

Minutes                      Goshen Township Zoning Board of Appeals                      Meeting

6:30PM                                      Township Hall                                      February 13, 2006

Chairperson Mary Donna Elam called the Public Hearing for Case 282 of the Goshen Township Zoning Board of Appeals to order. Members present were as follows: Mary Donna Elam, Ed Seigla and Shirley Bixler. Members absent were: Lorna Rose.

Mary Donna Elam swore in the public.

Case 282: The applicant, Rhea Aker, is requesting a variance to allow for a dog rescue kennel in R-3 zoning district.

Tracy Roblero read the application and staff report.

Appeal Statement

Rhea Aker-I bought the property in the spring of 2005 based on the information given to me by Megan at the Township Zoning Office. I was told on three separate occasions that I would be able to build a dog kennel and could have unlimited number of dogs. I even called the morning of the closing of the property to validate this again. I bought the property specifically so I could save as many innocent dogs as possible and be an abiding citizen of all county and township rules and regulations. Please, please grant a variance for my property so that I may be able to help save the lives of many more innocents.

Board Questions

Mary Donna Elam-How many dogs do you anticipate having?

Rhea Aker-I would not exceed 10.

Mary Donna Elam-Where do you keep these dogs? Where do you house them?

Rhea Aker-In the house, yard, garage and kennel. They are trained for obedience. They are walked every day.

Mary Donna Elam-How do you take care of eliminating the animal waste?

Rhea-Every day we clean up.

Public Portion

Judy Holland- I live right next door to her and the first time I met her four dogs came running around the front and charged at us, barking with teeth showing. I have called the county on her. The dogs bark all the time. My grandkids are scared of them.

Ed Seigla-I have a question. You are saying that her dogs are out in your yard?

Judy Holland-Yes. The fence is not sufficient and the dogs are over in my yard at least once a week or more. I have a dog, which is not allowed to run free.

Jody Nause-It's been brought to our attention by Judy Holland, who is a tenant of ours, that it is an ongoing issue. We respect Rhea for what she is trying to operate. Unfortunately, for the sake of the residents as well as for the safety of the dogs themselves, I personally do not feel that Rhea's property is located in an area for such an operation. We have personally seen on more than one occasion dogs loose and unleashed in the front yards and in the driveways.

Greg Nause-I think what your doing for the animals is great. I do have some concerns. My concern is my tenant. I do have liability. What concerns me is their safety. I have no problems with this, but guidelines are needed if the variance is granted.

Rhea Aker-I would not have bought the property if I had not been told that I could have a kennel.

Greg Nause-Are there regulations on a kennel, do they exist?

Tracy Roblero-No, not zoning regulations. There might be county regulations. We just have a certain amount of dogs you're allowed to have before you are considered a kennel and that's three dogs before you are considered a kennel.

Greg Nause-Are there guidelines they have to follow as far as fencing?

Tracy Roblero-The most we can do zoning wise is fencing, put a limit on dogs. We can't do things within the facility. We couldn't go within the house. So, yes, we would drive by to inspect. Our zoning inspector has driven by this property.

Greg Nause-So, there's nothing that says this has to be a chain link fence or a wood fence?

Tracy Roblero-They would set that regulation right here tonight if the variance is granted. They could do that if they wanted to.

Greg Nause-My concern is not only is there proper fencing there, but is there proper blockage.

Tracy Roblero- If I am hearing you correctly, you are basically asking the board to put a limitation requiring a privacy fence?

Greg Nause-Yes.

Mary Donna Elam-How long are your dogs out in the backyard?

Rhea Aker-They are out for 15 minutes, not for hours, but we do alternate the dogs in the yard.

Judy Holland-We have always enjoyed our yard and it's really hard when you can't be out there. It's not like I don't like my neighbors. I help my neighbors and this is not a neighbor issue. It's a safety issue. I had someone drop something off to my house and she got chased back to her car by one of the dogs.

Mary Donna Elam-On your property?

Judy Holland-Yes, on my property. I just want to say I'm not here to make up a story. I live there.

Mary Donna Elam-What types of fencing have you had now around the property?

Rhea Aker-It's an all-wooden six-foot privacy fence. It's to the ground. A small dog did dig under the fence once, but we have since fixed the problem.

Board's "Finding of facts"

1. Yes
2. Yes
3. No
4. No
5. No
6. No
7. Yes
8. Yes

Mary Donna Elam-What types of citations have you received?

Rhea Aker-We received two for failure to confine the dogs.

Mary Donna Elam-We need to look at three things. The first is, if we can grant the variance. The second issue is the number of dogs that will be allowed. Lastly, we need to deal with the confinement issue.

The Board discussed whether they could grant the variance, the number of dogs that would be allowed and the confinement issue in depth. (Please see the recorded minutes for further details).

\*\*\*Ed Seigla made the motion that the Board of Zoning Appeals approve Case #282, request for variance to allow for a dog rescue kennel in R-3 zoning district with the following conditions under Article 8 of the Goshen Township Zoning Resolution:

1. Eight dogs would be the total allowed including the owner's own personal dogs.
2. The runs have to be completed within three months with a chain link fence.
3. A privacy fence must be erected on the far side between the kennel property and the property located at 6502 Snider Road, within one year of the granting of the variance.

Shirley Bixler second-motion carried. Mary Donna Elam-Yes, Ed Seigla-Yes, Shirley Bixler-Yes.

\*\*\*Ed Seigla made the motion to adjourn. Shirley Bixler second-motion carried.

---

Zoning Board of Appeals Member

Respectfully Submitted,

Sandra Graham, Secretary