

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

July 26, 2001

Chairman Eileen Sieger called the meeting to order at 7:33 p.m.

Roll Call was slightly changed as Sieger suggested members introduce themselves to new member Ervin Ediger, who replaced Eldon Pankratz. Members present were Sieger, Marquette Eilerts, Dean Fincham, Glen Unrau, Terry Eberhard and Elora Robinson. Herb Bartel and Bob Unruh were absent. Zoning Administrator David Brazil was present.

Sieger asked for questions regarding the agenda, or additions to off agenda items. Brazil said he has a new copy with changes for the comprehensive plan and said a meeting is scheduled for Aug. 16 at 7:30 p.m., to go over the comprehensive plan step-by-step with the consultant.

Sieger asked for additions or corrections to the Record of Proceedings for the May 24, 2001, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger had one correction at the top of page three, where personnel should read "personal." There were no other corrections. Fincham made a motion to accept the Record of Proceedings with one correction, and Eberhard seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Item 4: An application for Robert Smalley requesting a variance from required front set back of 30 feet to 12 feet, required side set back of 10 feet to three feet, and required rear set back of 20 feet to three feet. This property is located in Centre Township. This application was published in the July 3, 2001, issue of *The Marion County Record*. Members are acting as the Board of Zoning Appeals. Robert and Carroll Smalley are present. Robert Smalley spoke about the application and gave members copies of plans. Brazil reminded members that the lot on the left of Smalley's lot was granted a variance last year for a six foot set back for that property owner. Sieger verified that it is on three sides where a variance is needed, and one side is not involved. You are limited with a 50-foot lot, what you can do, Smalley said. So, you are totally going to build the garage new?, Sieger asked and Smalley said yes. When do you plan to build?, Fincham asked and Smalley said as soon as we can get someone to do it. Have you owned this particular lot very long?, Sieger asked and Smalley said since about the 1950's. Is the cabin hooked onto water and sewer?, Sieger asked. No, we pay for water and sewer, but we've never hooked on to it yet, Smalley said. Is that still required out there?, Sieger asked. We haven't used the cabin, Smalley said. Sieger asked if anyone from the public wished to speak and Ed Burnett of El Dorado said he owns lot four, directly south of Smalley's. He opposes the three foot side yard variance request, although he has no problem with the rear request as there is a road back there so access is not a problem, but with the garage three feet away, he objects to that for maintenance purposes. If you allow a three-foot set back and he sells the property to someone else, they could come and build within three

feet of me, Burnett said. He expressed concern if there is a structure fire, to have enough room for equipment to get in between buildings. He also said he'd like to see it lined up with lots one and five. He said he requested a six-foot side variance and a 20-foot front variance for his property. Sieger asked Burnett what kind of set back could be acceptable, in his opinion? I feel six feet, exactly as I asked for, Burnett said. The trouble is trying to back a boat in there, you need space, Smalley said. There is a road behind the property, Burnett said. You can't back a boat in there, Smalley said. I had a 17-foot boat and I didn't have a garage, but I backed mine in there, Burnett said. My boat trailer is 26 feet long, so you've got to have 28 feet to get it in there and shut the door, Smalley said. Smalley's proposed garage is 24 x 28. Eberhard showed Smalley on his diagram a suggestion of how to move the garage and still be able to back a boat in. Dan Crumrine, county lake resident, said his mother owns lots one and two, next to Smalley's. Crumrine said three feet is not enough room to get anything done. You can't get any equipment in there, or anything, he said. There are things being planned for the back roads out there, hopefully before too much longer, Crumrine said. Rock Road is kind of a narrow road right now, he said. Where is your sewer and water? Crumrine asked. The sewer is by the back porch and the water is in the alley, Smalley said. We can move the sewer and water anywhere you want it, but it's at your expense, Crumrine said. Is there any regulation about running over a water line?, Eberhard asked. No, but it's at your own risk, Crumrine said. There is also a ground level deck in Smalley's plans. Sieger asked if anyone else wished to speak? Smalley pointed out other properties with two foot set backs, but Eberhard explained they were grandfathered-in. Burnett said he is also concerned about trees involved and is worried about the root structure. So, do you think you could work around it and safe guard his trees?, Sieger asked. We should be four feet away from the roots, Smalley said. You're not going to be digging down like you would if you're putting a house there, Smalley said. You'll still have to dig footings, Crumrine said. We could put vinyl siding or something on there, so it wouldn't need any maintenance, Smalley said. Sieger closed the public hearing for this application.

