



## CLARK COUNTY BOARD OF ZONING APPEALS

**July 15, 2022**

The regular scheduled meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday, June 15, 2022, starting at 5:00 p.m. in the County Government Building, 300 Corporate Drive, Room 103, Jeffersonville, Indiana.

The following Board Members and staff were present in the open meeting:

BZA Members:

Duard Avery, Chairman

Kim Baker

Guy Guernsey

The following BZA members were not present at the meeting:

Keith Coats

Staff:

David Nachand, Attorney

Cathy Denison

Amy Williams

Jason Stanley

Stacy Gettings

The following appeared on the Agenda:

1. Call to Order: Duard Avery called the meeting to order at 5: P.M.
2. Approval of the prior minutes from the April 20, 2022 meeting: Kim made a motion to approve the prior minutes, motion was seconded by Guy Guernsey. Motion carried 3-0.
3. \Docket 2022-05-BZA: Matthan R. Schwartz, 8905 Tunnel Mill Rd., Marysville, In. 47141, is requesting a special exception for a breeding operation located on his property, Parcel # 10-12-01-800-001.000-034. The parcel consists of approximately 33 acres. The building used to be a general store and Mr. Schwartz has renovated and added dog runs, fences and provides breeding operations for approximately 80-100 dachsunds and their puppies. Mr. Schwartz has a breeding license from the state and has been operating a breeding facility since about 2014. Upon inspection by Jason Stanley, Building Commissioner, the environment and facility was found to be extremely clean and orderly inside and out. At no point were any dogs heard with any loud barking. Mr. Schwartz mentioned the drainage ditch and trees served as a buffer and that has recently been changed. A few neighbors have recently complained about the barking. He spoke recently with the neighbors about ways he could

eliminate or lessen the noise level. He also offered to build a privacy fence, which the neighbors did not agree with. He has invested over \$100,000 in the facility and was inspected from the USDA and Purdue University. He presented his Board of Health Certifications to the Board. He stated he had 45-50 dogs at this time with the additional puppies on site. There is no additional traffic due to this operation because he sells the puppies to a broker rather than individual buyers. Cathy Denison read the adjoining property holders. James Schwartz, 10000 Tunnel Mill Rd., Marysville, In. attested to the fact that there is very little barking and it doesn't bother him. He felt the privacy fence would help with the barking. Ron Engle, 8810 Tunnel Mill Rd., Charlestown, stated that the barking is 24/7 and non-stop. He made videos on his phone to show the Board. He played the video on the phone and there was some barking at 6:00 P.M. Again, he played another video at 1:30 a.m. and you could hear dogs barking. Amanda Williamson, 4806 County Line Rd, Nabb, In. stated she is not an adjoiner, however, she spoke on behalf of Mr. Schwartz and the cleanliness of the facility. Jonathan Phillips. 11503 Otisco Rd., Otisco, In. stated that he drives through that area often and rarely has he heard barking. Guy Guernsey asked where the dogs were today because he was there and sat in his car in order to listen and heard no barking. Kathleen Schuler, 8716 Tunnel Mill Rd., Charlestown, In. lives catty corner to the kennel. She stated that she does hear the dogs often and it is bothersome.

Cathy Denison read the Staff Report. All requirements have been met by the petitioner. Staff recommendation based on the findings of facts. Conditions to consider:

- a. Take dogs out in shifts to avoid excessive barking at one time
- b. Choose specific times for example: 7:00 a.m. to 7p.m. with the dogs kept inside at night
- c. Use of barking apparatus to eliminate the excessive barking (battery operated)
- d. Privacy fence built (allowed but not required)

Duard asked for a motion based on conditions mentioned. Mr Schwartz agreed to any conditions in order to be within guidelines. Kim asked whether the facility could either be moved to another area or if some of the dogs could be taken to another area on the farm. Duard asked for a motion. Based on the conditions mentioned. Duard suggested the use of the electronic devices if possible. Guy made a motion to approve including staff recommendations, maintain the barking devices, communicate and have respect for the neighbors, put the dogs inside no matter what time of day or night. Kim seconded the motion. Motion carried 3-0.

- 4 Docket 2022-05-BZA: Robin Barich and Amanda Williamson, 4806 County Line Rd., Nabb, In. 47147, requests a special exception approval to build a mother-in-law suite on the property, Parcel # 10-12-020-200-018.000-034. Amanda Williamson, 4806 County Line Rd., Nabb, In. wants to build a home on their property consisting of 40 acres in order to care for her mother. Cathy Denison read the list of adjoiners. There was no one present to speak for or against the mother in law suite. Cathy read the Staff Report stating that the applicant has met all the requirements for the special exception. A recommendation of approval was made by the staff., with the conditions of an accessory structure. Kim made a motion to approve the recommendation, Guy seconded the motion. Motion carried 3-0.
- 5 Reports, Resolutions and Communications: Cathy requested that the Board speak to Jack Coffman about replacing Michael Killen, still an open spot. Amy said she would ask the Plan Commission for one member to join the BZA.
- 6 Adjournment: Meeting was adjourned at 6:40 P.M.