

BZA MINUTES**OCTOBER 20, 2020**

Members present: Jon Peacock, Myron Cougill, Jim Hufford, Don Calhoun, Bill Davis, Jason Hawley

Absent: Bryn Albertson

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg, Christa & Trent Kritsch, Ben Austerman, Jessica Austerman, Rick Weigand, Gary Bates, Andy Stover, Blake Clevenger, Rick & Kim Tudor, Gary & Krista Kiser, Mary Jo Shockley, Bryant & Kelsey Gentry, Ed Schafer, several residents of the Timbers.

Chairman Hawley: Alright, it's now 7 O'clock, This meeting of the BZA will be called to order. First thing on the agenda is to review the minutes of August 18, 2020. Was there any corrections? Ok, do I hear a motion to approve the minutes? Motion has been made and seconded to approve the minutes. All in favor? All those opposed? Ok, the minutes are approved as read. First on the agenda tonight we have BZA2020-13-SP& V. It looks like petitioners are requesting a special exception to place a 180' communication tower at Randolph Eastern School Corporation in Residential and a variance to place the tower closer to the line than the Unified Zoning Ordinance allows. Do we have anybody here to speak on behalf of this proposal? Would you please approach the table and state your name and address for the record?

BZA2020-13-SP & V, Randolph Eastern School Corporation

G. Bates: Gary Bates, 3211 S Goyer Road, Kokomo, Indiana representing Pyramid Consulting.

B. Clevenger: Blake Clevenger, 5662 E 400 N, Union City, Indiana.

A. Stover: Andy Stover, representing Randolph Eastern School Corporation, 8209 Costa Mesa Road, Muncie, Indiana.

Chairman Hawley: And so, could you tell us what you are looking for, and what you are hoping to get tonight?

A. Stover: So, we obtained a grant in September for \$122,500 through the "Gear Grant". The idea behind the grant was to provide internet access to our students in our district. One thing we have realized is with the pandemic and everything that has happened so far, we have had quite a few families that do not have internet availability in our community and when I say that, we did try to find a way to have MIFI devices, or wireless hotspots for our families and unfortunately Verizon Wireless did not have a strong enough signal in our community so what we did was we tried to build a grant that would provide an opportunity for our families and our students to have internet accessibility free of charge. So what we are trying to do is erect a 180 foot tower in our back yard of our school corporation. And the reason we are trying to get as close as possible to our school itself is to drive down the cost a little bit. We are looking to put it as close to the building as possible just because fiber wire and all the additional expenses that go into that are pretty costly. So we are trying to find the best

method to cover all those expenses and we found that trying to get it as close as possible to the district made it kind of manageable that way.

B. Clevenger: And then with it attached on the district site and attached to the school building that resource will be the school's internet which will help continue to drive costs down. And since it's a grant the money goes away within a few years which is another reason why we can't utilize other facilities. Once the grant money is gone hopefully with it on our site we can maintain it, provide it with the access and the resource which is the internet connectivity that it needs to continue to provide value to our community.

G. Bates: And on the Pyramid Consulting side we have done some broadband assessments for the county and looking at that area this is badly needed not only for the school corporation and the compound. I think you all have a map of it, the location of it, it's a 180 foot lattice tower, which lattice towers are designed to collapse upon themselves, in a catastrophic failure if it did happen. Unlike a mono-pole tower like you will see for a cell phone tower or a large tower that falls the whole length of the tower. So they are really designed to be around the school, a type of location like that so. Of course it will be fenced. And currently there is another tower there that is going to be taken down, that is used as a wind generator so you're not going to have two of them sitting there. So they are actually taking that equipment on that tower and moving it over to the new tower so they will have only one tower there. So, they've looked at that and we just ask that you approve us.

Chairman Hawley: And so, are these like a lot of the emergency towers that go up around the county.

G. Bates: What's that?

Chairman Hawley: Is this the same as lot of the emergency towers that go up around the county?

G. Bates: Yes, it's just a smaller version. That's exactly right.

Chairman Hawley: Thank you.