Members decided to open discussion for this application. Sieger pointed out there are three things to consider; the front, the one side, and the back. We have a staff recommendation, Sieger said. My only concern is the water line running under the garage, even if it may not leak for years, Eberhard said. Not too many doors down we granted a variance of three feet, Brazil said. But wasn't that a corner, not a whole side of a building?, Sieger asked. You need a six foot variance for fire protection and to get equipment in there, such as if there was a water leak, Eberhard said. Six feet on the side, members agreed. What about the front?, Sieger asked. Eilerts said 15 feet, to line up with the other structures. The variance is the difference between the request and what is required, and the set back is the actual footage, Sieger explained. Minimum requirement for Village, which this is, is 30 feet on the front, 10 feet on the side and 20 feet on the back, Sieger said. This 12 feet on the front would be to the edge of the deck?, Fincham asked and Smalley said yes. What if the deck was portable?, Eberhard asked Brazil. I would consider it part of the house, Brazil said. I'd go along with 12 feet in front, but six feet on the side, Fincham said and Robinson agreed. Burnett asked if members could stipulate it must remain a deck and not a permanent type structure. We could specify that it be an uncovered porch or deck, Sieger said. We try to think about what can happen

down the line, Sieger said. Eberhard made a motion to grant a variance of no more than 18 feet on the front, four feet on the side and 17 feet on the back and Unrau seconded it. In favor: 7; Opposed: 0; Motion carried.

Eilerts amended the motion to include with the front variance that the porch on the front will remain as originally designed, as an open deck, and Unrau seconded it.

In favor: 7; Opposed: 0; Motion carried as amended.

Item 5: An application for Terry Graber and James Saunders requesting a variance from required acreage of 40 acres to 36.63 acres for property located in East Branch Township. This application was published in the July 3, 2001, issue of *The Marion County Record*. Brazil said he received three letters in regard to this application, and he gave members copies of the letters. Two more letters were received at the meeting from the audience. Audience members questioned notification for this application. It would only be 1,000 feet out, since it's a variance, it wouldn't be a mile, Sieger said. It's on the county line, do you stop at the county line?, an audience member asked and Brazil said yes. Maybe that's something we should look at in the future, to cooperate with surrounding counties, Brazil said. James and Susan Saunders of Goessel were present at the meeting. James Saunders said originally he intended to build a trap shooting range on this property. Before entering into any contract or anything, we talked with the nearest property owners and they seemed agreeable at the time, he said. Very recently it's been brought to my attention that the closest landowners no longer support this, and surrounding landowners do not support it, Saunders said. So, I would like to withdraw my application for the CUP, he said. He just submitted it, so it wouldn't be before you tonight, Brazil explained. I want people to know I no longer will purchase the property, I am just representing Terry Graber for a variance. It calls for 36.63 acres, so we are applying for a 3.37 acre variance, he said. I've been told the board has approved a three acre variance before, so that's where I see the precedent set at, he added. I'd also like to point out that this is a quarter of a quarter with 2.5 acres taken off, he said. The only other statement I'd like to make about this land (he shows members photo of the land), is this is very poor pasture land and currently it's not being grazed, he said. I feel the use for this land is to build or it will sit as a piece of wasteland, Saunders told members. Terry Graber said he agrees they will not pursue the shooting range. Graber said this is the first time in 15 years that he's not in the cattle business, although he may get back into it in a year or two. So, who's property is this?, Sieger asked. It is mine and the permit will go to me, Graber said. Who will build on it?, Sieger asked. We would place it on the market, Graber said. So, it would stay Ag, but we would vary it down from the required 40 acre minimum, Sieger said. Brazil explained he couldn't issue a construction permit without a variance. A home site was split off and sold and that's what makes it short, Brazil said. So, on the 40 there is a home site?, Sieger asked and Brazil said no. Brazil showed members the property on the zoning map. I don't have a deed in front of me, but it probably was brought into zoning as a rural site in '92, judging from the size, Brazil said. We bought the track in '91, or so, and the house had been spun off somewhere between '85 and '90, Graber said. So this would have been grandfathered-in, Sieger said. What road does the property access to?, Sieger asked and Unrau said 70th. A little over a mile west of 13 mile road, Unrau said. Sieger opened the meeting up to the public to speak, saying members do have copies of some letters and some that were given to us tonight. The owners of the 2.5 acres were present; Eric and

