

**BOARD OF ZONING APPEALS**

Regular Meeting

DATE: November 1, 2023 • TIME: 7:00 p.m.

PLACE: Commissioners' Room in the Noble County Annex Building

**AGENDA**

- A. Call to Order
- B. Roll Call
- C. Determination of Quorum
- D. Consideration of Minutes
  - October 4, 2023
- E. Unfinished Business
- F. New Business

**Special Exception #564 Michael David Fry** - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow a kennel for up to 19 adult dogs in an A1 zoning district. Real estate is located in Section 2 of Perry Township, quadrant 400, parcel 003, common location is known as 11554 N St Rd 5 Ligonier, IN.

**Development Standards Variance #2309 Michael David Fry** - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 5.30) to allow for less the UDO minimum required kennel structure setback of 250' to be at 59' to the North, 179' to the South, and 233' to the West. Also, to allow for less the UDO required minimum kennel exercise yard setback of 200', to be at 20' to the North, 164' to the South, and 138' to the West. Real estate is located in Section 2 of Perry Township, quadrant 400, parcel 003, common location is known as 11554 N St Rd 5 Ligonier, IN.

**Development Standards Variance #2310 Gary Jr & Michelle Hull** - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.04 & 5.33) to allow the UDO minimum required 150' lot width that narrows down at 220' +/- to be 60' for a 950' +/- long easement, for a proposed 2-lot minor subdivision in an A1 zoning. Approval would allow three parcels to share one 60' wide easement (no direct road front for any of the parcels). Real estate is located in Section 12 of Noble Township, quadrant 300, parcel 011, common location is SW of 1602 S. 50 W. Albion, IN.

**Special Exception #565 Paul M & Lorene L Miller** - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow a kennel for private (not open to the public) boarding of up to 10 adult dogs in an A1 zoning district. Real estate is located in Section 36 of Perry Township, quadrant 300, parcel 006, common location is known as 6519 W. 650 N. Ligonier, IN.

- G. Junk, Trash, & Debris
- H. Member Reports
- I. Future Agenda Items
- J. Adjournment

Dear Board Members:

Site inspections assignments noted below for the November 1, 2023 Regular Session. **Please contact the office for any questions regarding your site visit. Conversations between you and the petitioner should be at the meeting on record.** If you are not available to view the property before the meeting, please contact the office or another member to fulfill the inspection requirement. I highly encourage you to look at each property on your own, if possible, to get a clear understanding of what is happening on the property.

**BZA MEETING - 7:00 P.M.**

**Assignment Application**

- T. Griffiths Special Exception #564 Michael David Fry - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow a kennel for up to 19 adult dogs in an A1 zoning district. Real estate is located in Section 2 of Perry Township, quadrant 400, parcel 003, common location is known as 11554 N St Rd 5 Ligonier, IN.
- S. Buckles Development Standards Variance #2309 Michael David Fry - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 5.30) to allow for less the UDO minimum required kennel structure setback of 250' to be at 59' to the North, 179' to the South, and 233' to the West. Also, to allow for less the UDO required minimum kennel exercise yard setback of 200', to be at 20' to the North, 164' to the South, and 138' to the West. Real estate is located in Section 2 of Perry Township, quadrant 400, parcel 003, common location is known as 11554 N St Rd 5 Ligonier, IN.
- C. Carmien Development Standards Variance #2310 Gary Jr & Michelle Hull - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.04 & 5.33) to allow the UDO minimum required 150' lot width that narrows down at 220' +/- to be 60' for a 950' +/- long easement, for a proposed 2-lot minor subdivision in an A1 zoning. Approval would allow three parcels to share one 60' wide easement (no direct road front for any of the parcels). Real estate is located in Section 12 of Noble Township, quadrant 300, parcel 011, common location is SW of 1602 S. 50 W. Albion, IN.
- M. Klopfenstein Special Exception #565 Paul M & Lorene L Miller - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow a kennel for private (not open to the public) boarding of up to 10 adult dogs in an A1 zoning district. Real estate is located in Section 36 of Perry Township, quadrant 300, parcel 006, common location is known as 6519 W. 650 N. Ligonier, IN.

If you will be unable to attend the meeting, please inform the office as soon as possible so we may determine if a quorum will be present. Thank you for your continuing efforts and we look forward to seeing you at the meeting.

Respectfully,  
**Kassandra Slain**, Administrative Assistant  
Noble County Plan Commission / Noble County Board of Zoning Appeals

**NOBLE COUNTY BOARD of ZONING APPEALS**

**DRAFT**

*October 4, 2023 • Regular Meeting • Minutes*

The Noble County Board of Zoning Appeals held its regular session meeting on the 4<sup>th</sup> day of October 2023 beginning at 7:00 pm in the Commissioners’ Room, Noble County Annex Building—109 N. York Street Albion, IN.

**CALL TO ORDER**

**ROLL CALL**

Board Members:

Chelsea Carmien	present	Pattie Gatman	absent
Tom Griffiths	present	Sam Buckles	present
Michael Klopfenstein	absent		

Also, present: Teresa Tackett - Zoning Administrator, Kassandra Slain – Administrative Assistant, and Everett Newman – Attorney

**DETERMINATION OF QUORUM**

Determined a quorum was present with 3 members in attendance.

**CONSIDERATION OF MINUTES**

S. Buckles made a motion to approve the minutes from September 6, 2023 meeting. T. Griffiths seconded the motion. Motion passed by unanimous vote.

**UNFINISHED BUSINESS - None**

**NEW BUSINESS**

**Use Variance #2305 Salvador & Elodia Villa-** Requests a Use Variance from the Town of Cromwell Zoning Ordinance (Section 4: Authorized Uses) to allow for a second dwelling (57’x27’ Doublewide modular home) to be placed permanently on the property in an A zoning district. If approved this would allow the applicants to age in place. Real estate is located in Section 20 of Sparta Township, quadrant 100, parcel 010, common location is known as 2719 N. SR. 5 Cromwell, IN.

- Gabriela Najera (Daughter-in-law and resides in the existing home at 2719 N. SR. 5) appeared to petition Variance #2305 and represent Salvador & Elodia Villa whom were also present. She stated the Noble County Health Department told them they would need to either install a separate septic for just the doublewide or they would need to replace the existing septic with one that could handle both the home and doublewide. She read aloud their findings of facts and told the board the reason for the doublewide placement was to allow her husband, daughter and herself to move out of the crowded house and still be close to family. The existing house currently had 2 families with small children living with S. & E. Villa (the parents/grandparents).
- T. Griffiths stated he did a site visit and the modular home would be placed in the existing pasture. He questioned what the time frame would be for the project to be complete.
- G. Najera stated they were hoping to have the modular home placed on the property permanently until S. & E. Villa wanted to sell. She also stated that the North property owner was willing to sell them an additional acre of ground to add to their current property in order to meet the zoning 2 acre minimum, in the future.
- S. Buckles questioned what year the doublewide was and the condition of the unit.
- G. Najera stated it was built in 1993 and the doublewide was in good condition; as of January, they replaced the roof.
- T. Tackett read aloud the received comment cards and reviewed the staff report. Noting the building inspector would be willing to inspect the doublewide. She also noted, Cromwell board members comments regarding this request. Noting the 2 out of 3 were ok

with the request but the third understood the need for aging in place but advocated for an addition be added to the existing home.

**No interested parties appeared.**

S. Buckles made a motion to move onto the findings of facts with the conditions of having the building inspector inspect the doublewide and approve, 5-year (from completion date of the building permit) temporary placement, and non-transferable. C. Carmien seconded the motion. Based upon the findings of fact the board approved Variance #2302 by a 3-0 vote.

**Development Standards Variance #2306 K Randall Miller & Lane Robinson-** Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.04) to allow an adjustment between two parcels, for less the UDO required 150' lot width to be 60' (30' from each tract), and for the lot width to open to the UDO minimum required 150' to be no less than 610' from the road. If approved applicant(s) will request an Administrative Subdivision of 10.00 +/-ac from two existing tracts. Real estate is located in Section 29 of Sparta Township, quadrant 200, parcels 002 & 011, common location is known as 1401 & 1545 N. 1000 W Cromwell, IN.

- Ryan Weber (Lakewood Surveying) and Lane Robinson appeared to petition Variance #2306 and also represent Randall Miller. R. Weber stated L. Robinson had the opportunity to purchase a 10-acre cut out that had no existing road frontage. The plan was to take 30ft off of each side of the property line that did have road frontage and make a driveway back to the 10 acres for access per the UDO. It will be common ownership to the existing ag buildings to the south (Duck-it Farms). The reason for not adjoining it to the South property was due to the south parcel being zoned A3 and the 10 acres currently zoned as A1 (intends for it to remain as A1) and mostly because of the permitting process through the state with an IDEM regulated business on the South property.
- T. Tackett went over the staff report and stated the request was not associated with Duck-it farm. If it was, it would include idem but the parcel would be a buildable parcel, with the initial use of ag.

**Interested Parties:**

- Karen Lurhrs (1353 N 1000 W) stated she was against expansion of the Duck-it farm; looked like a business expansion plan and if it was, many neighbors were concerned with odor control and property values decreasing.
- Sheila Mmhollen (1150 N 1000 W) stated she can't stand going outside anymore due to the intense smell from Duck-it farm.
- James Ball (1251 N 1000 W) owner of the property adjoining Duck-it farm, stated concerns about Duck-it farms growing and the smell could get so bad that he can barely stand to mow. He also stated concern regarding the drainage from the barns; no new tiles being placed to intake the water which affects his property. He stated he had to put in a new driveway every 3 years due to the watershed from the large barns onto his property.

**Rebuttal:**

- L. Robinson stated they were at the point of being able to buy more land to buffer the business as it became available. The 10 acres being purchased would continue to be farmed, and not be included in his Idem permit for Duck-it farm.
- R. Weber stated the 10ac was intended to stay as A1 zoning but if they wanted to expand the farm then they would be required to rezone which would take two public hearings and all neighbors would be notified.
- T. Tackett read aloud the received comment cards.

C. Carmien made a motion to move onto the Findings of Facts for Variance #2306 as submitted. S.

Buckles seconded the motion. Based upon the findings of fact the board approved Variance #2306 by a 3-0 vote.

**Special Exception #563 Molly A McArdle & Zachary D Barnard** - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) for a pet cemetery in A1 zoning and the crematory (retort/furnace) to be located in an existing 48'x50' pole building which will include a small office space, for the lifetime of Molly McArdle & Zachary Barnard. Real estate is located in Section 36 of Green Township, quadrant 200, parcels 004 and 009; common location known as 5610 & 5752 S 600 E— 57 Churubusco, IN.

- Molly and Matt McArdle appeared to petition Special Exception #563, noting Zachary Barnard was also present. M. McArdle introduced her brother Matt McArdle who was a design engineer and would be helping her with the business. M. McArdle stated she was the owner of Fort Wayne mobile veterinary services and specialized in in-home euthanasia for small animals. She stated the reason for her request to have a crematory facility on her property with a small cemetery was due to very few animals' crematory options in the area and she didn't feel as if they were giving customers the personalized caring experience they should have. She stated the shop (48x50) would contain office space, a bathroom, and used for a laser engraver, desk for a computer to design products, raw storage materials and finished engraved goods for customers to pick up. The pole barn (40x60) would be used to house the 4 therm-tec retorts (S-18-P2X crematory furnaces), a walk-in cooler (for pets waiting to be cremated), storage, an air-conditioned work shop and receiving area for trucks.
- M. McArdle stated the furnace operated at 1400-1600 degrees Fahrenheit with using AmeriGas as the propane provider. The therm-tec retorts had substantially minimal particulate and air pollution emissions compared to the average home fire place. She stated the furnaces were 100% odorless machines with no smoke exiting the stack; as organic matter was generally completely destroyed at 800 degrees Fahrenheit or less and no noise would be heard outside of the building. She shared information about a Therm-Tec representative Steve Rohleder whom had 40 years' (1983) of experience selling and servicing crematories.
- She stated she would like to offer the following options for clients: group or private cremations and customize memorial products such as paw, ink and jewelry prints. She explained that private cremations would allow for the pet to be cremated by itself and the owner would have the option to watch the process to ensure it was their pet. A group cremation would offer customers to have several pets cremated together to lower cost; these then would be put in 1 of the 12 predicably sealed 10' PVC pipe, in the ground in the (proposed) cemetery labeled by the corresponding month. She stated her vision for the cemetery was to be placed in the existing field area and hoped to add a pond or fruit trees to form a beautiful secluded quiet garden area. She stated the cremations would be removed and moved with them if they were to ever sell the property, leaving no foot print. M. McArdle stated they anticipate low volume of traffic and visitations as most opt to do group cremations and usually don't want to visit but want to know where their pet was.
- T. Tackett reviewed her staff report and stated while on the site visit, staff measured from the barn to the property line and it was approx. 115' from the west property.

**Interested Parties:**

- Zachary Barnard (Molly McArdle's husband, 5610 & 5752 S 600 E) stated he was completely against the proposed project at first, with many concerns regarding pollution, odor, safety, appearance, and family living on the same parcel but after they visited an established crematory in Indy, it completely changed his mind and his concerns were all

addressed. He stated the facility had the same retort furnaces that they were purchasing. Walking up to the building you would have no idea that structure housed a pet crematory; no smell inside or outside. The site was located in a residential area next to a college.

- Chelsea Clark (5792 S 600 E) stated concerns regarding omissions, traffic, how the business would affect property values in the area and how close it was to their front door. She stated the structure was 100' from her door. She then stated, after talking with M. McArdle and hearing her presentation most of her concerns were addressed and helped relieve some concerns.

**Rebuttal:**

- M. McArdle stated they were more than willing to work with the neighbor (C. Clark) to come up with a buffer to be placed between their properties to help minimize visual concerns. She also noted business hours would be 9am-4pm and she intended to try to only run the furnaces between the business hours. If they were to get super busy they would occasionally run them a little later than 4pm, but the furnaces won't be heard outside.
- T. Griffiths questioned how many cemetery visitations they expect to have and does the tort furnaces have to be housed inside a structure.
- M. McArdle stated they would only cremate dogs and cats and plan to have about 5 a month at the most, and by appointment only.
- Matt McArdle stated the tort furnaces could be placed outside but they wanted it to be private and placed where it wasn't noticeable.
- T. Tackett read aloud the received comment cards.

S. Buckles made a motion to move onto the findings of facts for Special Exception #563 with the condition that if the owners relocate, they must remove the PVC pipes with the cremations to their new location. S. Buckles seconded the motion. Based upon the findings of fact the board approved Special Exception #563 by a 3-0 vote.

**Development Standards Variance #2308 John II & Sacha Daniel** - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.22) to allow for less the UDO minimum required front yard (street) setback of 30' and acknowledging that Chain-O-Lakes Estates Subdivision Plat restrictions from the road (30') and side-yard (25') to be 6' from the front yard (roads right of way) and 15' from the northeast property line, for construction of a 24'x36' detached garage. Real estate is located in Section 1 of Noble Township, quadrant 100, parcel 039, common location is known as Lot 13 of Chain-O-Lakes Estates 4<sup>th</sup> Addition, 0298 W. Herron Dr. Albion, IN.

