

BOARD OF ADJUSTMENT

MINUTES	THURSDAY JUNE 10, 2010	1:00 PM	COMMISSIONER CHAMBERS, ADMINISTRATION BUILDING
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CALLED TO ORDER BY	Donald Schreiner, Chairman, noted for the record that there was a quorum present. He confirmed Proof of Publication for each case and noted that the meeting had been advertised pursuant to the Sunshine Statute.		
RECORDING SECRETARY	Anna Ely		
BOARD ATTENDEES	Donald Schreiner Lloyd Atkins, Jr. Steve Berk	Mary Link Bennett Marie Wuenschel Ruth Gray	
NOT PRESENT			
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	Terrie Diesbourg, Director, Zoning Division Sheila Short, Senior Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division		
BOARD ATTORNEY	Melanie Marsh, Acting County Attorney		
MINUTE APPROVAL	APPROVAL OF MINUTES OF MAY 10, 2010 MEETING		
MOTION READS:	Motion to approve the minutes of the MAY 10, 2010 Board of Adjustment hearing.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY:	STEVE BERK
MOTION APPROVED 6-0	FOR: Donald Schreiner Mary Link Bennett Lloyd Atkins, Jr. Marie Wuenschel Steve Berk Ruth Gray		AGAINST: None

<u>CONSENT AGENDA</u>	BOA #12-10-5 OWNER/APPLICANT: Teresa A. Lively BOA #13-10-3 OWNER/APPLICANT: Billy Ray Harrison and Edilia Suarez-Harrison BOA #14-10-5 OWNER: David F. and Amy Y. Barnett APPLICANT: Emmett Sapp Jr. – Emmett Sapp Builders
DISCUSSION	There was no objection to BOA#12-10-5, BOA#13-10-3 and BOA#14-

	10-5 remaining on the consent agenda.		
MOTION READS:	Motion to approve BOA#12-10-5, BOA#13-10-3 and BOA#14-10-5 with any conditions of staff.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY:	STEVE BERK
MOTION APPROVED 6-0	FOR: Donald Schreiner Mary Link Bennett Lloyd Atkins, Jr. Marie Wuenschel Steve Berk Ruth Gray		AGAINST: None

<u>REGULAR</u>	BOA #9-10-5 OWNER: Doralice D. Hartmann APPLICANT: Nancy L. Herrin
DISCUSSION	<p>Sheila Short, Senior Planner, presented the staff report and showed the site plan (Exhibit 1 of the staff report). She stated that staff believes the applicant has not shown proof of meeting the intent of the code. She explained that staff does not believe the structures to be safe as they have not been inspected by the building department. She read the applicant's proof of intent into the record and stated that staff is recommending denial.</p> <p>Steve Berk, Board Member, verified the permits that were pulled on the property by the previous owner.</p> <p>Don Schreiner, Board Chairman, commented that he felt that the building permits could be rectified.</p> <p>Melanie Marsh, Deputy County Attorney, reminded the Board that they only have jurisdiction in regards to the setback issue.</p> <p>Mr. Berk clarified that the lot could not meet the setbacks without a variance.</p> <p>Lloyd Atkins, Board Member, asked how long the kennel had been in operation and he was told that it has been licensed since 2005.</p> <p>Attorney John Englehart, was present to represent the applicant and owner. He submitted additional letters of support from neighbors in the area, letters of support from citizens and a petition stating that it is a good thing for the county (Applicant Exhibit "A").</p>

He stated that his clients spoke with someone at the County to insure that they could do this type of business and that he regrets that they did not get it in writing. He stated that the kennel is noted on the Property Appraiser's paperwork and explained that the kennel is also powered separately from the residence on the property.

He stated that of the letters of support, the most important one is from Mr. and Mrs. Walker, who are adjacent property owners. The location of their property was pointed out on the aerial showing the location of property owners in support and opposition (County Exhibit "A").

He explained that if they are forced to close their business they will lose their livelihood and the property and it will devastate them financially. He stated that it would be a loss to the whole community if this facility was to close.

He addressed the letter of opposition, and stated that they have not had any complaints of barking animals. He explained that the kennel is an allowable agricultural use and that the only person having an issue with the kennel being there is Mr. Mayo. He stated that Ms. Hartmann and Ms. Herrin have not been "*flaunting*" the law as Mr. Mayo states, as they thought they were doing what they were supposed to be doing. He stated that this kennel is a true benefit to the community and there is nothing that can be done to bring the setbacks into compliance.

Mr. Atkins clarified that the Applicants understood that they would still have to have to go before the Zoning Board and the County Commissioners. He asked and received clarification that the barn is over 200 feet from the property owned by Complainant.

Doralise Hartmann, Owner, was present and explained that when they purchased the property they did not know that the barn had not been permitted. She stated that she has worked hard all her life and she has never had any issues like this and this is a real disaster for her.

Nancy Herrin, Applicant, stated that she was the owner of the business until she got sick in 2008 and now her daughter is the owner of the business. She stated that they get a lot of referrals from all over the world. She explained that they take care of therapy dogs and special needs dogs and that several of their customers have cancer and they need to be able to leave their pets for extended lengths of time while they are in the hospital for treatment.

She explained that these are "*froufrou dogs*" and do not like to stay out. They like to go out and then come back to the toddler beds and

	<p>TV and radios. She stated that the dogs are pampered pets and not kept outside in dog runs.</p> <p>There was no one in the audience that wished to speak in regards to this case.</p>		
MOTION READS:	Motion to approve BOA#9-10-5.		
MOTION BY:	LLOYD ATKINS	SECONDED BY:	MARY LINK BENNETT
MOTION APPROVED 6-0	<p>FOR: Donald Schreiner Mary Link Bennett Lloyd Atkins, Jr. Marie Wuenschel Steve Berk Ruth Gray</p>		<p>AGAINST: None</p>

The meeting was adjourned at 1:45 p.m.

Respectfully submitted.

Anna Ely, Recording Secretary

Donald Schreiner, Chairman