Christy Clark, who just moved in six months ago. They said they had been trying to get out in an open area, and although they are open minded, they want to protect their investment. Sieger reminded everyone members are only looking at the variance. We're on the 40 acres there, and to add another house would take away from why we moved out there, Eric Clark said. By allowing the 37, then you keep whittling away and where does it stop?, Eric Clark asked members. Most variances have been granted on property where the acreage was short, Brazil said. I guess I didn't appreciate the reference to us setting a precedent, Eberhard said. If we never granted anything, we wouldn't meet at all, Sieger said. Each application is different, Eberhard, Sieger and Brazil all agreed. Sieger read a letter from Charles Unruh, owner of property adjacent directly to the south, who is opposed to this variance due to his livestock operation. Another letter from Myron Voth expresses concern about his farming operation, saying he does not totally object but this does raise some problems. Sieger read a letter from Willis and Nada Voth, which were given to members at the meeting. This letter expresses opposition to compromising the regulations. Another letter given to members at the meeting by an audience member, as the author was unable to attend the meeting. This letter was from a property owner directly across from this property, but in located Harvey County. These folks asked why they were not notified about this application. They should be notified, Eberhard said. We'll have to get it from Harvey County, Brazil said. This letter, from Doris and Harlin Unruh, expressed concern with additional housing in the area because of farm operations. Brad Buller said he bought other property from Graber and he hates to go against him, but he's being selfish as he wants his space. It may look like wasteland, but it's been farmed before, a member of the audience said. Any other comments before we close the public hearing?, Sieger asked. Saunders wished to address the board after they vote. Say what you want to say, now, Sieger told Saunders. When I put in for the CUP on Monday, I was not aware of any letters of opposition. I felt like I should have been informed of the opposition, so I could save my \$50, because you see I backed down real fast, Saunders said. On Tuesday, I received three letters, which is after I talked to you and after I sent information out to board members and I received one call, which I did say you might have opposition, Brazil said. But, I can see how you could perceive it that way, Brazil added. Sieger closed the public hearing for this application and opened the floor for discussion.

Down the road there's going to be more of these, Eberhard said. If you take the northeast corner of that catty wompus and it was sold at auction, it may be divided up for sale, he said. The southeast quarter owner is wanting to sell to a developer, Eberhard said. So, the only issue at hand is, acting as the Board of Zoning Appeals, whether to vary the size down to 36.63 acres, Sieger said. Your staff recommendation is in your packet, and the staff does not recommend approval, Sieger said. It looks like we have a lot of opposition to it, Robinson said. There is, and people have taken the time to come and speak about it, which we appreciate, whether you are for or against an application it is helpful to know the character and the design of the area and we try to consider the future in our decision, Sieger said. Eberhard made a motion to deny the request for a variance, due to the letters received and the adjacent landowners opposition. Robinson seconded the motion. In favor: 7; Opposed: 0; Motion carried to deny the request.

Item 6: An application for Charles Porter requesting a variance from required side yard set back from 50 feet to 20 feet for property located in Peabody Township. This application was published in the July 3, 2001, issue of *The Marion County Record*. This is a rural residential property, Brazil said. Porter asked to see photos of his property, which Brazil took. Porter submitted a building permit and was not aware of set backs and after we discussed it, he repositioned the garage to allow for more of a set back, Brazil explained. This is another property that was grandfathered-in. So, this is a proposed garage to be built?, Sieger asked and Brazil said yes. Adjacent to it is a field?, Sieger asked and Brazil said yes. And everything around is Ag?, Sieger asked and Brazil said yes. Sieger asked about access and Porter said it is a half mile from the north road. Proposed dimensions are 24 x 36 for the garage. Sieger asked and Porter said the door would be on the north side. Sieger asked if anyone wished to speak from the public, or if anyone has anything to add. Sieger closed the public hearing for this application and opened the floor for discussion and determination.

