

Albion BZA Meeting – Minutes
February 18, 2009
6:00 PM Albion Municipal Building
211 E Park Drive

Members Present: Dave Dunn, Larry Ellet, Terry Dazey and David Bremer. Absent was member Charles Elser. Also in attendance were Beth Shellman, Town Manager; Mike Yoder, Town Attorney; Bob Braley, Kendallville News Sun; Jack Owen from Backwater Retriever Club, and Ryan Peterson along with his daughter Sierra Peterson.

Meeting was called to order by Chairman Ellet at 6:00 PM, after recognizing a quorum was present.

Oath of Office: David Bremer and David Dunn were sworn into office by Attorney Yoder. It is noted that due to health reasons, Jack Robinson resigned from the board. David Bremer is serving the remainder of Jack's term. (Letter of Resignation filed in the appointment file and copy inserted into these minutes).

Approval of Minutes: Minutes from the November 26, 2008 regular meeting were approved as submitted by a motion and second (Terry, D. Dunn). Carried by a 4-0 voice vote.

New Business:

Variance Number 2009-01, Backwater Retriever Club and Ervin and Clara Miller, requesting permission to operate a private club, for dog training purposes, in a R-4 district; real estate located on the north portion of a 46.88 acre tract of land (approximately 22 acres), in Section 18 of Jefferson Township; common location on 400 N, south side of road, approximately ½ mile east of State Rd 9 (N Orange Street).

Proof of legal publication was noted as was verification of notification to surrounding property owners. Chairman Ellet opened the hearing at 6:05 p.m.

B. Shellman advised the board she received a signed notice from Ann Winebrenner stating she received notice of the hearing. There were no comments on the notice Ann signed and no comments have been received from any of the other interested parties. Interested parties Ryan and Sierra Peterson were in attendance. Beth explained that the Variance does not change the property zoning and is needed to operate a private club in an R-4 district. The Backwater Retriever Club has been duly authorized to act on behalf of the property owners Ervin and Clara Miller. The property will be auctioned February 26, 2009. Any Variance granted will be granted exclusively to the Backwater Retriever Club and subject to them acquiring the property at the auction.

Jack Owen was present representing the Backwater Retriever Club. It was noted that

Jack has attended two Town Council meetings and they have advised him to receive a Variance from the BZA first. They are open to the idea of amending the Ordinance regulating the discharging of firearms if the Variance is obtained and the property is acquired at the auction. Jack said they have AKC retriever club events in Kosciusko County in the spring and at his property in Noble County in September. They bring in people from Ohio, Tennessee, and Kentucky who will spend money in the area. They would like to eventually go national with the events. They will have 200 to 250 dogs at the 3-day event which is usually held on a Friday, Saturday and Sunday. The club plans to train their own dogs at this property various times through-out the year. They have around 70 members currently. At some point they would like to construct a small club house or open pavilion with an outside privy.

Beth noted an adjacent property owner requested the town council impose a restriction against parking in the county roadway. By Zoning Ordinance parking restrictions, the club is required to provide ample off-street parking on the property for the members and guests. The enforcement of parking in a county roadway belongs to the county Sheriff's department. Mike cautioned the board against placing a condition that cannot reasonably be enforced by our board.

Ryan Peterson reported he is in the process of purchasing the farm home and property across the road from this site. He is contemplating an application with the BZA to request approval for operation of a private dog kennel in an A2 district. He owns Wyndbrook Kennels in Ft. Wayne and hopes to move his kennel operation to the Albion site. Wyndbrook Kennels provides obedience and gun dog training services.

Chairman Ellet closed the hearing at 6:20 p.m. Board members then considered Findings of Fact. Based on the Findings of Fact, a motion was made and seconded (Terry, D. Bremer) to approve the Variance as requested. Voice vote determined the motion carried by a 4-0 margin.

ELECTION OF OFFICERS 2009: A motion was made and seconded (Terry, D. Dunn) to elect Larry as Chairman for 2009. A motion was made and seconded (Larry, D. Bremer) to elect Terry as Vice-Chairman for 2009. No further motions were made, both motions carried by a unanimous voice vote with a 4-0 margin.

With no further business, a motion was made and seconded (Terry, D. Dunn) to adjourn the meeting at 6:25 p.m. Voice vote determined the motion carried by a unanimous 4-0 margin.

Larry Ellet, Chairman

Beth A. Shellman, Secretary