R. Abel: Just for clarity, I will say too that the variance part of it is for the setback for the tower to the property line, and if you'll notice on this diagram, this GIS picture that the property that the property line, the actual property owners on both sides of it are Randolph Eastern School Corporation. So, we didn't see that as a big issue but that's the way the ordinance is stated, "to a property line". So, we did include that.

Chairman Hawley: Do any members have any questions? Ok, thank you very much. Is there anyone else in the community who would like to speak for or against the proposal? Ok, it looks like we can bring it to a vote then. I guess we will call for a vote on BZA2020-13-SP&V.

J. Welch: You'll need to have a separate vote on them since they have different criteria on the findings of fact.

Chairman Hawley: Ok, let's start on the SP, which is the one for the tower height?

R. Abel: The special exception is for the location, since it's in Residential.

Chairman Hawley: So, we'll start off with that one and then we'll go with, we'll start off with SP and then we'll go with V.

D. Johnting: Ok, for the special exception, Jason Hawley, yes, Bill Davis, yes, Jon Peacock, yes, Myron Cougill, yes, Don Calhoun, yes, Jim Hufford, yes. And Bryn Albertson is absent. Motion approved.

Chairman Hawley: And then I guess we would vote on the BZA2020-13-V.

D. Johnting: For the variance, Jon Peacock, yes, Myron Cougill, yes, Don Calhoun, yes, Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, and Bryn Albertson is absent, motion approved.

Chairman Hawley: Congratulations.

G. Bates: Thank you very much.

Chairman Hawley: Alright, next on our docket is BZA2020-16-SP, it looks like the petitioner is requesting a special exception to build a 5,000 square foot dog boarding and doggie day care center. Is there anyone here that would like to speak on behalf of this petition? Please step forward and state your name and address for the record?

BZA2020-16-SP, Christa Kritsch

C. Kritsch: My name is Christa Kritsch, 35 North 300 West, Winchester, Indiana.

Chairman Hawley: Ok, what are you looking for today?

C. Kritsch: I am wanting to build a dog kennel, here are some proposed plans, I think you have a map of the location, if you would pass these out, thank you. I am just passing around a floor plan of what it will look like, potentially look like.

Chairman Hawley: And so it looks like we are having a variance for...a hearing because it's a dog kennel?

R. Abel: Yes, because it's a different use, than what is allowed by permission. Do you want to describe a little bit of the character of this, how many dogs are in it?

C. Kritsch: Yes, in the proposed plan that you have right now, you'll see that we have forty spaces for dog kennels. And I board dogs while people go on vacation, and while they are away. I take care of them and I have three other employees that help as well. On average, I have anywhere from eight to ten dogs, there on average. The month of July and Labor Day, Memorial Day, you know we do house anywhere up to thirty dogs at some times. We do offer day care, doggie day care while people are at work so if they want to bring their dogs they are welcome to. We are with the dogs morning, noon and evening so they are very well taken care of. We give them plenty of time to play outside, they have quiet time inside, and you know if there are any other questions you have for me that I can answer?

Chairman Hawley: So, is this an expansion on a building that is pre-existing or...?

C. Kritsch: No, this will be a new existence. I currently rent a space right now, that is a kennel. But we need more space so that we can provide the dogs with the proper amount of space for exercise, we're

kind of limited right now on our outdoor space and we would like to be able to expand on that so the dogs have more area to get proper exercise. So they are not so confined and in such a tight area.

R. Abel: So is this yard area, is it under roof? I'm looking at this picture.

C. Kritsch: Yes, you'll see, there's two wings there, there's a wing "A" and a wing "B". And in the middle is a yard area, and it will be canine grass, and it's also covered. So, while the dogs are outside having a roof over them will eliminate the sound of the barking, and it also will protect them from the elements of the weather, if it's raining outside, or you know anything like that, so they can still go outside and have proper exercise time, even though it may be rainy outside.