- John & Sacha Daniel appeared to petition Variance #2308. He stated the reason for the request was to build a 3-car garage off the existing driveway. He stated he was requesting to be 6' off of the front yard setback. The request would visually look better, wouldn't disturb water run off or the potential secondary septic area located west of the home. He stated they didn't want to crowd the west neighbor for their future development or have to put a separate driveway cut in.
- T. Tackett went over the staff report and tech review comments. Stating tech review was in favor of the structure built towards the cul-de-sac (other side of the home). She also referred the board to the findings of fact #3 and the practical difficulty was not met.
- J. Daniel stated he talked to the east neighbor (Mr. & Mrs. Harker) and they were in favor with the request.
- E. Newman stated neighboring comment was hearsay, without him being present it was a moot point, and that ownership could change and a future owner(s) may not approve of

the development. Receiving a variance from the BZA would not nullify the covenants and restrictions of an approved plat.

- S. Buckles stated other property values would be less affected by where J. Daniel was requesting to place the new detached garage rather than on the other side.
- E. Newman stated the request of the lesser setbacks from the subdivision plat restrictions doesn't protect them by getting the BZA variance. The subdivision setbacks should adhere to and immediate neighbors could pursue a law suit if they wanted.

#### **No Interested Parties appeared.**

- T. Tackett read aloud the received comment cards.

C. Carmien made a motion to move onto the findings of facts for Variance #2308. S. Buckles seconded the motion. Based upon the findings of fact the board approved Variance #2308 by a 3-0 vote.

#### **Junk, Trash and Debris Ordinance**

T. Tackett addressed the following JTD violations:

- **House of Gleason on US 33, Wolf Lake - JTD 247:** Progress remained slow but was continuing. Staff has extended their deadline an additional 30 days.
- **Butautaite on 2366 W 175 N, Albion - JTD 258:** S. Campbell & T. Tackett were onsite with Ms. Butautaite on 9/27/23 whom invited staff onto the property. The property was littered with building materials, antiques, boxes, jugs, coolers, buckets, barrels, household items and more. Many piles were covered by tarps. There was a large pile of bagged trash. The deadline was extended to 10/11/23.
- **Kiester on W 100 S, Kimmel - JTD 271:** New violation. Staff was able to confirm possible inoperable vehicles and camper at the front of the property. Tree and weed overgrowth made it difficult to confirm items beside or behind the home, but many items were present on the GIS 2021 aerial that would be visible to adjacent neighbors. JTD was issued 9/18/23.
- **Taylor on W 100 S, Kimmel - JTD 272:** New violation. Numerous vehicles were parked in front of, behind, & beside the home. Many discarded items and piles of various debris all around the home. JTD was issued 9/18/23.
- **Jackson on S 150 W, Albion - JTD 273:** A repeat violation. Numerous barrels and a pile of debris were being stored outside a shed across the road from the house, including A pile of debris partially covered by a tarp. A pile of limbs and debris next to the house. A new JTD violation was issued on 9/18/23.
- **Marrs on S Wildwood Dr, Knapp Lake - JTD 274:** Previously notified of a possible zoning violation after staff received a complaint of the resident running a tree trimming business resulting in piles of logs and limbs across the property. Staff spoke with the resident who stated he had a different property nearby for the business. Upon reinspection, staff noted that some of the violations appeared to be addressed, but most remained, and more wood was piled on the property. At this time, a JTD was issued on 9/21/23.

#### **FUTURE AGENDA ITEMS**

- BZA rule addressing process of allowing testimony via zoom or phone call.

#### **ADJOURNMENT**

S. Buckles made a motion to adjourn. C. Carmien seconded the motion. Motion carried with a unanimous voice vote. With no further discussion, the meeting adjourned at 9:31 p.m.

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Tom Griffiths, Chairman

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Kassandra Slain, Administrative Assistant

NOBLE COUNTY BOARD OF ZONING APPEALS

County of Noble, Indiana

Meeting Information:

Where: Conference Room-Annex
Date: Wednesday, November 1, 2023
Time: 7:00:00 PM

SPECIAL EXCEPTION APPLICATION

Phone: (260) 636-7217
Fax: (260) 636-6957

Date Filed: 9/11/2023 Old Application #: Application #: 564

OWNER Last Name: FRY First Name: MICHAEL DAVID Phone #: (260) 585-5259
Mailing Address: 11554 N ST RD 5 City: LIGONIER State: IN Zip: 46767

APPLIC Last Name: Same as above First Name: Phone #:
Mailing Address: City: State: Zip:

SPECIAL EXCEPTION INFO: Physical Add/Loc: 11554 N SR 5 City: LIGONIER State: IN Zip: 46767
Township: Perry Section: 2 Quadrant: 400 Parcel: 003 Acres: 6.192 Zoning: A1
Legal Descr: S2 SW4 NW4 Parcel ID Num: 57-01-02-400-003.000-013

Nature and Size of improvements now existing: Home, Horse shelter, Chicken coop, barn, shop and garden shed
Detailed description of Special Exception: to allow a dog kennel for 19 adult dogs with no onsite sales in an A1 zoned district.
Section Number of Ordinance: Articles 2.03 and 5.30
Nature of uses surrounding proposed Special Exception: Ag/residential
Duration of Use: Permanent and non-transferable

The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 9/11/2023 for the Special Exception application fee.

Michael Fry 9-11-23 Kassamden J... 9/11/23
Applicant's/Agent's Signature Date Noble County Board of Zoning Appeals Date

BOARD ACTION

Special Exception Approved or Denied: Date Petition Approved or Denied:
If granted, subject to the following additional provisions:

Transferable to future owners - No / Yes / NA:
If denied, reasons:

OFFICE USE ONLY

Comments: Re-examine Date:





Applicant Information

**Special Exception 564**

Applicant MICHAEL DAVID FRY

Location SECTION 2 OF PERRY TOWNSHIP, QUADRANT 400, PARCEL 003

Address 11554 N SR 5 LIGONIER, IN 46767

Article 2.03 Zoning A1 Acreage 6.192

Request To allow a dog kennel for 19 adult dogs with no onsite sales in an A1 zoning district.

- STAFF WILL NOTE THAT THE APPLICATION REQUESTS FOR 19 ADULT DOGS
- UDO DEFINITION OF KENNEL: 5 OR MORE ADULT DOGS, OF EITHER SEX, ONE (1) YEAR OF AGE OR OLDER THAT ARE BRED, RAISED, OR BOARDED AS PART OF A COMMERCIAL ENTERPRISE.

Physical RURAL RESIDENTIAL / AG

Characteristics

Surrounding Land Uses

North	Ag/Residential
East	Ag
South	Ag
West	Ag

Findings of Fact

1. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan.
  - The use is permitted by special exception if compliant with the UDO, in the A1 zoning district.
  - Parcel is zoned A1
  - Does need a variance for approval.
2. The proposed special exception will not be injurious to the public health, safety, morals, and general welfare of the community.
  - The applicant proposed findings that note that there will be no retail or public on the property in relation to the kennel.
  - Staff will request to know how will the dogs be sold and removed from the property.
3. The proposed special exception is in harmony with all adjacent land uses.
  - The area is fairly remote, with heavy traffic from SR 5.
  - Predominant use is Ag-related.
4. The proposed special exception will not alter the character of the district.
  - Only if there are no retail sales and/or limited visitors.
5. The proposed special exception will not substantially impact property value in an adverse manner.
  - Unsure.

Staff Recommendation  
*Consideration*

*If approved staff would request to be non-transferrable as the application states.*

*Proposed Commitments*

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**BZA Rule #3.12 Duration:**

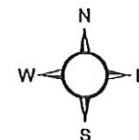
**SPECIAL EXCEPTION:** The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If construction of structures or occupancy of existing structures has not commenced within one (1) year of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be null and void.

*Final Recommendation*

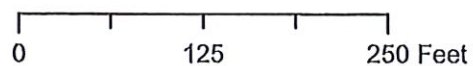
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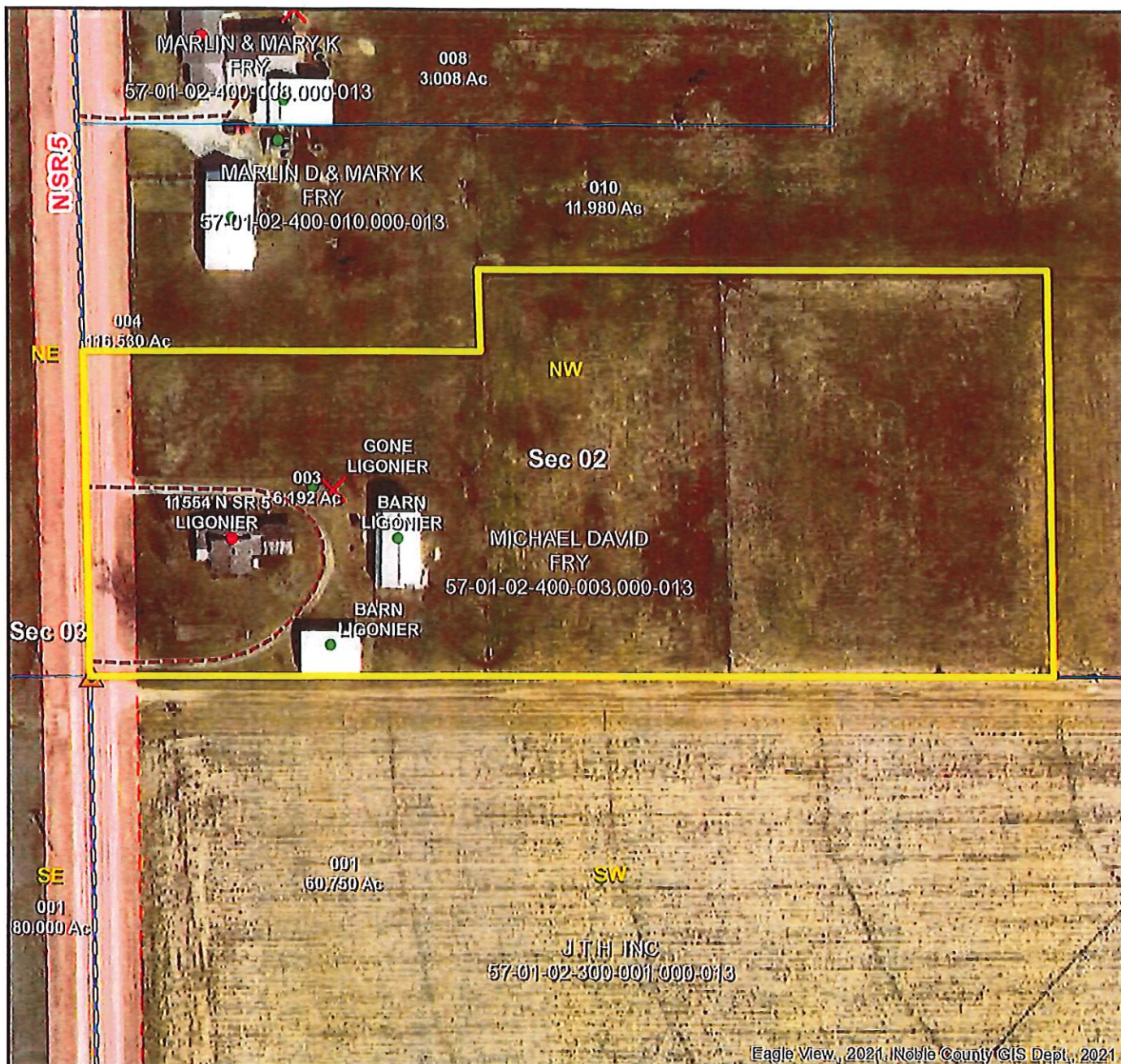
# FRY - SE 564 Var 2309



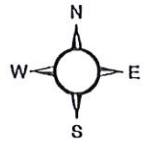
Date Printed: Date: 7/26/2023



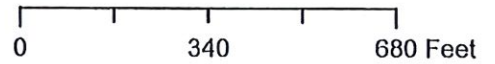
Map Scale: 1 inch = 125 feet



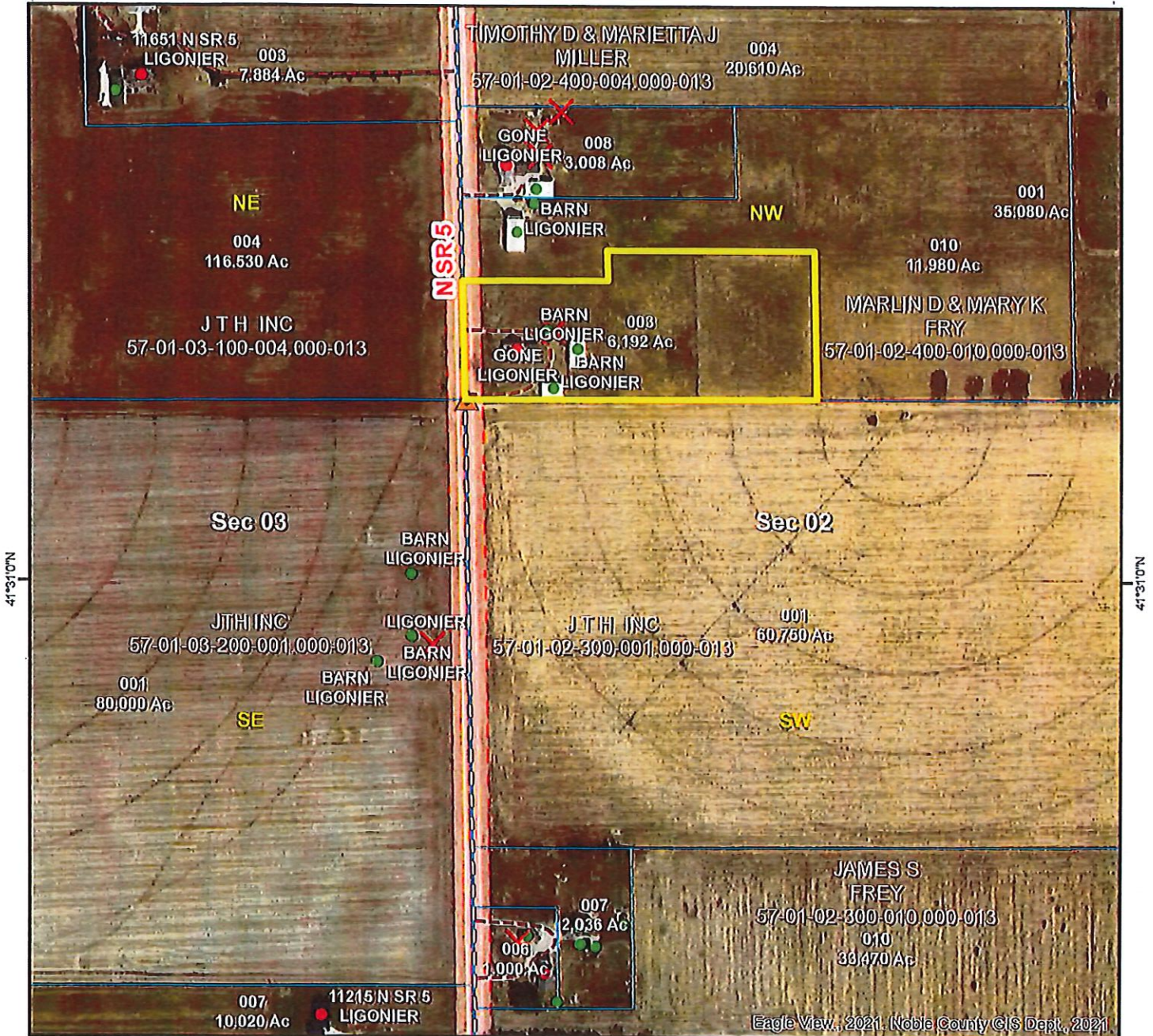
# FRY - SE 564 Var 2309



Date Printed: Date: 7/26/2023



Map Scale: 1 inch = 333 feet



Eagle View, 2021. Noble County GIS Dept., 2021





2090 N State Road 9, Suite A  
Albion, IN 46701  
Email: [planning@nobleco.org](mailto:planning@nobleco.org)  
Phone: (260) 636-7217  
Fax: (260) 636-6957

Outstanding Items due by: \_\_\_\_\_

Special Exception #:

Owner's Name: Michael Fry

A. Detailed site plan of the property involved

Applications involving new buildings must include all existing structure and proposed new structures along with distances to property lines. Details of Improvements should include: Size, dimensions, square footage, height, plans.

