ZONING BOARD OF ADJUSTMENT
STAFF REPORT PROPOSED FINDINGS & CONDITIONS
313 OLD STAGE ROAD
MARCH 5, 2020

PROPOSED FINDINGS:

1. The applicant and landowners are Michael & Sylvia Akerlind.

2. The parcel is identified on the Tax Map as 2;\014\024\000 and is known as 313 Old Stage Road in the Town of Essex, Chittenden County, State of Vermont. This is a 3.72-acre parcel located in the Agriculture-Residential (AR) Zoning District.

3. The definition of a kennel, pursuant to Article VIII ‘Definitions’ reads, 
   Any premises in which caring, breeding, housing,, or keeping of four (4) or more dogs, cats, or other domestic animals is done for monetary purposes. Kennel may include doggie daycare and/or schooling.

   A kennel is listed as a conditional use in the C1 Zone.

4. The proposal is to increase an existing business (Squad Dogs Camp & Care LLC) from 3 dogs to 4-8 dogs. The operation would continue it is currently run, as follows:
   • One group session (1-2 times a week) is held in a fenced area for dogs that are not trained and reliable outside a fenced area;
   • Two – three sessions a week for further training for dogs that are off-leash without issue;
   • Camp hours are Tuesday – Friday; no earlier than 9:30 a.m. and no later than 3:00 p.m.;
   • Currently landowner picks up dogs (Need to ask if this will change)
   • Occasional overnight stays with no more than 2-3 dogs at a time. No physical kennel, overnight dogs stay inside the home, camp dogs stay outside for 2 hours intervals;
   • Customers are required to provide proof of vaccinations;
   • Is currently insured and bonded;
   • Is registered with the State.
   • (? Does landowner have their own dogs?)

5. The applicants submitted a google-earth diagram showing the parcel of land, including the house, date-stamped received on January 30, 2020.

6. This proposal was reviewed under Article V, Section 5.7 ‘Conditional Use’ of the Official Town of Essex Outside the Village of Essex Junction Official Zoning Regulations.
7. Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicants for posting on the property and the abutting property owners were notified of this meeting by certified mail.

8. The Police Chief, Parks and Recreation Director, and Public Works reviewed the application for a kennel and have no comments.

9. In an email dated 2/3/20, the Fire Chief said, *I first need to inform everyone that I am friends with Mike and Amy Akerlind and have worked with them and known them for more than 20 years. Keeping an objective perspective, I do not see any impacts on the fire service from this application, and have no objections. I am happy to discuss if anyone feels it necessary based on my friendship with the Akerlinds.*

10. Sylvia Akerlind and ______ spoke on behalf of this application.

11. No one from the public spoke on behalf of this application OR _____ provided the following comments:

12. Pursuant to Zoning Regulation Section 5.7 ‘Conditional Use’, the Zoning Board of Adjustment finds:

13. **IN CONSIDERATION OF SECTION 5.7 OF THE ZONING REGULATIONS AND INCLUDING THE ABOVE FINDINGS, THE BOARD FINDS:**

   a) With proper conditions the proposed use will not adversely affect the capacity of existing or planned community facilities;
   b) With proper conditions the proposed use will not adversely affect the character of the area/neighborhood affected;
   c) With proper conditions the proposed use will not adversely affect the traffic on roads and highways in the vicinity;
   d) The proposed use will not adversely affect the by-laws now in effect;
   e) The proposed use will not adversely affect utilization of renewable energy resources;
   f) The proposed use is in conformance with the Town Plan;
   g) No changes are proposed to the site; and
   h) The proposed use does not have an undue adverse effect on the character of the community.

**CONDITIONS:**

1. The applicant shall file a Use Permit and pay the associated fees.

2. The applicant shall secure all State permits that are necessary for the operation of this business.

3. All dogs/cats shall be vaccinated, including rabies, while on the premises.
4. The hours of operation for dog classes shall be between 9:30 a.m and 3:30 p.m.

5. The applicant shall be limited to a maximum of 5 vehicle trips per week. Any increase in traffic shall require an amendment to the approval.

6. The applicant shall maintain regular clean up and disposal of animal waste in a timely manner.

7. By accepting the conditions of this approval without appeal, the applicant confirms and agrees for itself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the applicant and all assigns and successors in interest.