J. Welch: Will the dogs be allowed outside in the evenings or at night time?

C. Kritsch: No, the dogs, after their evening feeding and their time outside, all the dogs are brought inside into their kennel and the doggie doors are completely shut. So the next time they will get outside will be in the morning when we come back over so they are always closed in the evenings, yes.

R. Abel: Are they typically let out one at a time or all at a time?

C. Kritsch: Typically we let them out one at a time, we have an employee inside of the building and then we have someone outside of the buildings to interact and play with them. Some people do bring more than one dog and they like to kennel them together, so those dogs do get to go out and socialize with one another. But typically we let them out one at a time, just you don't want any temperaments to flare or anything like that, so. Some dogs do get along, and if we know there are friends that travel together and their dogs are around one another and they do like to let them out together to play. If we know that ahead of time then we definitely will plan for that. But, typically we let them out one at a time, and they're outside for about twenty minutes at a time, and if we have multiple dogs out there then we can let them out for longer periods.

Chairman Hawley: What times do you allow for, you said they come in at night and what time do you usually let them in?

C. Kritsch: In the evening? We are out there around 5 o'clock pm, and we start to let them out, but by 6:30 all dogs who are to be dropped off or picked up are picked up by 6 o'clock, and by 6:30 all the dogs are usually in for the evening, with their doggie door shut. They are let out three times a day. I get there fairly early in the morning. I power wash every kennel in the morning and then we sanitize it, and then they are completely dried out, and then the animals are fed, watered. They get a clean blanket, if their owner did not bring a bed, and then we're back again anywhere between 11 and 11:30, and again they are let out to use the restroom, they get fresh water and another clean blanket, and their kennels are mopped. And then we are there again anywhere between 4:30 and 5, and we do the same thing. So, the kennels are cleaned three times a day, power washed and in the morning. They always have fresh water, three times a day, and clean blankets three times a day. We try to make sure their needs are met, if they are not met then we are neglecting them, so.

J. Welch: It looks like there are a lot of neighbors here who are probably concerned about the sound, can you reassure them that the sound will not be a problem for the neighborhood?

C. Kritsch: Yes, I can. Do you want me to address you or them? I'm not sure I can see everyone because of the pole.

R. Abel: Just address the board.

C. Kritsch: Dogs tend to bark if their needs are not met. And like I just explained to you, we are very tentative to the animals and they also tend to bark when they hear an unfamiliar outside sound and they are just like humans, they are alerted when they hear an unfamiliar sound. And we do provide white noise inside the kennel and in the back where we tend to keep our larger dogs, we provide a white noise using either light blowing fans, and up front where we keep our smaller dogs, we also have a few little fans but we have a quiet music that loops through. And that eliminates them from hearing those outside sounds so they don't bark. We do that obviously to keep the noise level down, but it's also stressful on the animal when they hear those outside sounds and they don't know what it is and they do bark and you don't want your dog barking all night long, all day long. It's not good for them. So, we do provide white noise for them and their doggie doors are always shut in the evenings so there is no, they cannot get outside where they would hear, or see or smell unfamiliar sounds or unfamiliar smells which would cause them to bark. So they are always kept inside. And in building where I have chose, there is 400 foot of woods there, and trees are a natural sound barrier, you know the leaves absorb the sound. And in the winter time, our doggie doors are completely shut. We tend to close them about the second or third week of October just the weather isn't fit for the doggie doors to be open throughout the day. And they are boarded and insulated. And that will definitely cut down on any barking. Any noise.

J. Welch: Have you got any noise complaints from the existing facility?

C. Kritsch: I have not had, I personally have not had any complaints at the existing facility.

J. Welch: Have any neighbors said that they could hear it or had any problems like that?

C. Kritsch: No.

Chairman Hawley: Any other questions from the board members? Will we have any other members of the community that would like to speak in favor of the proposition? Thank you very much. Is there anyone who would like to speak against the proposal? If you'd like to approach the mic and state your name and address for the record.