Required set back for rural residential is 50 feet and the request is to go to a 20 foot set back, Sieger said. Brazil has worked with him to adjust things and feels like this will accommodate the area. Eberhard made a motion to approve a side yard set back of no more than 30 feet. Unrau seconded the motion.

In favor: 7; Opposed: 0; Motion carried.

Brazil will issue the construction permit tomorrow.

Item 7: An application for Gale and Susan Cooper; and David and Nina Carr, for a Conditional Use Permit (CUP) for a hunting and fishing lodge/boat repair and fuel sales by Marion Reservoir. This property is located in Gale Township. This application was published in the July 3, 2001, issue of *The Marion County Record*. I know we approved a CUP for you at one point for the hunting and fishing lodge, and you've added a little bit to this and there's the time factor, also, Sieger said. We've done a lot of pricing and what not and a metal building is going to be extremely high, so we contacted Norcraft Homes and we can get a cedar sided building with a full basement with six rooms downstairs, Gale Cooper told members. It will still be 10 rooms but will be 1500 and some square feet, rather than be spread out and would be more marketable if this doesn't make it, he said. And we're proposing a 500 gallon tank set in a bunker, self-contained, so it wouldn't go anywhere, Cooper said. There's a lot of regulations when you go over 500 gallons, he said. It's more like farm use at 500 gallons, he added. You've got farmers all around the lake with tanks, Cooper said. In the future, if it merits it, we would have some kind of boat repair motor repair, Cooper said. I vaguely remember talking about fuel storage, but there was nothing in the application or in the minutes, Brazil said. Would you restrict the fuel only for boats?, Sieger asked. Is a 500 gallon tank going to be big enough?, Eberhard asked. We probably would work with coop or someone and make sure it's full on weekends, Cooper said. Your average boat will take 15 to 20 gallons and jet skis probably five or six gallons, I'm not real sure what they hold, he said. Where do people go, now?, Sieger asked. Marion or Hillsboro, Cooper said. Canada does not sell fuel?, Sieger asked. No, just propane, Cooper said. Would you deal with KDHE directly?, Sieger asked. There are restrictions, but it's a lot less headache with the state when it's only 500 gallons, Cooper said. You're still not requesting some kind of convenience

store?, Sieger asked and Cooper said no. If you're going to sell fuel, then will someone be there to staff it?, Sieger asked. There will be an office there and we'll have regular hours, except in off season, Cooper said. It will have an electric shut off, Dave Carr said. And we'll lock the pump, Cooper added. We're going with Norcraft as they built our home and we know their reputation and it'll be much more attractive, Susan Cooper said. Do you have to do something with the fire code since bedrooms will be in the basement?, Eberhard asked. It'll all be up to code, Carr said. It'll kind of be like Country Dreams (B&B), Susan Cooper said. Anyone else from the public wish to speak?, Sieger asked. Harry Froesen said he lives right north of the Canada school house and there are seven homes on Nighthawk Road and some folks are concerned about industry in the area. He also said people have not been notified about this application. How long have you lived there?, Sieger asked and Froesen said since '92. I have the first option to purchase the land owned by Loewen's across the road, Froesen said. I don't plan to build on it, I just want to keep the area open. People want to rent the old school house all the time, but the owner does not want to commercialize the area, he said. I'm concerned who would lodge there, hunters or what?, Froesen asked. There's a boat repair in Hillsboro, which I know it makes it convenient, but we're there every day, he said. This was recommended to approve them for a hunting and fishing lodge and the county commission approved it, Sieger explained. The fuel sales are something new, added this time, Sieger said. There are still 10 rooms, but they're not planning on metal, now, and a boat storage unit and dog kennels are still in the plans, right?, Sieger asked. The dog kennel is, Carr said. Froesen groaned. I hear dogs clear in Canada, Froesen said. A convenience store obviously was not part of your original request, so I don't think we were thinking that at the time, Sieger said. We were concerned with sewer and water, Eilerts said. Inside the office building we will sell limited grocery type items, Carr said. The lodge will have kitchenettes, Susan Cooper said. But you won't just limit it to people staying at the lodge?, Sieger asked. No, but it won't be advertised as such, Susan Cooper said. I understand Mr. Froesen's concern as it's kind of scary to think about your home area becoming commercialized, but this has a nice turn lane and being this close to the reservoir makes it a nice location, but our interest is not to disturb your lifestyle, Susan Cooper said. One access road coming off Hillsboro Cove road on the north side, right?, Sieger asked and Gale Cooper said yes. How far away from housing is this?, Unrau asked. Gale Cooper and Carr showed Unrau a diagram of the property location. Eberhard asked Brazil if he is concerned about the fuel request. It's a risk as it's near intakes and once we okay fuel sales you open it up, that's the only things I oppose about this application, Brazil said. It would be contained, Eberhard said and Brazil said yes. I'm just afraid of it snowballing, Brazil said. Unrau said he wants to make sure he understands if this is seasonal or year-round? November thru January for hunting and year-round fishing, he was told. So, 10 months out of the year would be quiet time without dogs, Unrau said. It wouldn't be a permanent kennel, no, Susan Cooper said. I think people in the area are more of a concern than dogs, Eberhard said. I'm supportive of this application, as it would be a very subtle addition, but the sale of fuel provides a risk even if it's a minimum risk, Brazil said. With intakes nearby and once you open it up to fuel sales, I have concerns overall, he said. It's a positive application for them and for the lake, Brazil said. If you do choose to approve fuel sales, I would limit it to the guests at the lodge, he said. It would be hard to limit them, Ediger said. It would be for the people