B. Complete Findings of Fact (as defined below)

The following statements must be found to be true so that the Board of Zoning Appeals may grant your request. If any of the statements are not true or cannot be confirmed as true, your request, by law, will be denied. Consult legal counsel for guidance as needed.

1. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan. *The proposal is to have a portable building and operation of a small dog kennel on petitioner's A-1 zoned parcel. The A-1 zoning district is an appropriate district for housing and breeding of dogs and is consistent with agricultural operations, such as farming and maintaining livestock.*
2. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community. *The proposed dog kennel will not bring any risk to the public, as the facility will be small in size and will not have any retail sales or bring public to the property. The kennel will not have any noticeable effect on the subject area and will not interfere with traffic patterns. The subject property is located in a fairly remote area well away from general public.*
3. The proposed special exception is in harmony with all adjacent land uses. *The area surrounding the property is primarily agricultural with farm fields and minimal residential structures. The proposed kennel and the use proposed, should not effect or interfere with adjacent land uses surrounding the area.*
4. The proposed special exception will not alter the character of the district. *The subject property is located in an A-1 zoning district which is an appropriate district to harbor and maintain animals and livestock. The surrounding area is almost entirely A-1 consisting of other similar agricultural uses.*
5. The proposed special exception will not substantially impact property value in an adverse manner. *The proposed kennel is located well away from any neighboring buildings and there are minimal residential structures near the subject property and any affect of the subject kennel would be minimal considering agriculture uses nearby.*

Outstanding Items due by: \_\_\_\_\_

In order to have an application heard by the board, you must have all application materials into the Plan Commission office by the due date above. Failure to do so will result in your application being moved to a later date, no exceptions.



Applicant Name: Michael Fry  
SE (if available): \_\_\_\_\_

Kennel Worksheet

Notes (for internal use only)

Breed of Dog	French Bulldog
Weight (lbs.)	23 lbs.
Height (standing to top of head)	18 in
Length (tip of nose to base of tail)	20 in
Number of Adult Dogs	Male: 1 Female: 18 Total: 19
Individual Pen Dimensions	See provided site plan:
Height of Pen	8 ft.
Length (continuously available space)	10 ft.
Width (continuously available space)	3 ft.
Size of Solid Floor	12 sq. ft.
Size of Outside area	18 sq. ft.
Size of exercise yard	Shown on aerial of property with dimensions
Exercise yard Length	175 ft.
Exercise yard Width	78 ft.
Exercise yard sq. ft.	12,930 sq. ft.
Exercise yard setback	North: 20 ft. South: 164 ft. East: 453 ft. West: 138 ft.
Kennel Structure Setback	North: 59 ft. South: 179 ft. East: 503 ft. West: 233
Variance required? If so, attach what is being applied for and why	yes I am applying for a dog kennel that doesn't meet the setback requirements

- Copy of any applicable State of Indiana Licenses
- Copy of application with Indiana Council on Animal Welfare & KMA
- Copy of application with Kennel Management Assistance
- Waste Management Plan Approval from Noble County Health Dept.
- Site Plan for Structure & Exercise Yard w/ setbacks

Noble County Health Department

2090 N St Rd 9, Suite C  
Albion, IN 46701  
(260) 636-2191

**PERMIT FOR SEWAGE DISPOSAL SYSTEM**

Permit Number: 2023-10853 Date of Issuance: 07/24/2023

Permit Issued To: MICHAEL FRY 11554 N SR 5 LIGIOIER, IN 46767

Property Location: fronting on side of county road approximately (feet/miles) of county road (nearest crossroad) .

Parcel#: 57-01-02-400-003.000-013 Lot No: \_\_\_\_\_ Lot Size: 6.162 acre(s)

Type Structure: Residential Soil Scientist: \_\_\_\_\_

Residence Number of Bedrooms: 0 Number of Baths: 0 Basement: NO

**INSTALLER READ ENTIRE PERMIT BEFORE STARTING**

SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH INDIANA STATE BOARD OF HEALTH (RULE #410 IAC 6-8.1) AND NOBLE COUNTY BOARD OF HEALTH REGULATIONS REGARDING THE INSTALLATION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF PRIVATE SEWAGE DISPOSAL SYSTEM.

Number two crushed stone or one inch washed river rock is to be used (**NO EXCEPTIONS**). Septic tank is to be made of concrete and meet State Board of Health Rules. MAY USE 10" GRAVEL-LESS PIPE, IF PROPERTY OWNER APPROVES. Must be installed as required by State Board of Health Rules.

System Type: OTHER Min/Max

Tank Capacity: 1500 gals. Absorption Field Length: \_\_\_\_\_ Width of Trench: \_\_\_\_\_ Depth: /

Other Installation Information: see plan#: \_\_\_\_\_ By: \_\_\_\_\_

Water Supply: Well

Comments

THIS IS A 1500 GALLON HOLDING TANK FOR A DOG KENNEL.

A sketch of the Sewage Disposal System is to be made by the installer and copies are to go to the Noble County Health Department and owner of the system. Sketch is to include name of company, date and signature of installer. Permit is not valid until the installation is completed to the satisfaction of the Noble County Health Officer or his representative.

**AT NO TIME WILL ANY PART OF SYSTEM BE COVERED BEFORE INSPECTION**

The Noble County Health Department will make inspections during and after work is completed. A notice will be given to the Noble County Health Department **24 Hours** before work is started and at **8:00 a.m. on day work is to be completed**. Inspections will be made as soon as possible, not exceeding three working days.

Under penalties of perjury, I hereby certify that this septic system, to the best of my knowledge and belief, has been installed according to the guidelines of the Indiana State Department of Health Rule 410 IAC 6-8.1 and the Noble County Health Department.

Name of Company: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of certified Installer: \_\_\_\_\_

Permit is not transferable and is valid for one year from date of issuance.

Issued By: [Signature] Inspected By: \_\_\_\_\_

Date Inspected: \_\_\_\_\_

\*\* IF ANY PLOT PLAN DESIGN STAKES OR SOIL TEST STAKES ARE REMOVED OR ALTERED, THE PERMIT WILL BE VOID PERMIT HOLDER IS RESPONSIBLE FOR MAINTAINING PERMANENT RECORD OF THIS PERMIT \_\_\_\_\_ (INITIAL)

**HOME MAY NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE AND APPROVED BY THE NOBLE COUNTY HEALTH DEPARTMENT.** Final Inspection: \_\_\_\_\_ Inspected By: \_\_\_\_\_



# PERMIT

No. 10853

Has Been Issued by the

## NOBLE COUNTY HEALTH DEPARTMENT

For the Sewage Installation at this Address

11554 N SR 5 Sigonick

Date 7/24/23

Issued to:

Michael Fry

Date

Final Inspection by:

IT IS UNLAWFUL TO COVER, REMOVE OR DESTROY THIS NOTICE  
UNTIL FINAL INSPECTION IS MADE

This permit valid for one year.  
This permit is not transferrable to any location  
other than described on permit application.  
This permit is not final and no portion of the  
system may be covered until an inspection  
has been made.

Issued By

Elvita Schewe, MD, MPH

NOBLE COUNTY HEALTH DEPARTMENT

NOBLE COUNTY BOARD OF ZONING APPEALS

Meeting Information:

County of Noble, Indiana

Phone: (260) 636-7217

Where: Conference Room-Annex

VARIANCE APPLICATION

Fax: (260) 636-6957

Date: Wednesday, November 1, 2023

VARIANCE NO. 2309

Time: 7:00:00 PM

Variance Type: Development

OWNER Last Name: FRY First Name: MICHAEL DAVID Phone #: (260) 585-6269
Mailing Address: 11554 N ST RD 5 City: LIGONIER State: IN Zip: 46767

APPLIC Last Name: Same as above First Name: Phone #:
Mailing Address: City: State: Zip:

PROPERTY INFO Physical Add/Loc: 11554 N SR 5 City: LIGONIER State: IN Zip: 46767
Legal Descr: S2 SW4 NW4 Parcel ID Num: 57-01-02-400-003.000-013
Acres: 6.192 Township: Perry Section: 2 Quadrant: 400 Parcel: 003 Zoning: A1
Parcel Conformity: Conforming Transfer Date: 1/13/2022 Size of Lot: X
Firm Panel Number: 18113C 0040 D, effective date March 2, 2015 does not lie within the approximate Flood Hazard Area.

Nature and Size of improvements now existing: Home, Horse shelter, Chicken coop, barn, shop and garden shed

Section No. of the Noble County Zoning Ordinance from which a variance is being sought:

5.30 Kennel Standards

VARIANCE REQUEST INFO Transferable or Non-Transferable: Non-Transferable Permanent, Temporary or N/A: Permanent

Details: (Transferable / Permanent or Temporary): non-transferable to future owners but for permanent placement while Michael Fry owns the property.

Detailed description of the variance applied for:

to allow less the UDO minimum required kennel structure setback of 250' to be at 59' to the North, 179' to the South, and 233' to the West. Also, to allow for less the UDO required minimum kennel exercise yard setback of 200', to be at 20' to the North, 164' to the South, and 138' to the West.

Full Statement of reasons why the variance is being applied for:

The setback requirements can not be met anywhere on the property.

Notes: Noting the exercise yard will be 12,930 sq. ft. and the Eastside setbacks of 250' are being met.

Note: A plot plan showing the location of all existing and proposed structures and uses on the lot or parcel, with dimensions, including all projections above the street grade must be filed with this application. The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 9/11/2023 for a Variance application fee.

Applicant's/Agent's Signature Date 9-11-23 Noble County Board of Zoning Appeals Date 9/11/23

BOARD ACTION

Petition Approved/Denied: Date Petition Approved/Denied:

If granted, subject to the following additional provisions:

Transferable to future owners - No / Yes / NA: Permanent, Temporary or N/A - Per BZA:

Transfer Details - Per BZA:

If denied, reasons:

OFFICE USE ONLY

Re-examine Date:

Comments:



**DEVELOPMENT STANDARDS VARIANCE**

Board of Zoning Appeals

Staff Report

**Applicant Information**

**Variance: 2309**

Applicant Michael David Fry  
 Location Section 2 of Perry Township, quadrant 400, parcel 003  
 Address 11554 N St Rd 5 Ligonier, IN 46767  
 Article 5.30      **Zoning** A1      **Acreage** 6.192  
 Request less the UDO minimum required kennel structure setback of 250'  
           North: 59'  
           South: 179'  
           West: 233'

Also, to allow for less the UDO required minimum kennel exercise yard setback of 200'  
North 20'  
South: 164'  
West: 138'

Physical Ag – Residential

**Characteristics**

**Surrounding Land Uses**

North	Ag/Residential
East	Ag
South	Ag
West	Ag

**Findings of Fact:**

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
  - The requested use is in an area that is predominantly ag.
  - The closest residential structure is approximately 250' from the exercise yard.
  
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
  - The use will be placed on the northern side of the property – to the closest neighbor.
  - The Use appears to be a barn in a horse pasture between homes.
  - Applicant should address how 19 (adult) dogs and pups will not substantially affect the adjacent parcel(s).

3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
  - Staff will note that the back area of the property is approximately 330' (north/south) in lot width. From the centerline of the road, the property is approx. 800' in length.
  - Moving the structure further to the east (farm ground) would lessen the impact on the adjacent parcel.
    - Has the owner considered moving the structure further south to better meet the required setbacks?

**Staff Comments:**

Staff would also request the applicant offer the exercise routine, as it appears the exercise area is in the horse pasture.

**Conditions:**

If members approve, staff would move for nontransferable to a future owner and per submitted finding #3, staff would encourage a time limit for the fence instillation.

***BZA Rule 9***

- 1.) A petitioner who received Board approval for a Variance or Special Exception, has one (1) calendar year, from the date of approval, to show substantial completion of the approved use. Failure to show substantial completion of the approved use within the allotted time shall deem the Development Standard Variance, Use Variance, or Special Exception null and void.
- 2.) Additionally, Variances or Special Exceptions abandoned for more than six (6) months after beginning operation shall be deemed null and void.





2090 N State Road 9, Suite A  
Albion, IN 46701  
Email: [planning@nobleco.org](mailto:planning@nobleco.org)  
Phone: (260) 636-7217  
Fax: (260) 636-6957

Outstanding Items due by:

Variance #:

Variance Type: *Development Standards*

Owner's Name: *Michael Fry*

A. Detailed site plan of the property involved

Applications involving new buildings must include all existing structure and proposed new structures along with distances to property lines. Details of Improvements should include: Size, dimensions, square footage, height, plans.

B. Complete Findings of Fact (as defined below)

FINDINGS OF FACT for a Development Standards Variance — per Indiana Code and the Unified Development Ordinance, it is the responsibility of the Petitioner, or their Representative, to address these Findings of Fact, affirming that their request will not be detrimental to nearby current, or future development in Noble County. It is the responsibility of the petitioner to assure the Board of Zoning Appeals of these findings of fact during your presentation. Failure to do so may result in denial of your request. Consult legal counsel for guidance as needed.