E. Schafer: I'm Ed Schafer, 2510 West Timber Lane, Winchester. And the reason I wanted to go first is because she addressed a couple of things that I have here so I wanted to amend this so that I am not saying something that she has addressed that is a problem. And one of them would be the night time. But I did quickly wanted to say that I have always considered the Kritsches to be good neighbors and I am reading this for brevity, to be good neighbors and I would like to think that it was an oversight in picking the proposed location and that oversight being its nearest the most densely populated of any of the other adjacent land available to them. And in the spirit of being good neighbors I would also respectfully request that they consider relocating the facility to a less populated area, south of 32. And in addressing my concerns to the board, I am sure you are aware that we as Timbers residents are fortunate to live around an 8 acre lake surrounded by woods. And in addressing the woods, it may be a natural barrier but it's not enough to keep barking dogs out and I'll address that just in a second, from

coming into our area. There's twenty full time residents who likely spend more time outdoors enjoying our little slice of heaven than most homeowners. And those of us who have lived here the longest know this hasn't always been the case. Some of you are probably not aware, but we have already experienced the nuisance of a nearby kennel when the animal shelter was located roughly three tenths of a mile east on 200 west. We couldn't leave our windows open day or night, but you did address the nighttime. But we still couldn't leave them open during the day without hearing the constant barking of one or more dogs. The guests that we would have out there sometimes even asked us how can you stand the continual barking. Well, we were not allowed a voice in that particular location. But we were all ecstatic when they relocated so we already know the disruption that can occur. Therefore I am opposed to the current location proposal and would ask that you all would carefully consider the wording in Article XII, section 12.02 subsection 2 that states the special exception will not be injurious to or diminish the use, value and enjoyment of other property in the immediate vicinity. In having already been through this before I guarantee you that if this special exception is granted it will absolutely diminish the use, value and enjoyment of our properties. That's it.

Chairman Hawley: Ok, anyone else who would like to comment? Please state your name and address for the record.

R. Tudor: Good evening, my name is Rick Tudor, I live at 2740 West Timer Lane here in Winchester. Thank you for having us all here this evening. I would like to begin by saying that I don't think any of us really want to be here tonight. This is just unfortunate. The Timbers has a whole lot of good people, the Kritsches are good people. So, this is nothing personal at all with the Kritsches, this is just something that we've talked about a long time. So, I would like to go through a little bit, I have lived at the Timbers for twenty one years, we waited two years prior to buying the property before we moved in. There are other residents out there who have been there thirty and forty years, Schafers and Shockleys and Streeters they've been out there thirty and forty years. It is a special place. There are nine households, half those households are currently retired people. Everyone looks out for one another out there. We help with project maintenance, the well being of the association. In the last ten years, we have collected about eighty thousand dollars from our association members to take care of the lake, to take care of the roads, to take care of the grounds. All the money goes back into the association and to the well-being out there. A few years ago we purchased an aeration system for the lake, again through assessments and dues and things like that. We've got a great group, Kenny, Rick and those guys take care of trees that are down, and take care of the road, we've always tried to be a good neighbor. The speedway out there, we all knew that the speedway was there when we bought our properties. Each and all of us. They have limited events each year, and we've always had a really good relationship with the owner and the management of the race track. That's a shared, private road out there. And to make my point, we've paved that over the years, we've patched it, we've been a good neighbor over the years and will continue to be a good neighbor. I'm trying to paint this picture just so you know it's a beautiful place, it's peaceful, it's very special, it's special people out there as well. We just feel the noise from boarding kennel would most definitely deter in the enjoyment like we talked about, we've always tried to be good neighbors and always will be good neighbors. I don't think that any of you would really want a boarding kennel that close to you as well. So, we're just respectfully asking that the Kritsches consider another location for this project.