that are out there all day and if they can run up and kind of dock their boat and get gas in a can and go again, that would help, Gale Cooper said. I also realize with boat repair there's a need for fuel, Brazil said. There is an environmental risk and 500 gallons is enough to cause problems, Brazil said. This will set a precedent and will bring the traffic level up and you're opening up the commercial aspect and where does it end after the window is open?, Brazil said. Why are there not fuel sales at Canada?, Sieger asked. Warren doesn't have the room, Gale Cooper said. We're out there to make money and we're not wanting to set the world ablaze, but it's a convenience for the boat community, he said. I don't know if anyone has noticed in the paper that the reservoir is wanting to expand and we want to keep people coming, he said. With guide service we need fuel, too, Gale Cooper said. We'd like to enjoy some of the profit off it, too, he added. They're going to want to fill their vehicles up the same time they fill their boat up and other people may want to pull in there and fill up, Eberhard said. Everything's going to add to the congestion of the area, he added. The boat repair may not happen, Gale Cooper said. Why did you even ask me to come, as it seems everything has already been decided, Froesen said. As staff and not a planning commissioner, my recommendation is one factor of 11 things they consider with a CUP, Brazil said. I'm glad to hear it's not a tin shed and not becoming a junk yard, Froesen said. We'd like to keep the neighborhood nice, he added. Sieger closed the public hearing for this application and opened the floor for discussion.

There is just a change in the building?, Fincham asked. There are three issued here, Sieger said. The lodge itself, which was approved but there have been changes in plans, and the boat repair is something they'd like to request for possible future expansion, she said. The boat repair, from a business point of view, is a good idea, Eberhard said. It looks smaller than it is, Brazil said about the size of the area involved. What do you feel about space for boat repair?, Sieger asked Brazil. It's doable, but will be close, Brazil said. What if they have several boats sitting on the property at one time?, Eberhard asked. This is the same issue as the guys that want to rebuilt cars, and we limit how many can be sitting out, Eberhard said. I have a concern about things being piled up and regulations about keeping things nice, Unrau said. My concern is once they start having a shop there and oil and everything, how do you take care of all that?, Unrau asked. The boats would be sitting out, but there would be a building you work out of, Carr said. I appreciate David's concern about the fuel, Unrau said. I feel some good codes should be in place if we're going to do it, Unrau said. I would go along with fuel sales if they have the proper codes to protect it in case of a spill, Fincham said. I'd have to take a look at what KDHE has, Brazil said. I think they need some fuel, Fincham said. There are ways of containing above ground storage, Eberhard said. Is the change in the building acceptable?, Sieger asked and members said yes. What about the boat repair, not at all or limit it?, Sieger said. Limit it to 10 on site for the repair part, not counting the people staying there, Fincham said. Not do boat storage as such?, Eilerts asked and was told no. You could have a limit of first come, first serve, Eilerts said. What about limiting the boat repair to tenants only?, Eberhard asked. But that's not what they intended, Eilerts said. No, Gale Cooper agreed. Do we want to limit the number?, Eilerts asked. It's better to keep everyone happy, Gale Cooper said. Members discussed car repair requests and limits on how many are allowed to sit outside. You kind of expect to see boats around a lake,