Please explain:

1. How approval of the variance will not be injurious to public health, safety, morals and general welfare of the community. *I have family friendly dogs that are content in their environment with a big playground. It will give me the opportunity to be with dogs all day as that is what I like doing.*
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. *I will put a privacy fence between the kennel and the neighboring property, and there are no nearby neighboring buildings so the kennel will not affect the neighbor considering the crop fields beside the kennel.*
3. The strict application of the ordinance will result in practical difficulties in the use of the property. *I could <sup>not</sup> meet the setback requirements anywhere on the property.*

Outstanding Items due by:

In order to have an application heard by the board, you must have all application materials into the Plan Commission office by the due date above. Failure to do so will result in your application being moved to a later date, no exceptions.

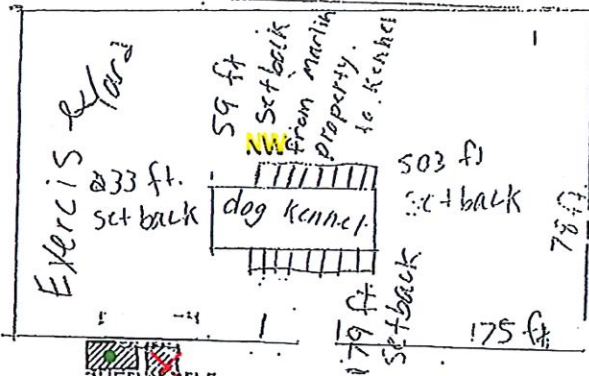
BARN N SR 5  
LIGONIER  
BARN

MARLIN D & MARY K  
FRY  
57-01-02-400-010.000-013

010  
11.980 Ac

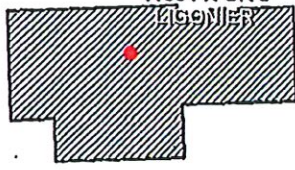
138 ft. setback  
from center  
of road

50 ft setback

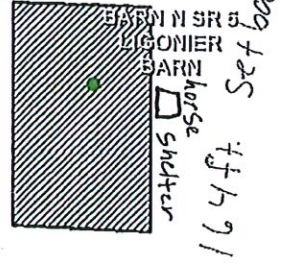


453 ft. setback

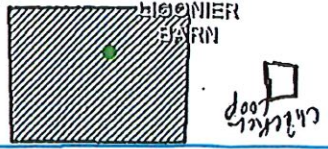
MICHAEL DAVID  
FRY  
57-01-02-400-003.000-013  
11554 N SR 5  
LIGONIER



SHED SR 5  
LIGONIER 003  
UTILITY SHED 0.192 Ac



BARN N SR 5  
LIGONIER  
BARN



JTH INC  
57-01-02-300-001.000-013

001  
60.750 Ac

SW

MARLIN D & MARY K FRY  
11662 N SR 5  
LIGONIER, IN 46767

MICHAEL DAVID FRY  
11554 N ST RD 5  
LIGONIER, IN 46767

JTH INC  
8117 W 1200 N  
LIGONIER, IN 46767

GAIL R & DEBORAH L HESS  
11651 N SR 5  
LIGONIER, IN 46767

NOBLE COUNTY BOARD OF ZONING APPEALS

Meeting Information:

County of Noble, Indiana

Phone: (260) 636-7217

Where: Conference Room-Annex

VARIANCE APPLICATION

Fax: (260) 636-6957

Date: Wednesday, November 1, 2023

VARIANCE NO. 2310

Time: 7:00:00 PM

Variance Type: Development

OWNER Last Name: HULL First Name: GARY JR & MICHELLE Phone #: Mailing Address: 1630 S 50 W City: ALBION State: IN Zip: 46701

APPLIC Last Name: Mark First Name: Shannon Phone #: (260) 338-2052 Mailing Address: 2305 B Centralyard Ct City: Fort Wayne State: IN Zip: 46818

PROPERTY INFO Physical Add/Loc: SW of 1602 S 50 W City: Albion State: IN Zip: 46701 Legal Descr: N SIDE N2 SW4 Parcel ID Num: 57-19-12-300-011.000-009 Acres: 55.267 Township: Noble Section: 12 Quadrant: 300 Parcel: 011 Zoning: A1 Parcel Conformity: Conforming Transfer Date: 1/4/2019 Size of Lot: X Firm Panel Number: 18113C 0310 D D, effective date March 2, 2015 does lie within the approximate Flood Hazard Area. (If in Floodway, DNR approval is needed before permit is issued.)

VARIANCE REQUEST INFO Nature and Size of improvements now existing: barn Section No. of the Noble County Zoning Ordinance from which a variance is being sought: UDO Article 2.04, 5.33 Transferable or Non-Transferable: Transferable Permanent, Temporary or N/A: Permanent Details: (Transferable / Permanent or Temporary): Detailed description of the variance applied for: Requesting a 60' wide easement (950'+/- in length) with 150' of lot front, to allow a subdivision of two tracts in an A1 zoning. Approval would allow a two lot minor subdivision with access by easement. Full Statement of reasons why the variance is being applied for: the existing drive supports G. & M Hull's home, located on the west most adjacent parcel; Muncie Lake. Easement would allow him and the two lots to share the same drive for better site distance at the road. Notes: See Minor Sub 1139

Note: A plot plan showing the location of all existing and proposed structures and uses on the lot or parcel, with dimensions, including all projections above the street grade must be filed with this application. The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 9/19/2023 for a Variance application fee. Applicant's/Agent's Signature Date Sarah Campbell 9/19/2023 Noble County Board of Zoning Appeals Date

BOARD ACTION

Petition Approved/Denied: Date Petition Approved/Denied:

If granted, subject to the following additional provisions:

Transferable to future owners - No / Yes / NA: Permanent, Temporary or N/A - Per BZA:

Transfer Details - Per BZA:

If denied, reasons:

OFFICE USE ONLY

Re-examine Date:

Comments:





Applicant Information

Variance: 2310

Applicant Gary Jr. & Michelle Hull  
 Location Section 12 of Noble TWP, quad 300, parcel 011  
 Address SW of 1602 S 50 W Albion, IN 46701  
 Article 2.04, 5.33 Zoning A1 Acreage 55.267+/-  
 Request Requesting a 60' wide easement (950'+/- in length) with 150' of lot front, to allow a subdivision of two tracts in an A1 zoning. Approval would allow a two-lot minor subdivision with access by easement.

Physical AG – Rural Residential

Characteristics

Surrounding Land Uses

North	Ag/ Rural Residential
East	Ag
South	Ag / Rural Residential
West	Ag

Findings of Fact:

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
  - If approved the 60' easement will serve 3 potential homesites on one drive.
    - i. Currently the drive is access for G. & M. Hull on the adjacent parcel to the west.
  
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
  - The use will change from one home on 100 +/- ac (two parcels) to three buildable lots, on one shared ingress/egress easement.
  
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
  - There is approximately 300' of road front for 100+/- acres (two parcels – one does not have any road front). Offering the two additional tracts to each have the UDO required lot front would remove any remaining road front from the existing 55+ ac parcel (front parcel).
  - Combining the tracts would not solve the road front issue.
  - Staff will note the remaining parcel will have over the required 150' of lot front.

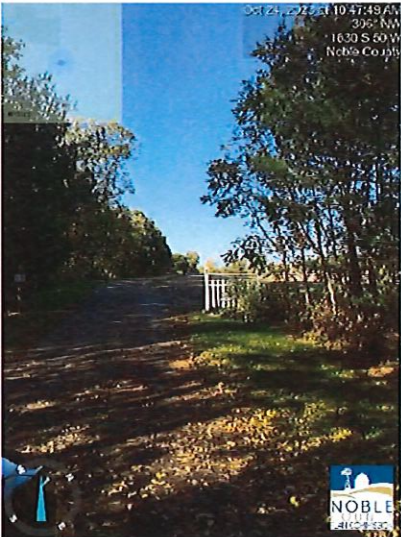
Staff Comments:

The existing drive (4,000 feet +) now serves the far west parcel (same owner) 1630 S 50 W. That existing drive will now be a private easement, if approved, for a total of three parcels to share. The ag ground, except the 4+ acres, would continue as ag.

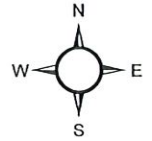
- Staff is not in favor of lessening the UDO requirements, unless there is a practical difficulty.
- Members should review the practical difficulties that the applicant does or does not have.

Proposed Commitments

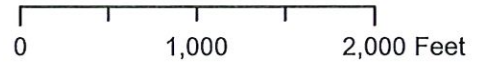
- Record a Commitment to Combine the remaining two parcels after the Subdivision has been recorded.
- Maintenance agreement for the shared easement, as noted as Exhibit A on the plat and
- the submitted lots should meet the minimum development requirements in A1; 85' from the centerline of the *easement* and 25' side and rear setbacks for primary dwelling.
  - IF the easement is ever developed further into a private or public street, the homesites would be consistent with today's ordinance.



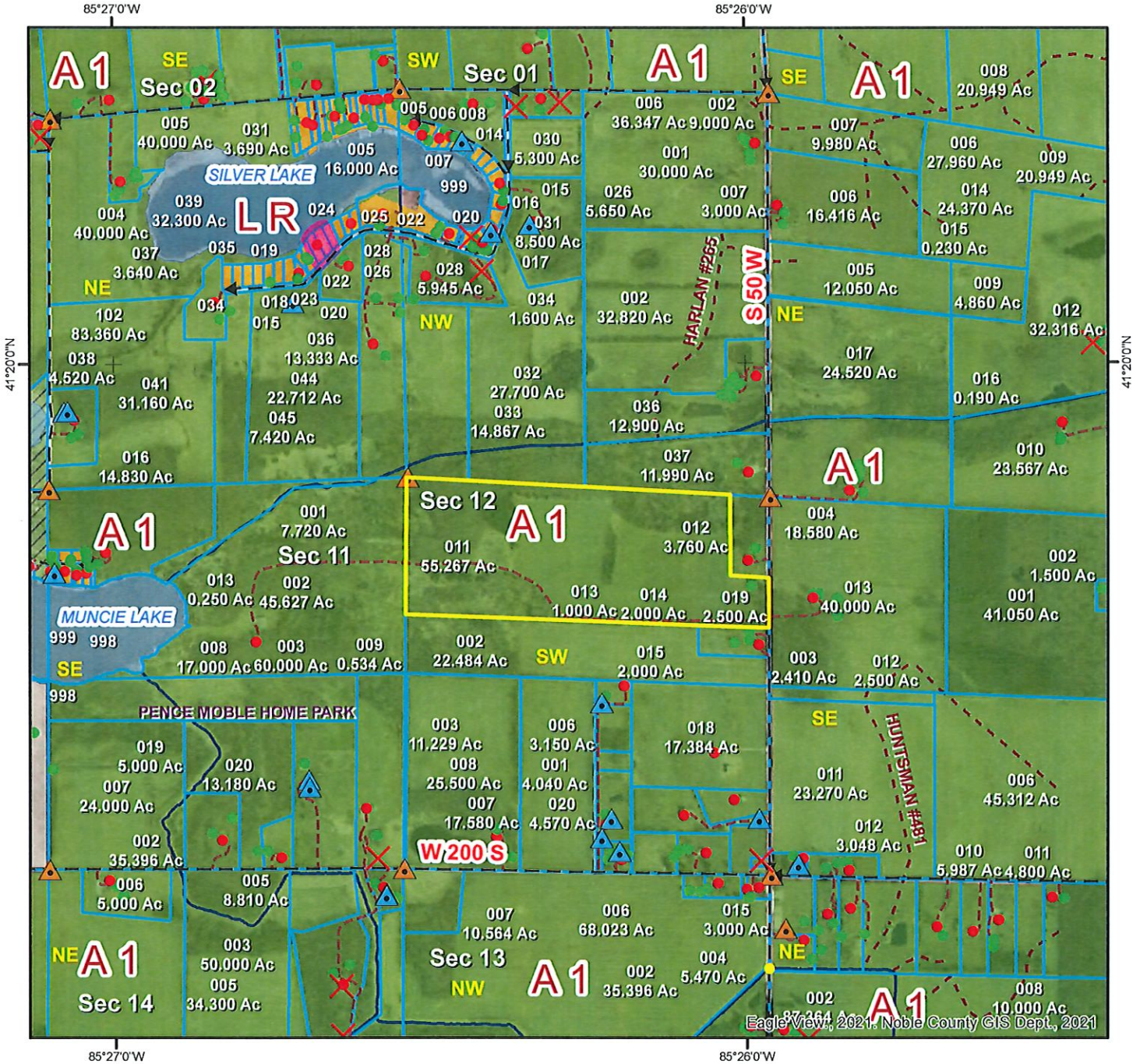
# Hull- DS Variance #2310, Minor Sub #1139



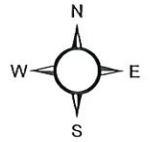
Date Printed: Date: 9/19/2023



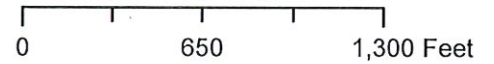
Map Scale: 1 inch = 1,042 feet



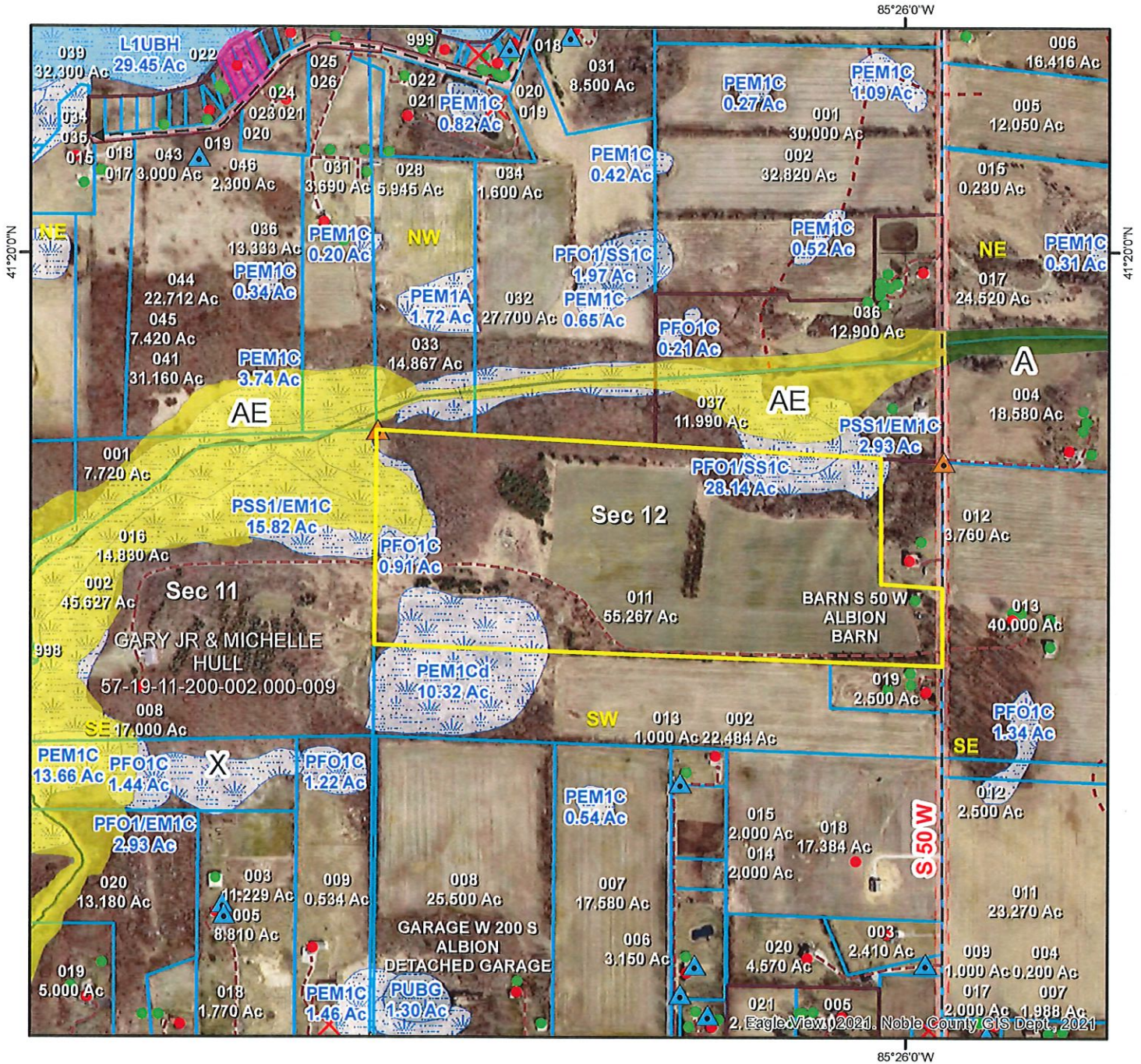
# Hull- DS Variance #2310, Minor Sub #1139