R. Weigand: My name is Rick Weigand, I live at 2750 W Timber Lane. I also would like to thank you for this opportunity to speak to the Board of Zoning Appeals concerning the special exception. And I too want to share the sentiments of my fellow neighbors and the comments that they made about the good neighbors that the Kritsches have been. And the good neighbors that we have tried to be. I will read this briefly, I know we have several other residents that want to speak also. "I am opposed to the proposal for special exception for several reasons. One concern is the possible adverse effect on property values that approving this request could result in. I recognize and appreciate that there's probably information there that indicates that the property values would not be affected by the construction of the kennel. But the possibility does exist that the property values could be affected and if it is determined after it is approved, that the property values have been affected, what recourse do we have? I'm not aware of any. The greater concern is for our quality of life and the negative impact that having a boarding kennel on the property adjacent to ours would create. There are not many additions like the Timbers as Mr. Tudor and Mr. Schafer have already commented about, and the property owners have devoted a lot of time, effort and money into maintaining roads, including hiking trails, the lake, the picnic areas that we have in the woods. Just so many things that make it a very, very special place for us to live. Many residents have invested also a lot of time and effort in developing the areas around their homes, and regularly use these areas as an extension of their homes outside. While I am not a dog owner, I have been around dogs for most of my life. Experience has shown me that some dogs, not all, when they are put into a strange environment will bark, and can bark a lot. And if there are numerous dogs together one dog barking can instigate the barking of all the dogs. This would result in an adverse effect on our quality of life by reducing our ability to use and enjoy in the manner that we have become accustomed to. Thank you.

K. Gentry: Hello, I am Kelsey Gentry, 2770 W Timber Lane. As most of our neighbors said, we believe that this proposal will diminish the use and enjoyment of our property and neighborhood. We like to spend time outside, whether walking the trails, fishing, just hanging out by the fire. We cherish this location. We are animal lovers, we have two dogs of our own, so we know firsthand how loud dogs can bark, sometimes for no reason at all, and other times at noises like Mrs. Kritsch had said. And you know, we are concerned about maximizing that to thirty or forty dogs, that sound. I also have some concerns as she talked about the outside noise. So, we have the racetrack nearby. So that could cause stress to the dogs to make them bark even louder. We're not against this for our community, we think it's great, we just don't think the location is appropriate because of the housing addition that is so close. And I just kind of for reference, these are additional lots, that they could build the kennel on that has less impact to neighbors. And like Ed said, we have twenty full time neighbors that this would impact versus some of these lots that would only have one house.

Chairman Hawley: I guess, real quick, I know that we have a lot of folks here that are neighbors, is the noise complaint the thing that most people are here to address tonight? I'm not trying to cut anybody short and I want people to have their say, I just want to make sure, was there any other pressing concerns?

[Unidentified]: I think noise, and the question of our property values, when we put so much money into our properties.

[Unidentified]: And I don't know, once the dog kennel is there, perhaps the business doesn't succeed, what will go in instead, and what effect would that have? I don't know the zoning laws well enough to know, could something else be put there instead? And how that would adversely affect our properties?

J. Welch: Ma'am, what's your name and address so they can put that in the record?

K. Kiser: Krista Kiser, 2760 W Timber Lane, sorry.

J. Welch: The special exception would be just for this particular use. So, if it would be approved, it would only be there as long as this particular dog kennel was there. It couldn't be something else.

K. Kiser: Ok, thank you. I appreciate it.

J. Hufford: How is this zoned right now, agricultural intensive?

R. Abel: It's ag intensive I think.

D. Johnting: Yes, it's ag intensive, and this isn't a zoning change.

R. Abel: It's a special exception. Like if you wanted to put in any use that's not typical agriculture, like, cemeteries, churches, I mean, there's a whole list of things that take a special exception.

J. Hufford: How about a CAFO?

R. Abel: CAFO's do not, but they have setbacks and other restrictions that qualify them.

J. Hufford: Just how close is this kennel going to be to this housing area?

K. Kritsch: It is 600 feet from the houses with a 400 foot woods in front.

J. Peacock: Was there any reason for this particular location?

K. Kritsch: My number one reason was we had looked at another location and it was an open field and with the trees being there it would act as a sound barrier if people were concerned of the noise. And secondly it's close to my home so I could get to the kennel quick if I had any type of emergency. Right now I am about three and a half miles away, and I have cameras in there currently so I can keep an eye on everything if anything you know, so I can get there. That was two of the main purposes for having it there.

