (particularly that area immediately adjacent to the special exception) and the permitted land uses.

Lynn Winkler made a motion to allow the special exception with the further restriction of a 100' setback. A discussion followed in which most persons stated that this would be too restrictive on the owners. The motion died for lack of a second.

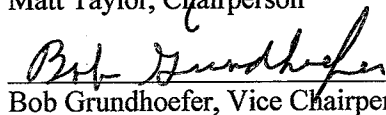
Bob Grundhoefer made a motion to grant the Special Exception, but with the stipulation that a minimum 6'- high solid fencing be mandatory around the dog walking/exercise area. Eric Snow seconded and the motion passed 4 to 0.

There was no other business. Eric Snow made a motion to adjourn. Bob Grundhoefer seconded the motion, and the motion carried by a vote of 4 to 0. Matt Taylor adjourned the meeting at 6:50 pm.

Respectfully submitted, Lynn Winkler, Secretary




Matt Taylor, Chairperson



Bob Grundhoefer, Vice Chairperson



Lynn Winkler, Secretary



Eric Snow, Member

Breck Vinson, Member