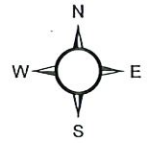
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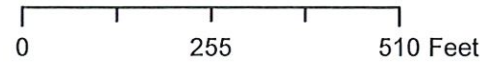
Map Scale: 1 inch = 667 feet



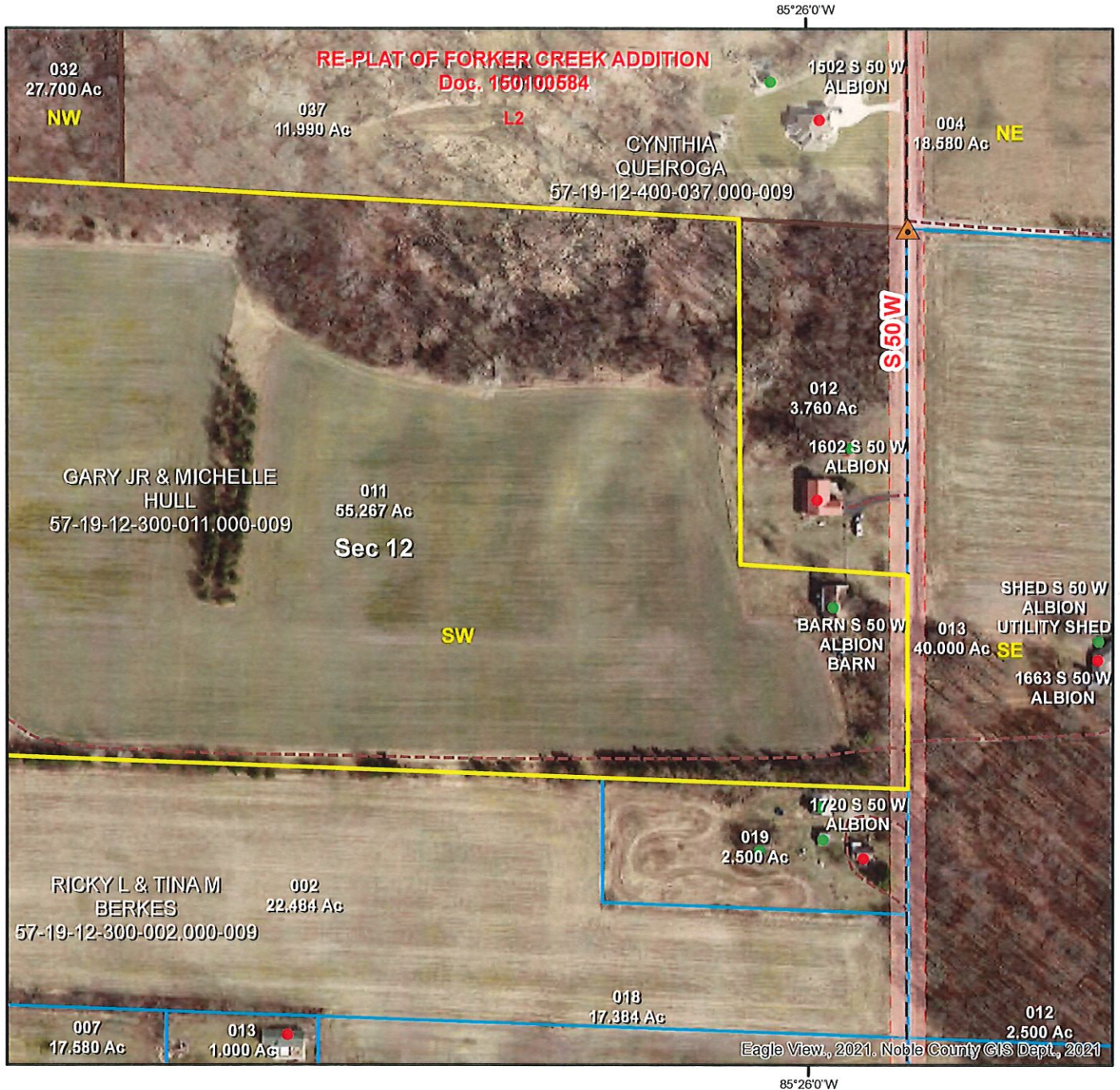
# Hull- DS Variance #2310, Minor Sub #1139



Date Printed: Date: 9/19/2023



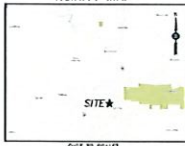
Map Scale: 1 inch = 250 feet





SCALE 1" = 100'  
0 50 100 200  
BASIS OF BEARINGS:  
NAD83 NOBLE COUNTY

VICINITY MAP



# MUNCIE LAKE SUBDIVISION

A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 33 NORTH, RANGE 9 EAST, NOBLE TOWNSHIP, NOBLE COUNTY, INDIANA

**LEGAL DESCRIPTION**

PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 33 NORTH, RANGE 9 EAST, NOBLE COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER LS21900003, OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 2101020, DATED SEPTEMBER 15, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER AS MONUMENT BY A HARRISON MONUMENT FOUND FLUSH;

THENCE SOUTH 0 DEGREES 01 MINUTES 05 SECONDS EAST 803.70 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO A WAG NAIL WITH "MARK LS21900003" IDENTIFICATION WASHER SET FLUSH AT THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE CONTINUING SOUTH 0 DEGREES 01 MINUTES 05 SECONDS EAST 1500.00 FEET TO A P.K. NAIL FOUND 0.1 FEET BELOW GRADE AT THE NORTH LINE OF AN EXISTING 2.500 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 210400321 IN THE OFFICE OF THE RECORDER OF NOBLE COUNTY, INDIANA;

THENCE NORTH 87 DEGREES 52 MINUTES 35 SECONDS WEST 998.01 FEET ALONG SAID NORTH LINE AND THE NORTH LINE OF AN EXISTING 22.484 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 050900166 TO A 5/8" REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET 0.3 FEET ABOVE GRADE;

THENCE NORTH 0 DEGREES 01 MINUTES 05 SECONDS WEST 509.29 FEET TO A 5/8" REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;

THENCE SOUTH 87 DEGREES 52 MINUTES 35 SECONDS EAST 618.20 FEET TO A 5/8" REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;

THENCE SOUTH 0 DEGREES 01 MINUTES 05 SECONDS EAST 449.25 FEET TO A 5/8" REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;

THENCE SOUTH 87 DEGREES 52 MINUTES 35 SECONDS EAST 167.08 FEET TO A 5/8" REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;

THENCE NORTH 88 DEGREES 53 MINUTES 21 SECONDS EAST 227.88 FEET TO THE POINT OF BEGINNING, CONTAINING 7.965 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD 50 WEST AND EASEMENTS OF RECORD.

**ZONING**

ZONING DISTRICT:  
CURRENT AND PROPOSED ZONING:  
PRODUCTION AGRICULTURAL (A1)

PRIMARY SETBACKS:  
FRONT: 85' FROM E  
SIDE: 15'  
REAR: 15'

ACCESSORY STRUCTURE:  
FRONT: 85' FROM E  
SIDE: 10'  
REAR: 10'

**FLOODPLAIN CERTIFICATE**

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE "AE" (AREAS DETERMINED TO HAVE A BASE FLOOD ELEVATION OF 890 FEET) AS DEFINED BY THE FIRM (FLOOD INSURANCE RATE MAP) FOR NOBLE COUNTY, INDIANA, COMMUNITY NO.180183, PANEL 18113C03050, DATED MARCH 2, 2015.

**MONUMENT LEGEND**

- "A" ~ HARRISON MONUMENT FOUND (FLUSH) - C.M.
- "B" ~ HARRISON MONUMENT FOUND (FLUSH) - C.M.
- "C" ~ P.K. NAIL FOUND (-0.1')
- "D" ~ RAILROAD SPIKE ON SIDE FOUND (-0.2')
- "E" ~ 6"x6" POST & STONE FOUND
- "F" ~ WAG NAIL W/ "MARK LS21900003" ID. WASHER SET (FLUSH)
- "G" ~ P.K. NAIL FOUND (-0.1') - C.M.
- "H" ~ 1.25" PIPE IN 15" DIAMETER CONCRETE POST FOUND
- "I" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "J" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "K" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "L" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "M" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "N" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (+0.3')
- "O" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (+0.3')
- "P" ~ 5/8" REBAR W/ "WALKER FIRM #0087" ID. CAP FOUND (+0.2')
- "Q" ~ 5/8" REBAR FOUND (-0.2') - C.M.

**LEGEND**

- CENTERLINE
  - SUBJECT PROPERTY
  - RIGHT-OF-WAY LINE
  - SECTION LINE
  - ADJOINING PROPERTY
  - EASEMENT LINE
  - BUILDING SETBACK LINE
- M ~ MEASURED  
C ~ CALCULATED  
D ~ DEED  
P ~ PLAT  
R ~ RECORD  
C.M. ~ CONTROLLING MONUMENT  
O.H. ~ ORIGINAL MONUMENT  
N.H. ~ NO HISTORY

**OWNER/ADDRESS**

GARY JR. & MICHELLE HULL  
1630 S 50 W  
ALBION, INDIANA 46701

**AFFIRMATION STATEMENT**

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

**SURVEYOR**

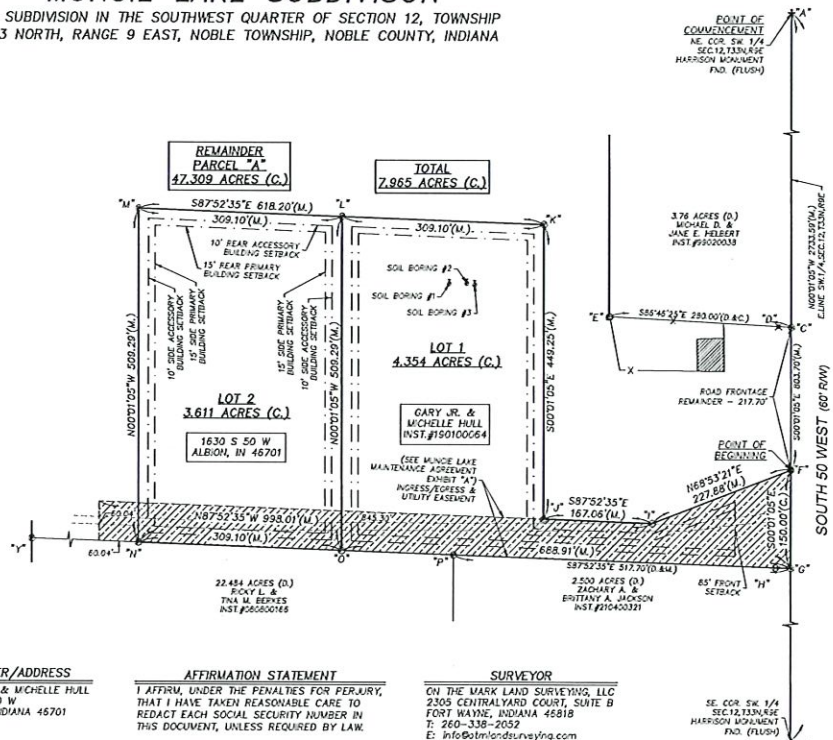
ON THE MARK LAND SURVEYING, LLC  
2305 CENTRALYARD COURT, SUITE B  
FORT WAYNE, INDIANA 46818  
T: 260-338-2052  
E: info@onmarklandsurveying.com

**SURVEYOR'S CERTIFICATE**

I, NOLAN R. MARK, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS A PARCEL OF LAND DESCRIBED IN INSTRUMENT NUMBER 190100084 WITHIN THE OFFICE OF THE RECORDER OF NOBLE COUNTY, INDIANA THAT WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 855 IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCE SURVEY.

DATE: SEPTEMBER 15, 2023

*Nolan R. Mark*  
Nolan R. Mark, P.S. No. LS21900003



**SURVEYOR'S REPORT**

**PURPOSE OF SURVEY:**

THE PURPOSE OF THIS SURVEY WAS TO CREATE A TWO (2) LOT MINOR SUBDIVISION FROM AN EXISTING TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 190100064 IN THE OFFICE OF THE RECORDER OF NOBLE COUNTY, INDIANA. THE PROPERTY ADDRESS BEING 1630 SOUTH 59 WEST, ALBION, INDIANA 46701.

IN ACCORDANCE WITH TITLE 36.5, ARTICLE 1, RULE 12, SECTION 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE, THE BELOW THEORY OF LOCATION WAS BASED UPON THE FOLLOWING OPINIONS AND OBSERVATIONS A RESULT OF UNCERTAINTIES IN LINES AND CORNERS BECAUSE OF THE FOLLOWING:

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS SURVEY ARE BASED ON THE MEASURED BEARING AND DISTANCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 12, THE RECORD BEARING FOR THIS LINE PER THE SUBJECT DEED IS SOUTH 00 DEGREES 00 MINUTES WEST. THE MEASURED BEARING OF THIS LINE IN INDIANA GEOSPATIAL COORDINATE SYSTEM - NOBLE COUNTY IS SOUTH 0 DEGREES 01 MINUTES 05 SECONDS EAST.

**DISCREPANCIES IN MEASUREMENTS:**

MONUMENTS WERE FOUND WITHIN THE RELATIVE POSITIONAL ACCURACY FOR THE USE OF THE PROPERTY. MONUMENT'S LOCATIONS THAT WERE NOT AS SHOWN IN RELATION TO THE THEORETICAL CORNER. THERE IS MORE WEIGHT THROWN IN TO FOUND MONUMENTS THAN THE RECORD DEED DISTANCES. THE MEASURED AND CALCULATED DISTANCES ARE SHOWN IN RELATION TO EACH.