Robinson said. You expect to see cars around a repair shop, Eberhard said. Not in the middle of no where, Robinson said. What about limiting it to six on site for repair?, Eilerts asked. It will be a wood structure, like an over-sized garage, Carr said. The office will look like the lodge building, Carr added. We could restrict fuel sales to boat traffic, Fincham said. Eilerts made a motion to recommend approval for a CUP for a hunting a fishing lodge as proposed in the description in the file and for boat repair on site with no more than six boats for repair at any one time and fuel sales permitted for boats with about ground fuel tank according to KDHE regulations with a liner for containment and a dog kennel for lodge tenants with the project to be started within six months. If there is cold weather, would the dog kennel be warm?, Sieger asked. They'll each have a house, Carr said. You may want to add a 500 gallon tank and if they need more than six months, they'll need to ask for that, Brazil said. Eilerts added that to her motion. Fincham seconded the motion as amended.

In favor: 7; Opposed: 0; Motion carried.

Sieger explained this would go to the county commission for final approval.

Item 8: Ann application for Edwin Busenitz requesting a rezone from agricultural to rural residential for property located in Peabody Township. This application was published in the July 3, 2001, issue of *The Marion County Record*. It was explained they wish to build a house with a basement to replace a double wide currently on the property. You own 80 acres?, Sieger asked and Busenitz said yes. There's a double wide on there now, he said. Is that the only residence on there?, Sieger asked. Other than ours, yes, Busenitz said. So your home is also on the 80?, Sieger asked and Busenitz said yes. Is it between your house and the hog shed?, Eberhard asked and Busenitz said yes. You haven't done a survey, yet?, Brazil asked and Busenitz said no. I was trying to get by with three acres, Busenitz said. Brazil showed members the original home site with the son's house next to it. What he's talking about is running a 10 acre parcel to the east, running the tract kind of like a rectangle, Brazil said. But, I recommend the finishing barns not be included in the 10 acres, Brazil said. No, it has to be separate, Sieger said. Eilerts explained this property was previously addressed, but this was left for later, and now it's later. What else would be on the 10 acres besides the home?, Sieger asked. A couple of outbuildings, Busenitz said. How much distance between the buildings?, Sieger asked. Would he put the new residence in the same location as the double wide?, Sieger asked and Busenitz said yes. There's 300 or 400 feet between houses, Brazil said. There's room for a waste water lagoon in between, Brazil said. So, there's a separate waste system for both residences?, Sieger asked and Brazil said yes. And wells?, Sieger asked. He has rural water and we have a well, Busenitz said. This is a planning commission recommendation. Sieger closed the public hearing for this application and opened it for discussion.

So, Marquette, what is the difference as you remember from before?, Sieger asked. They were in first on the finishing barns and Herb approved the septic, Eilerts said. It's a licensed daycare, she added. So, he's right it has to go north and south to maintain the distance, Eilerts said. Eilerts showed members the property on a map. I think from the house to the hedgerow is 300 some feet, but I don't know how far it is to the other line, Brazil said. Since there's already a residence there, it's not like this is a carve out, Sieger

said. Eilerts made a motion to recommend approval of a rezone from agricultural to rural residential for pt. E/2 of the SE/4 of 31-22-3 in Peabody Township for a proposed 10 acre property with the tract running north and south and not to include the finishing barns on the east side, running north and south of the hedgerow and also excluding the finishing barns and that pertaining to those. Fincham seconded the motion.

In favor: 7; Opposed: 0; Motion carried.

It was explained this goes to the county commission for final approval.