[Unknown] The property that I have on the list are within, what, a mile of the proposed site, so they are closer than this, just for context.

D. Johnting: Jason, I have a letter that was dropped off at the office yesterday, it's short, so I can read it if that's ok?

Chairman Hawley: Ok.

D. Johnting: To the Area Planning Commission, To Whom it May Concern, In regards to the special exception for the Kritsch Kennels, in number two of criteria for special exception use this will not be injurious to or diminish the use or value. The chosen location abuts the wooded area. There are nine homes in the woods behind this location, and the location will affect twenty one residents in our

corporation. The noise level of several dogs will definitely change the quality of our lives. A canine's bark can be heard from at least a mile to two miles away and as everyone said we spend a large amount of time outdoors listening to non-stop barking will change the amount of time we can enjoy the outdoors. The barking will travel to our lake and will amplify the noise level even inside our homes. This location could also lower the value of our property. Having daily noise from a business that has no control over their customer's barking. It is not a selling point for properties near the situation. Please keep the zoning as is and deny the special exception required for the chosen location. Thank you for your consideration, Catherine Schafer, 2510 W Timber Lane.

J. Hufford: Now this is all enclosed? The dogs will not be outside at all?

K. Kritsch: They will be outside, for restroom breaks and to get adequate exercise. Yes, they will be.

J. Hufford: But you said it will just be one dog at a time?

K. Kritsch: We typically let out one dog at a time unless they are kenneled together, and we usually don't have more than two dogs in one kennel, we may let those two dogs out together.

Chairman Hawley: Does anyone else have any questions, comments? Please come up and state your name and address for the record?

M. Shockley: Mary Jo Shockley, 2790 W Timber Lane, I want to reiterate what everyone else said, but also, Krista, I wanted to ask you, how long have you owned the business?

K. Kritsch: I have been there since August first.

M. Shockley: Ok, I noticed when they asked if you'd ever had any complaints you said you personally have not, but you haven't owned it for very long, so I think that's something to take into consideration, and I also would like to know if the proximity to your home is important why would you not put it south of your home?

K. Kritsch: We don't own the ground there, around our home.

M. Shockley: But you do own, well, your parents do, right?

K. Kritsch: No.

M. Shockley: But there is a lot of ground you own a lot of ground nearby where the kennel...

K. Kritsch: We rent all the ground by our home, we don't own it.

M. Shockley: Do you own the ground where you are proposing to put it?

K. Kritsch: Yes, my in-laws do, yes.

M. Shockley: That's all that I have. Thank you.

G. Kiser: Gary Kiser, 2760 W Timber Lane. Certainly we're not against the Kritsches and we're not against the dog kennel, but you know if you had the possibility of thirty or forty dogs within 1300 feet of your house, I know that their intentions are honorable, and certainly the intentions are good, but I

am afraid the detriment to our homes once it has been approved will be permanent. And there is no way to predict if you have thirty to forty dogs how those dogs are going to react. Anyone who's ever been around the bark park I think understands this, dogs pretty much have their own personalities and do what they want to do. And certainly beagles can be heard for a mile. Reiterating what everyone else has said, that Kris and I feel the same way that it would be a detriment to our quality of life. Thank you very much.

T. Kritsch: Trent Kritsh, 35 North 300 West, Winchester. I would like to address a few of the issues that have been brought up. Number one, according to the land, this is a parcel that my father allowed us to build on. We chose this, the other parcels in close proximity to our house, which are over a mile away, are directly on the highway. We did not want to be directly on the highway just for traffic issues, and if a dog would happen to get out, we don't want to be on the highway, they'd have a better chance of getting hit. Secondly, I guess one thing that she forgot to mention, is we are talking about putting sound proof walls in the kennel, which would be a double wall, which would also help to reduce the noise of the dogs inside. The six hundred foot setback far exceeds many of the setbacks that are required in an A-1 zoning. This facility will not be visible from their house due to the trees, and as we all know I have been through several CAFOs, trees are a very good buffer of sound, noise and quality of the air. One thing they haven't mentioned is that they also live beside a rail road track, which is one of the busiest in the nation, so you have noise from that. I do have one question for the association, and that would be, do you have any regulations against dogs in your association? So, if they don't have any regulations about dogs in their association, what keeps their dogs in their house from barking and disturbing all the neighbors?