**A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS**

THE MONUMENTS FOUND ARE SHOWN ON THE SURVEY AND LISTED ON THE SURVEY UNDER MONUMENT LEGEND.

**OTHER CONTROLLING MONUMENTS INCLUDE:**

- MONUMENT "A" - HARRISON MONUMENT FOUND FLUSH - THIS MONUMENT IS AN ACCEPTED COUNTY SURVEYOR'S OFFICE SECTION CORNER
- MONUMENT "B" - HARRISON MONUMENT FOUND FLUSH - THIS MONUMENT IS AN ACCEPTED NOBLE COUNTY SURVEYOR'S OFFICE SECTION CORNER
- MONUMENT "G" - PK NAL FOUND 0.1 FEET BELOW GRADE - THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED PROPERTY CORNER
- MONUMENT "Y" - PK NAL FOUND 0.1 FEET BELOW GRADE - THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED PROPERTY CORNER

**B) OCCUPATION OR POSSESSION LINES**

THERE WERE NO UNCERTAINTIES BASED ON VISUAL INSPECTION OF OCCUPATION OR POSSESSION LINES.

**C) CLARITY OR AMBIGUITY OF DESCRIPTIONS**

THERE WERE NO AMBIGUITIES FOUND WITHIN THE DESCRIPTIONS USED FOR THE SURVEY. DOCUMENTS USED INCLUDE:

- 1) INSTRUMENT NUMBER 190100064 (WARRANTY DEED) - SUBJECT PARCEL
- 2) INSTRUMENT NUMBER 131200358 (WARRANTY DEED) - NORTH ADJONER
- 3) INSTRUMENT NUMBER 210100059 (PERSONAL REPRESENTATIVE'S DEED) - NORTH ADJONER
- 4) INSTRUMENT NUMBER 160200067 (WARRANTY DEED) - NORTH ADJONER
- 5) INSTRUMENT NUMBER 210400620 (QUIT CLAIM DEED) - NORTHWEST ADJONER
- 6) INSTRUMENT NUMBER 890200038 (WARRANTY DEED) - EAST ADJONER
- 7) INSTRUMENT NUMBER 21100346 (PERSONAL REPRESENTATIVE'S DEED) - EAST ADJONER
- 8) INSTRUMENT NUMBER 210400321 (WARRANTY DEED) - SOUTH ADJONER
- 9) INSTRUMENT NUMBER 080800166 (PERSONAL REPRESENTATIVE'S DEED) - SOUTH ADJONER
- 10) INSTRUMENT NUMBER 150800421 (QUIT CLAIM DEED) - SOUTH ADJONER
- 11) INSTRUMENT NUMBER 150700033 (TRANSFER ON DEATH DEED) - SOUTH ADJONER
- 12) RECORDED PLAT OF RE-PLAT OF FORKER CREEK ADDITION AS RECORDED IN INSTRUMENT NUMBER 150100584

**D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS**

BASED ON THE USE OF THE PROPERTY (URBAN - COMMERCIAL PROPERTY, INDUSTRIAL PROPERTY, CONDOS/UNITS, TOWNHOUSES, APARTMENTS, MULTIFAMILY DEVELOPMENTS--SUBURBAN - SINGLE FAMILY RESIDENTIAL SUBDIVISION LOTS--RURAL SURVEY - REAL ESTATE LYING IN RURAL AREAS) THE ACCEPTABLE RELATIVE POSITIONAL ACCURACY IS RURAL SURVEY 0.26 FEET (79 MILLIMETERS) PLUS 200 PARTS PER MILLION.

**THEORY OF LOCATION:**

THE EAST (367.70 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED MONUMENTS "A" AND "B". MONUMENTS "A" AND "B" ESTABLISHED THE BEARING FOR THIS LINE AND THE BASIS OF BEARINGS FOR THIS SURVEY. THE DISTANCE IS CONTROLLED BY THE OWNERS REQUEST.

THE SOUTH (998.01 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY MONUMENTS "G" AND "Y". THESE MONUMENTS ESTABLISHED FOR THIS LINE. THE DISTANCE IS CONTROLLED BY THE OWNERS REQUEST.

THE REMAINDER OF THE LINES ARE ALL NEW ORIGINAL LINES AND WERE ESTABLISHED BY THE OWNERS REQUEST.

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

SINCE THE LAST DATE OF FIELD WORK OF THIS SURVEY, CONDITIONS BEYOND THE KNOWLEDGE OR CONTROL OF OR THE MARK LAND SURVEYING, LLC. MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREIN.

THE COMMITMENT FOR TITLE INSURANCE WAS NOT PROVIDED AT THE TIME OF THIS REPORT, NOR DID THE SURVEYOR PERFORM A TITLE SEARCH. AN ABSTRACT OR TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PROPERTY.

**ACCEPTANCE OF DEDICATION**

BE IT RESOLVED BY THE NOBLE COUNTY BOARD OF COMMISSIONERS THAT THE DEDICATION OF RIGHT-OF-WAY DEPICTED ON THIS PLAT IS HEREBY APPROVED AND ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

JACKIE KHAFEL  
NOBLE COUNTY COORDINATOR

**NOTARY**

STATE OF INDIANA }  
COUNTY OF \_\_\_\_\_ } SS

WITNESS OUR HANDS AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

GARY JR. HULL MICHELLE HULL

WITNESS BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023, PERSONALLY APPEARED GARY JR. HULL AND MICHELLE HULL, ACKNOWLEDGING THE EXECUTION OF FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: \_\_\_\_\_

**OWNER DEDICATION**

WE, THE UNDERSIGNED, GARY JR. HULL AND MICHELLE HULL, OWNERS OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED, IN DUE HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS SUNFLOWER ACRES. THE UNDERSIGNED HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO NOBLE COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

**PRIMARY PLAT APPROVAL**

IN ACCORDANCE WITH THE NOBLE COUNTY UNIFIED DEVELOPMENT ORDINANCE, WHICH ORDINANCE REQUIREMENTS SHALL APPLY TO SAID PLAT, THIS PLAT WAS GIVEN PRIMARY PLAT APPROVAL BY THE NOBLE COUNTY PLANNING COMMISSION AT A MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

PLANNING COMMITTEE, PRESIDENT

**SECONDARY PLAT APPROVAL**

IN ACCORDANCE WITH THE NOBLE COUNTY UNIFIED DEVELOPMENT ORDINANCE, WHICH ORDINANCE REQUIREMENTS SHALL APPLY TO SAID PLAT, THIS PLAT WAS GIVEN SECONDARY PLAT APPROVAL BY THE NOBLE COUNTY ZONING ADMINISTRATOR ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

TERESA TACKETT, ZONING ADMINISTRATOR

**DRAINAGE RESTRICTIONS**

ALL SUBSURFACE DRAINS (TILED DRAINS) WHETHER PRIVATE OR MUTUAL, SHALL BE RE-ROUTED AND MAINTAINED BY LOT OWNERS AND THEIR SUCCESSORS IN TITLE IF ENCOUNTERED DURING CONSTRUCTION, TO ENSURE PROPER DRAINAGE OF UPSTREAM PROPERTIES. TILED DRAINS THAT ARE RE-ROUTED SHALL BE DONE SO BY ACCORDANCE WITH STANDARDS OF THE NOBLE COUNTY DRAINAGE BOARD. DRAINAGE COVENANTS - NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM ANY LOT WITHIN THE SUBDIVISION TO ANY COUNTY REGULATED DRAIN WITHOUT FIRST SUBMITTING A WRITTEN REQUEST ALONG WITH PLANS AND SPECIFICATIONS FOR SAID CONNECTION AND OBTAINING THE WRITTEN APPROVAL OF THE NOBLE COUNTY SURVEYOR FOR SAID CONNECTING DRAIN. NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT-OF-WAY OF ANY COUNTY REGULATED DRAIN WITHOUT FIRST ENTERING INTO A CONSENT FOR VARIANCE FOR THE PERMANENT STRUCTURE TO BE CONSTRUCTED WITHIN THE RIGHT-OF-WAY OF A REGULATED DRAIN BY AND BETWEEN THE OWNER OF SAID LAND UPON WHICH THE PERMANENT STRUCTURE IS TO BE LOCATED AND THE NOBLE COUNTY DRAINAGE BOARD. NO PRIVATE CROSSING, DRIVEWAY, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED OVER OR THROUGH THE NOTED REGULATED DRAIN OR IN SAID RIGHT-OF-WAY WITHOUT FIRST SUBMITTING A WRITTEN REQUEST ALONG WITH PLANS AND SPECIFICATIONS FOR SAID USE AND OBTAINING THE WRITTEN APPROVAL OF THE NOBLE COUNTY SURVEYOR.

**STORM DRAINAGE AND EROSION CONTROL CERTIFICATION**

THIS PLAT COMPLIES THE NOBLE COUNTY STORM DRAINAGE AND EROSION CONTROL ORDINANCE MINIMUM REQUIREMENTS. FUTURE DEVELOPMENT OF LAND LOCATED WITHIN THIS PLAT MAY REQUIRE ADDITIONAL COMPLIANCE WITH THE REQUIREMENTS OF THE NOBLE COUNTY STORM DRAINAGE AND EROSION CONTROL ORDINANCE.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

RANDY SEXTON, P.S., CFM  
NOBLE COUNTY SURVEYOR

RICKY L & TINA M BERKES  
2851 W WOLF LAKE RD  
ALBION, IN 46701

ZACHARY A & BRITTANY A JACKSON  
1720 S 50 W  
ALBION, IN 46701

EMILY A GERVER  
1529 S 50 W  
ALBION, IN 46701

OAK CREST SHRINER FAMILY LLC  
6233 BECK LAKE RD  
KENDALLVILLE, IN 46755

MICHAEL & NICOLE GULICK  
1339 S 90 W  
ALBION, IN 46701

CYNTHIA QUEIROGA  
1502 S 50 W  
ALBION, IN 46701

MICHAEL RAY & NICHOLE MAY GULICK  
1339 S 90 W  
ALBION, IN 46701

KYLE & TESSA HALDERMAN  
1663 S 50 W  
ALBION, IN 46701

MICHAEL D & JANE E HELBERT  
1602 S 50 W  
ALBION, IN 46701

GARY JR & MICHELLE HULL  
1630 S 50 W  
ALBION, IN 46701



NOBLE COUNTY BOARD OF ZONING APPEALS

Meeting Information:

County of Noble, Indiana

Where: Conference Room-Annex

SPECIAL EXCEPTION APPLICATION

Phone: (260) 636-7217

Date: Wednesday, November 1, 2023

Fax: (260) 636-6957

Time: 7:00:00 PM

Date Filed: 9/19/2023 Old Application #: Application #: 565

OWNER Last Name: MILLER First Name: PAUL M & LORENE L Phone #: (260) 894-3182 Mailing Address: 6519 W 650 N City: LIGONIER State: IN Zip: 46767

APPLIC Last Name: Same as above First Name: Phone #: Mailing Address: City: State: Zip:

SPECIAL EXCEPTION INFO: Physical Add/Loc: 6519 W 650 N City: LIGONIER State: IN Zip: 46767 Township: Perry Section: 36 Quadrant: 300 Parcel: 006 Acres: 39.38 Zoning: A1 Legal Descr: E2 E2 SW4 Parcel ID Num: 57-01-36-300-006.000-013

Nature and Size of improvements now existing: Home, barn, grain bin, utility shed Detailed description of Special Exception: Requests a kennel for private (not open to the public) boarding of up to 10 adult dogs in an A1 zoning. Section Number of Ordinance: 2.03 Nature of uses surrounding proposed Special Exception: Agricultural, residential Duration of Use: For the lifetime of Paul M & Lorene L Miller.

The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 9/19/2023 for the Special Exception application fee.

Paul Miller 9-19-2023 Sarah Campbell 9/19/2023 Applicant's/Agent's Signature Date Noble County Board of Zoning Appeals Date

BOARD ACTION

Special Exception Approved or Denied: Date Petition Approved or Denied:

If granted, subject to the following additional provisions:

Transferable to future owners - No / Yes / NA:

If denied, reasons:

OFFICE USE ONLY

Comments: Re-examine Date:



Applicant Information

Special Exception 565

Applicant Paul M & Lorene L Miller

Location Section 36 of Perry Township, quad 300, parcel 006

Address 6519 W 650 N Ligonier, IN 46767

Article 2.03 Zoning A1 Acreage 39.38+/-

Request Kennel for private (not open to the public) boarding of up to 10 adult dogs in an A1 zoning.

Physical AG

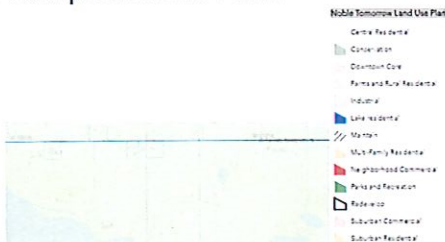
Characteristics

Surrounding Land Uses

North	Agricultural/rural residential
East	Agricultural/rural residential
South	Agricultural/rural residential
West	Agricultural/rural residential

Findings of Fact:

1. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan.



- Future Land use Map indicates this area as Conservation
  - Noble Tomorrow page 20; Protect prime farm land from development. To help maintain the community character that makes our community desirable.
2. The proposed special exception will not be injurious to the public health, safety, morals, and general welfare of the community.
    - Applicant noted the use is only for boarding of adult dogs from an existing, (approved) kennel.
    - As staff understood, the kennel will only house adult dogs, with no breeding on site, and no pups on site.
    - Not open to the public.
    - How often will the dogs be exchanged?

3. The proposed special exception is in harmony with all adjacent land uses.
  - The surrounding area is predominantly Ag, with some residential development.
4. The proposed special exception will not alter the character of the district.
  - Applicant submitted findings brings us back to the Comprehensive Plan; page 62
    - i. Does the project affect farming in order to preserve the financial feasibility of crop and livestock production?
5. The proposed special exception will not substantially impact property value in an adverse manner.
  - The closest neighboring home is approx. 350' from the proposed kennel location.
  - Kennel is located on a hill.
  - Staff will thank the applicant for the site inspection, the white markers offer a clearer vision of the project site.

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*Staff Proposed Commitments*

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Non-Transferable to a future owner.