Item 9: An application for Tim and Barbara Schneider requesting a CUP for a dog kennel for boarding and breeding purposes. This property is located in Risley Township. This application was published in the July 3, 2001, issue of *The Marion County Record*. Tim and Barbara Schneider are present and said they plan to raise breeding stock and breed for re-sale. They are also interested in having a boarding kennel, down the road, so they are applying for it at the same time. They are not looking at a large scale operation. They have applied for a state license and a USDA license and both inspectors have visited the facility and they are in compliance and are totally approved, with license pending. We currently have kennel pens on the premises and have 12 dogs at this time, Tim Schneider said. We've submitted a construction permit with plans to build a building that would house the dogs when they need to be inside, he said. Basically, what we have at this time is individual dog houses, with shade and rain protection, he told members. When they inspected, one dog didn't have shade and we've taken care of that right away, Barbara Schneider said. We'll tear down an old building and put up a new building that will half house the kennel and half an office, she said. We'll cover the dog runs, off to the side, she added. You have 10 acres there, right?, Sieger asked. Yes, it lays east and west, Barbara Schneider said. Everything will sit clear back from the road, she said. We've talked with the neighbors and they can't hear the dogs, she said. There's no one in the immediate area, and they were notified, she added. Anything else?, Sieger asked. Sieger closed the public hearing for this application and opened the floor for discussion.

Part of the staff recommendation is to limit how many dogs may be on site at one time, Sieger said. Sieger asked how many dogs? We started out with one female and have since added on, Barbara Schneider said. As we grow, if you go over a certain amount, you have to apply for another license, she explained. We started with a hobby license where we can sell up to 20 puppies per calendar year, she said. So, we're talking about 16 breeding animals plus one stud dog, she said. They are placed in very good pet shops, she said. If they're not clean and up to date, we will not sell to them, she added. What kind of breeds?, Fincham asked. Golden Retrievers, Corgis, and West Highland White Terriers, Barbara Schneider said. We would like to add one more breed, but not Pit Bulls or anything like that, she said. How are you taking care of the waste?, Eilerts asked. We place it in a tub and take it out in the pasture, Barbara Schneider said. We use high quality dog food, which cuts down on the waste, she said. On the Greyhounds, one condition we placed is to have a special waste disposal, Brazil said. You may want to consider the volume, but I'm going to stay with what was done in the past, Brazil said. At least initially it was separated, but you may not be talking about the same volume, he said. Today we may not, Eilerts said. Is there a pickup service?, Sieger asked. Yes, Stutzman's, Brazil said. With 10 dogs, we probably get a 10 gallon bucket full a day,

with cleaning twice a day, Barbara Schneider said. Stutzman's currently picks up our trash, so it would be no problem adding another container, Tim Schneider said. We have worked very close with a Marion County vet, as well as the state, Barbara Schneider said. For the CUP as to the kennel, this is a requirement; 50 feet from the front lot line and 30 feet from the side lot line, Brazil said. As far as the number of dogs, if you're comfortable with the number of adult dogs at 26, that would be acceptable to us, Tim Schneider said. So, a total of 80 dogs on the property, Sieger said. Unrau questioned how Brazil arrived at 100 dogs in his recommendation. Brazil explained his estimate. Personally, I'd like to board no more than 10, Barbara Schneider said. So, 36 total adult dogs, Eilerts said. The total number of dogs with puppies is a guess, Eilerts said. Special waste be handled separately and transported off site by a waste facility, Eilerts said. Eilerts made a motion to recommend approval of the application for a CUP for a dog kennel on 10 acres on pt. of NW/4 of 30-19-2, and to include not more than 40 adult dogs on site at any time, that waste be handled separately and taken off site by a professional waste company, they maintain all Kansas state licenses, and that the pens and operations for the kennel be 50 feet from the front lot line and 30 feet from the side lot line. Fincham seconded it. In favor: 7; Opposed: 0; Motion carried.

Sieger explained this would go to the county commission for final approval.

Members were reminded of the Aug. 16 meeting for the comprehensive plan and the next regular meeting on Aug. 23. Brazil said his new secretary is working out just fine.

Fincham made a motion to adjourn and Robinson seconded the motion.

In favor: 7; Opposed: 0; Motion carried the meeting adjourned at 11:09 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS



Eileen Sieger,
Chairman