[Unknown] Good neighbors.

[Unknown] It's never been a problem.

T. Kritsch: Well, my point is, you all said dogs bark, we've got the white noise, the sound proof walls and all of that, to reduce the noise, but they have no regulations in their association regarding dogs, that if that dog is outside, there is no sound filtration as like we are proposing.

[Unknown] But there aren't thirty dogs in one household.

Chairman Hawley: Are were there any other questions, concerns, comments?

[Unknown] You said the proposed plans for the sound proof, does that mean plans that you plan on doing or is that...so it's pretty much a done deal that if it is to be approved it would have sound proof walls?

T. Kritsch: Yes, basically it would be a double wall with insulation.

[Unknown] But that's not outside, is that correct?

T. Kritsch: That's when the dogs are inside, yes.

[Unknown] We did know that there was a railroad track and a racetrack when we bought property. And there wasn't a dog kennel. We knew about the noise from the railroad track and the racetrack and they are not a problem.

T. Kritsch: So, the dogs being outside, they are outside for maybe....

C. Kritsch: Twenty minutes at a time, they're not out long.

T. Kritsch: During the course of the day maybe three hours, and it's during the day time.

C. Kritsch: They're never out at night. Ever, for the safety of the dog and to keep them enclosed and their doors are completely shut always.

J. Peacock: Is it high ground or something that would make it also....? I mean, as a farmer I was thinking, why would I want it in a certain place is about as close as you can make it to these folks property?

T. Kritsch: It is on higher ground, and it squares up, we were trying to find a parcel that squares up where it's not just sitting out in the middle. And we were trying to give the building character. So that it has eye appeal. Those pictures don't show it very well but it's a very appealing building the way that they have designed it. It's kind of got the red barn look.

[unknown] So you picked the woods for appeal, not necessarily the sound or both?

T. Kritsch: No, we picked the woods because it has the sound barrier, and it is also visible from the highway but not on the highway.

[Unknown] So, is it fair to say that's your worst ground, is that why?

T. Kritsch: No, it's not the worst.

[Unknown] Is it towards the bottom?

J. Welch: Jason, if we are going to have questions, they need to come up instead of just a free for all.

Chairman Hawley: Yeah, if you would please come up and state your name.

T. Kritsch: I mean this is ground that has been in the family for a hundred years. My great grandfather is actually the one that built the race track and the Timbers, and this is part of that original farm. Not that that makes any difference, but there is some history on that farm. All the entrepreneurship that he had. I guess I am just following suit in the place where he did a lot of his developments.

[Unknown] Begins to speak, Jason Welch reminds everyone to come forward and state their name.

E. Schafer: All that I can say is that when the old kennel was three tenths of a mile away, there was plenty of woods in between us and unfortunately it was still a factor. I don't know if I said this, but it was Ed Schafer, sorry. And then the second thing is, I think the rest of the neighbors have said that we don't really oppose business, we just oppose the location as opposed to any other possibility. And that's about all I've got on that.

Chairman Hawley: Are there any other comments or questions so we can move this along to a vote?

B. Davis: I make a motion to take a vote.

Chairman Hawley: I second.

D. Johnting: Don Calhoun, no, Jim Hufford, yes, Jason Hawley, no, Bill Davis, no, Bryn Albertson, absent, Jon Peacock, no, Myron Cougill, no. Motion denied.

Chairman Hawley: I'm sorry, what was the verdict?

D. Johnting: Motion denied.

Chairman Hawley: Ok, is there any other business that needs to be discussed tonight before we take a motion for dismissal?

B. Davis: Motion to adjourn.

Chairman Hawley: Second that, all in favor, we are adjourned.

D. Johnting: We do not have any petitions for November and we do not meet in December so we are done for the year.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Vice Chairman