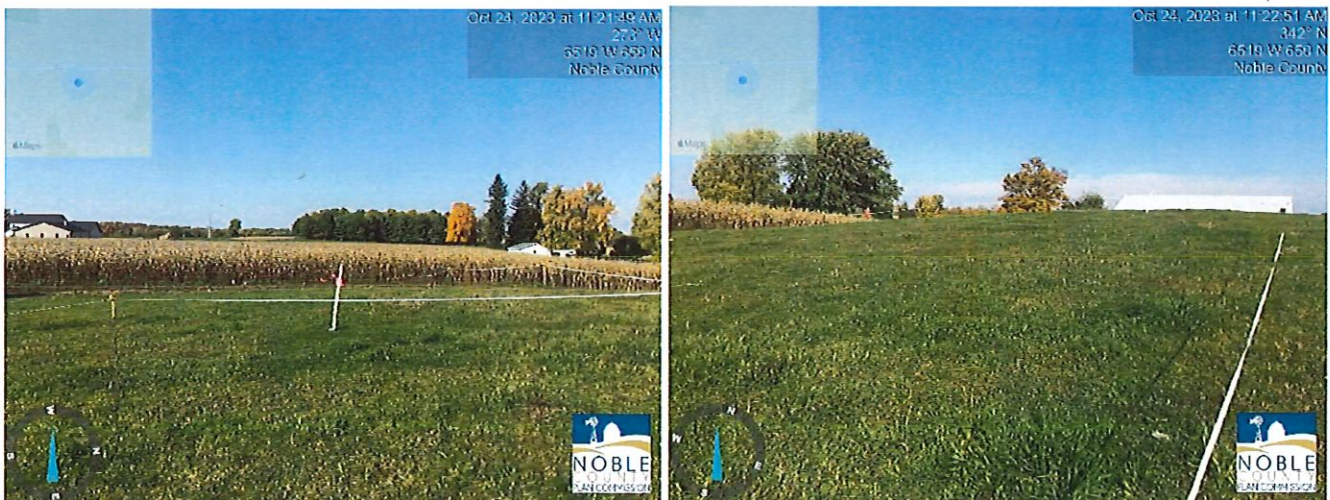
*BZA Rule #3.12 Duration:*

SPECIAL EXCEPTION: The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If:

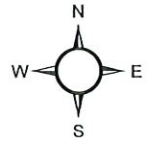
- A.) Construction of structures or occupancy of existing structures has not
- B.) Commenced within one (1) year of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be null and void.

*Final Recommendation*

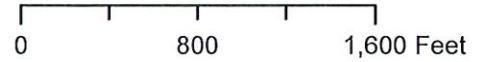
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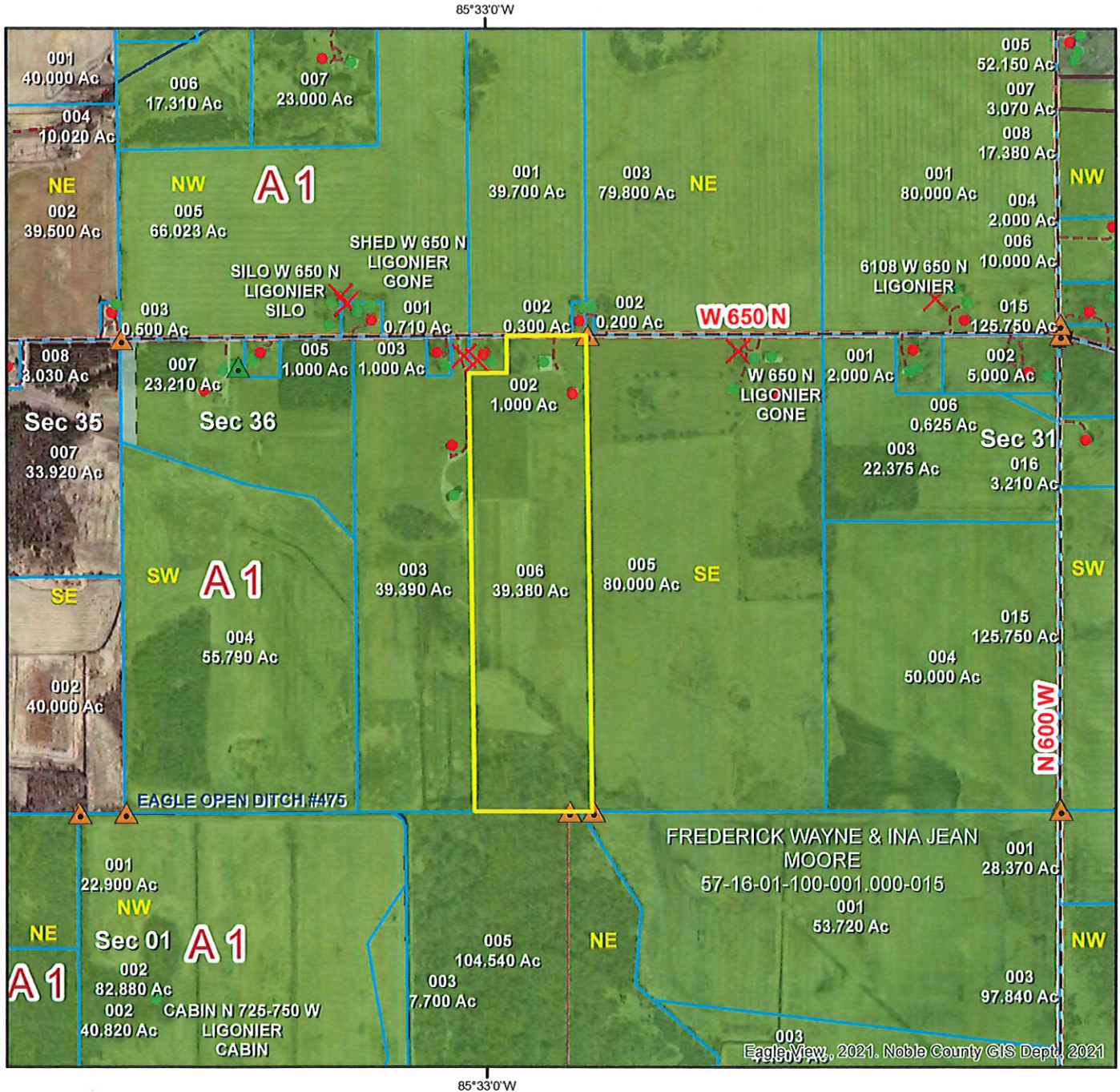
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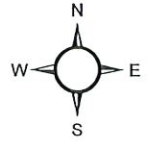
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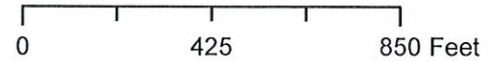
Map Scale: 1 inch = 833 feet



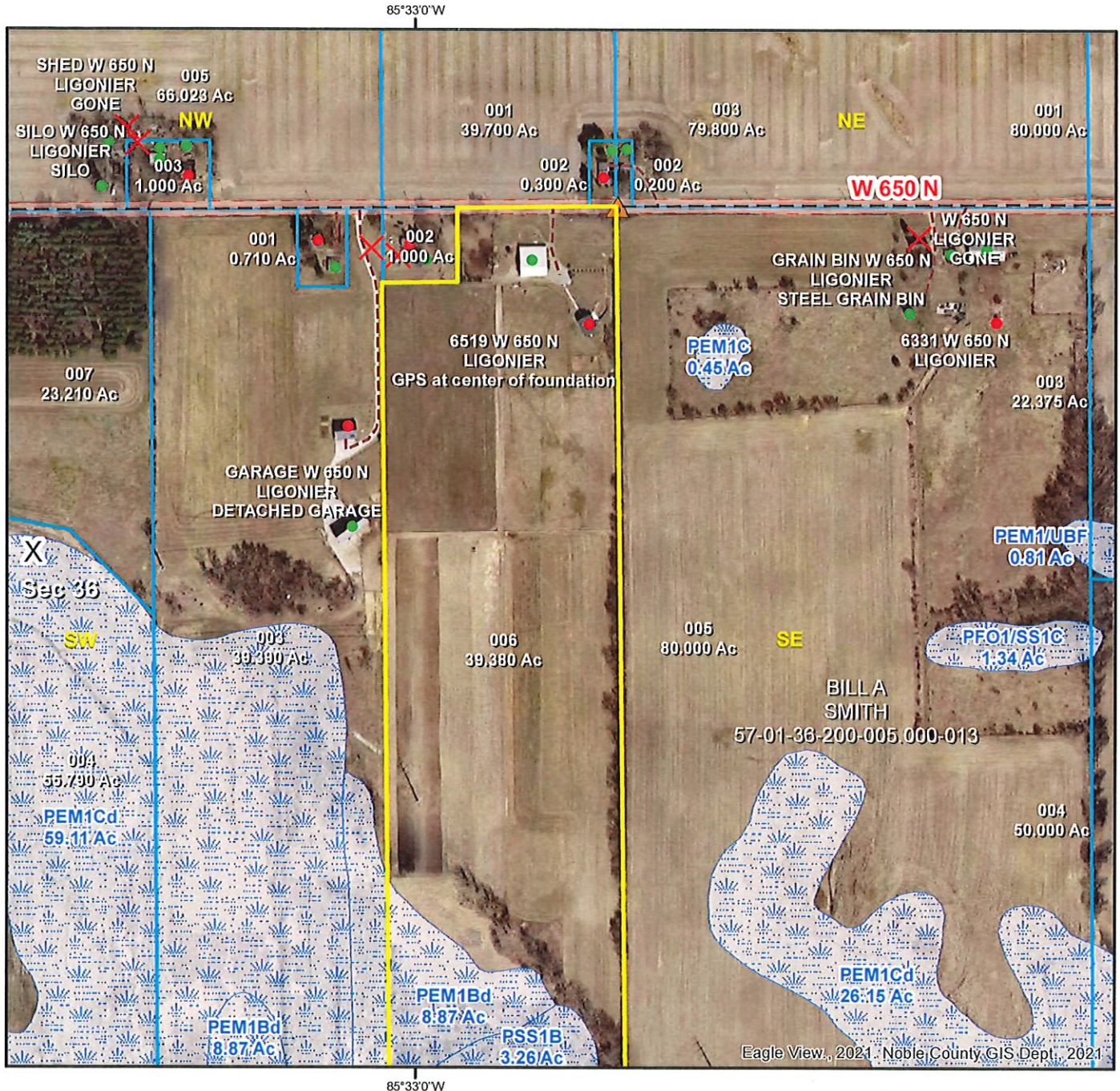
# Miller SE 565



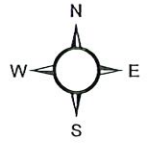
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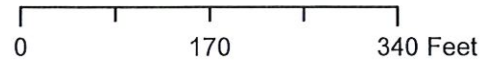
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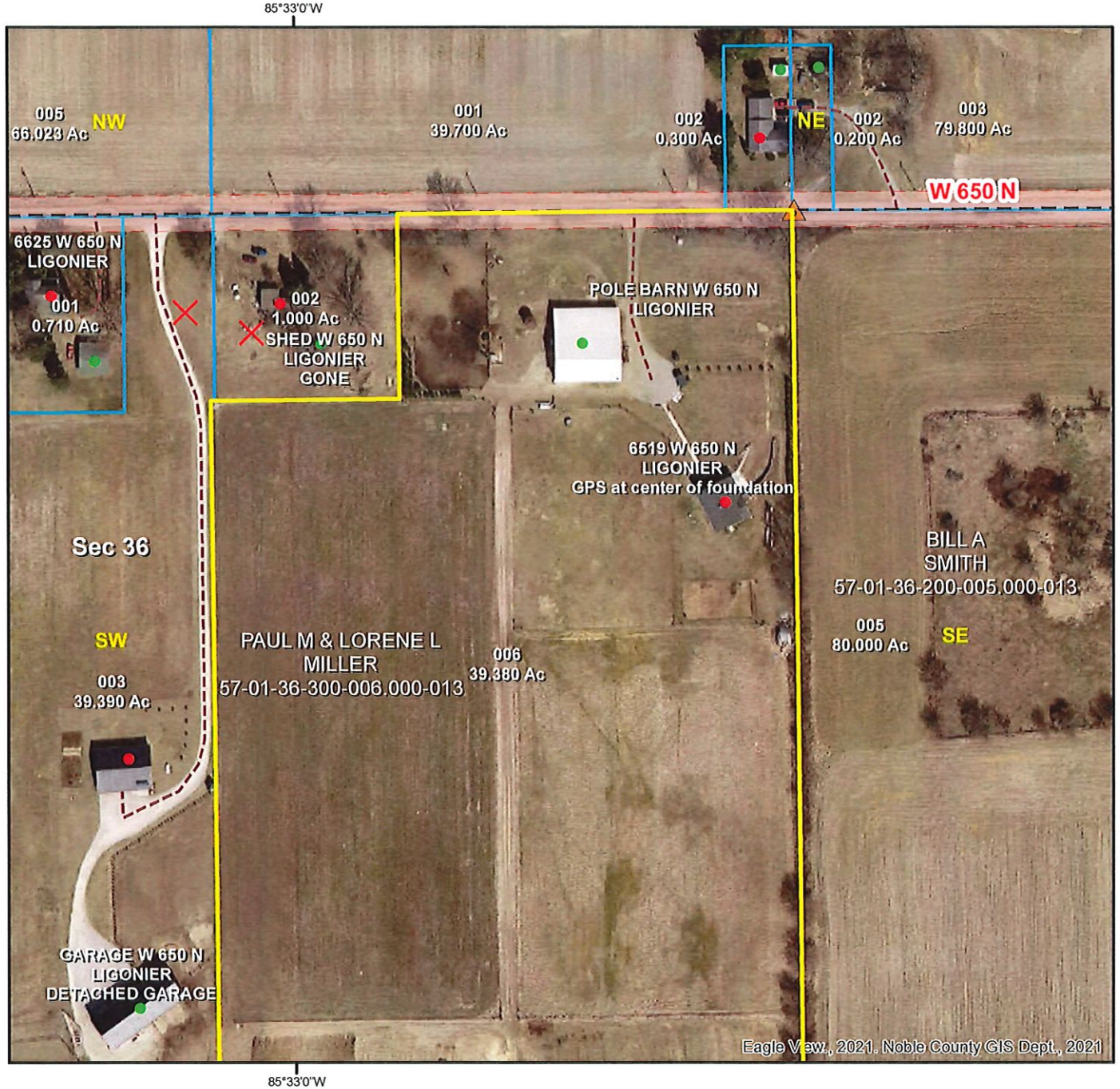
# Miller SE 565



Date Printed: Date: 9/20/2023



Map Scale: 1 inch = 167 feet



**Outstanding Items due by: Prior to Application**

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Special Exception #: 505

Owner's Name: Paul Miller

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**A. Detailed site plan of the property involved**

Applications involving new buildings must include all existing structure and proposed new structures along with distances to property lines. Details of Improvements should include: Size, dimensions, square footage, height, plans.

**B. Complete Findings of Fact (as defined below)**

The following statements must be found to be true so that the Board of Zoning Appeals may grant your request. If any of the statements are not true or cannot be confirmed as true, your request, by law, will be denied. Consult legal counsel for guidance as needed.

1. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan.

*Incremental Development prioritizes creating local wealth through  
Yes, Page 19, small investments in the community  
Sec. 3*

2. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.

*No. other than inspections, no public visitors - other than owners  
from the one kennel that boards dogs here*

3. The proposed special exception is in harmony with all adjacent land uses.

*Yes. Page 20 Farmland plays a vital role in the economy and  
culture of Noble County. rural farmland where kennel is located  
at proper distant from boundary along with other farm animals*

4. The proposed special exception will not alter the character of the district.

*No. Page 62 Beyond the minimum necessary for a new house and  
enjoyment of rural setting, farmland should be preserved as much as possible.  
(still be dogs in setting with other livestock - in a controlled yard.*

5. The proposed special exception will not substantially impact property value in an adverse manner.

*No. Page 62 As agricultural practices evolve, there is a need to regularly  
revisit policies that affect farming in order to preserve the  
financial feasibility of crop and livestock production.*

*Page 33 1 - to continue to develop the economy that creates  
local wealth*

---

*no major change or excavation being done*



Applicant Name: Paul Miller  
SE (if available): \_\_\_\_\_

Kennel Worksheet

Notes (for internal use only)

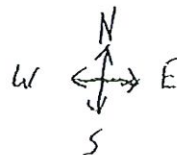
Breed of Dog	Golden Retrievers
Weight (lbs.)	60 lbs.
Height (standing to top of head)	22"
Length (tip of nose to base of tail)	32"
Number of Adult Dogs	Male: Female: 10 Total: 10
Individual Pen Dimensions	See provided site plan:
Height of Pen	8'
Length (continuously available space)	16'
Width (continuously available space)	4'
Size of Solid Floor	64 sq' 4' x 16'
Size of Outside area	32 sq' 4' x 8'
Size of exercise yard	Shown on aerial of property with dimensions
Exercise yard Length	115'
Exercise yard Width	100'
Exercise yard sq. ft.	11,060 sq'
Exercise yard setback	North: 401' South: 2161' East: 215' West: 345'
Kennel Structure Setback	North: 401' South: 2264' East: 264' West: 384'
Variance required? If so, attach what is being applied for and why	

- Copy of any applicable State of Indiana Licenses
- Copy of application with Indiana Council on Animal Welfare & KMA
- Copy of application with Kennel Management Assistance
- Waste Management Plan Approval from Noble County Health Dept.
- Site Plan for Structure & Exercise Yard w/ setbacks

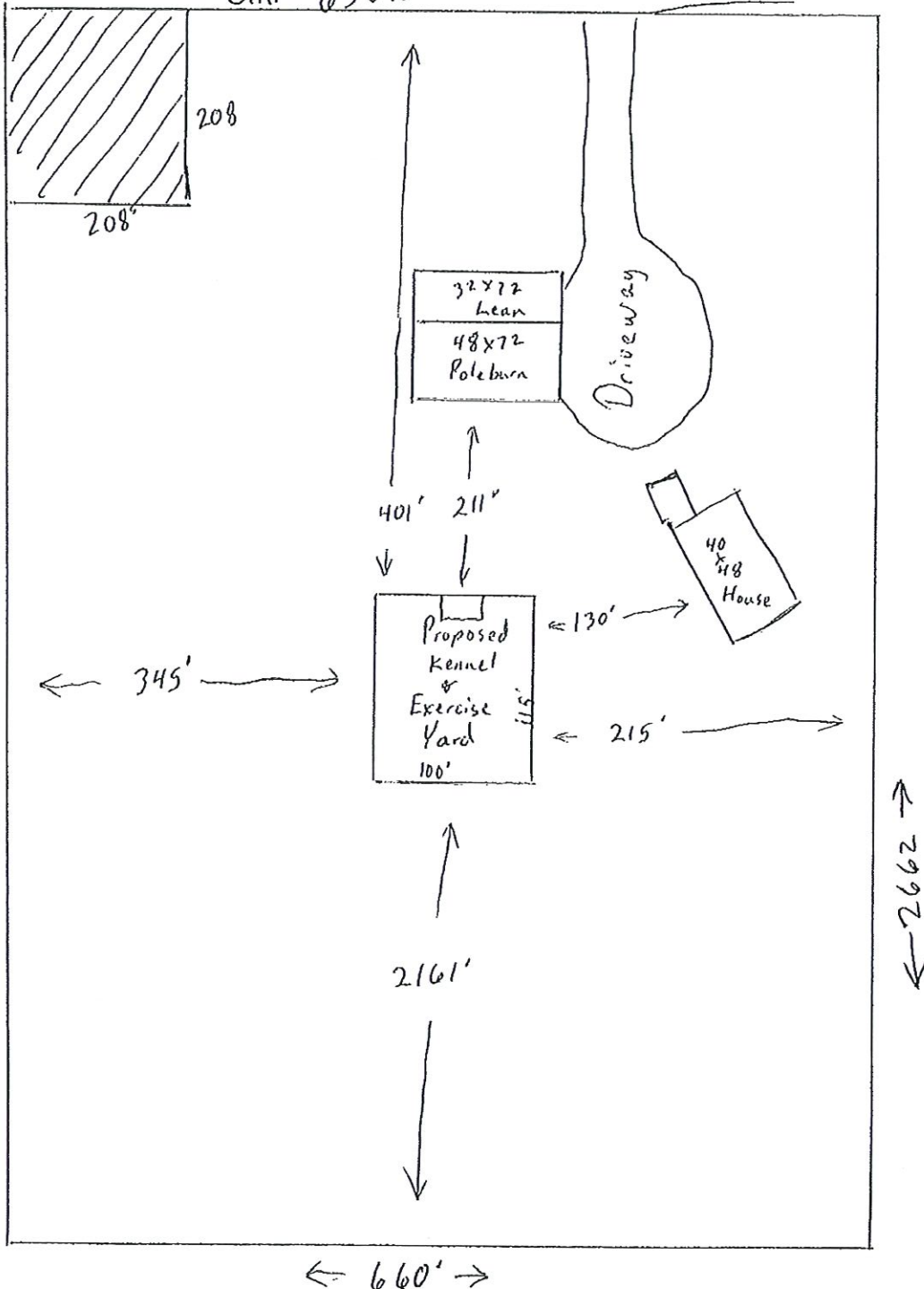


# Farm Layout

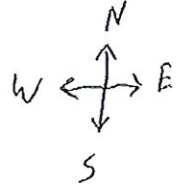
Paul Miller  
6519W 650N  
Ligonier IN 46767



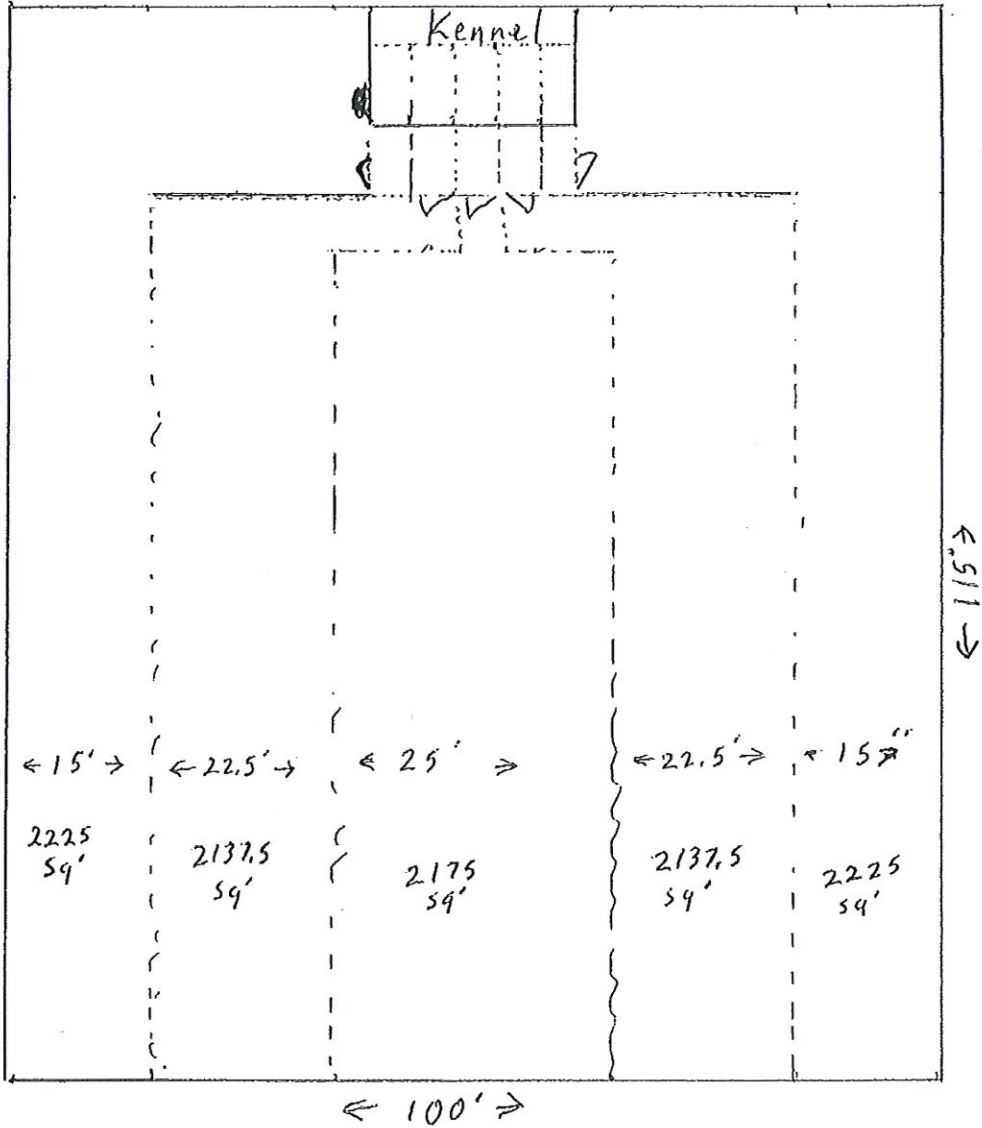
C.R. 650N



Paul Miller  
6519W 650N  
Ligonier IN 46767



Hilltop Goldens  
~~P.M.G.F.~~ Exercise Yard Layout



# INDIANA COUNCIL FOR ANIMAL WELFARE

I. C. A. W.  
Indiana Council for  
Animal Welfare



Mail application to:

6916 N 1200 E

Loogootee, IN 47553

For more information please visit: [www.icaw.org](http://www.icaw.org)

## Application for Annual Membership

Name: Paul Miller Date: 8-15-23

Kennel Name: ~~P.M. Coit Kennel~~ Hilltop Golden

Address: 6519 W 650 N

City: Ligonier State: IN Zip: 46767

Phone: 260-894-3182 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

USDA Licensed: Yes \_\_\_\_\_ No

Indiana BOAH Registered: Yes \_\_\_\_\_ No

CHAPTERS OF ICAW (check one):

- NORTHEAST INDIANA
- NORTHWEST INDIANA
- SOUTHERN INDIANA
- EAST CENTRAL
- ALLEN COUNTY
- N/A or OUT OF STATE

Full Membership:  \$79

Are you interested in being listed in the next Breeder Directory? Yes \_\_\_\_\_ No

If yes, please specify the breeds you want listed \_\_\_\_\_

How would you like to receive your Newsletter? Email \_\_\_\_\_ Mail

Associate Membership: \_\_\_\_\_ \$79

By being an associate member you will NOT be receiving the following: -No voting rights -ICAW public relations support if an issue should arise -ICAW monthly updates via the One Call system -You will not be listed in the Breeders Directory -No evaluations from the ICAW KMA team. As an Associate Member you will be receiving the ICAW Newsletter and occasional One Call notifications.

Business/Association: \_\_\_\_\_ \$100

Additional Donation: \_\_\_\_\_ \$30 \_\_\_\_\_ \$60 \_\_\_\_\_ \$90 \_\_\_\_\_ \$120 \_\_\_\_\_ Other TOTAL: \_\_\_\_\_

The Indiana Council for Animal Welfare (ICAW) wishes to thank you for your support. Your membership allows us to educate the public about animal welfare, improve animal husbandry skills, and present a united voice in federal, state, or local government legislation. ICAW is a 501 (C) (6) non-profit organization. Memberships are to be paid at the annual Indiana Council for Animal Welfare seminar, valid from January 1st to the last day of the following calendar year.

Seventy percent (70%) of your membership is deductible as a business expense. The Omnibus Budget Reconciliation Act of 1919 disallows as a business expense that portion of your dues, which are allocatable to lobbying at the State or Federal level. Dues contributions are made to 501 (C) 6 organizations such as the council, are not eligible as charitable deductions. Further information for this law should be obtained from your tax advisor.

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Indiana Council for Animal Welfare, P.O. Box 20717 Indianapolis, IN 46220-0717

## Sarah Campbell

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**From:** Jason Pippenger  
**Sent:** Wednesday, September 20, 2023 9:15 AM  
**To:** Sarah Campbell  
**Subject:** RE: Paul Miller Dog Kennel

I have no objection to Paul Miller's waste management plan to dry pick. Jason

Jason Pippenger  
2090 North State Rd 9, Ste C  
Albion, IN 46701  
Phone: 260.636.2191  
Cellphone: 260.564.4898  
[Jason.pippenger@nobleco.gov](mailto:Jason.pippenger@nobleco.gov)

**From:** Sarah Campbell <[sarah.campbell@nobleco.gov](mailto:sarah.campbell@nobleco.gov)>  
**Sent:** Wednesday, September 20, 2023 8:59 AM  
**To:** Jason Pippenger <[jason.pippenger@nobleco.gov](mailto:jason.pippenger@nobleco.gov)>  
**Subject:** Paul Miller Dog Kennel

Good morning, Jason,

I believe yesterday, Paul Miller asked you about waste management for his dog kennel application. We do need some kind of official confirmation that his waste management plan (dry picking) has been approved through your office. A simple letter with your signature would work. ☺

Thank you!

*Sarah Campbell*  
*Assistant Code Enforcement*  
*Noble County Plan Commission*  
*109 N. York St Albion, IN*  
*260-636-7217*  
[www.noblecountyplanning.com](http://www.noblecountyplanning.com)

SHERRY D GEHRING  
3019 N SPARTA LAKE RD  
LIGONIER, IN 46767

VICTOR P HIATT  
6625 W 650 N  
LIGONIER, IN 46767

PAUL M & LORENE L MILLER  
6519 W 650 N  
LIGONIER, IN 46767

FREDERICK WAYNE & INA JEAN MOORE  
6019 W 650 N  
LIGONIER, IN 46767

FREDERICK WAYNE & INA J MOORE FAMILY TRUST MOORE  
PO BOX 272  
LIGONIER, IN 46767

FREDERICK W & INA JEAN MOORE  
6019 W 650 N  
LIGONIER, IN 46767

JEFFERY M REYNOLDS  
6559 W 650 N  
LIGONIER, IN 46767

BILL A SMITH  
6331 W 650 N  
LIGONIER, IN 46767

BARRY G & BRENDA LOU STEFFE  
6354 W 650 N  
LIGONIER, IN 46767

TRI COUNTY LAND TRUSTEE CORPORATION  
6593 W 650 N  
LIGONIER, IN 46767