

BOARD OF ZONING APPEALS HEARING

SEPTEMBER 14, 2022 @ 7:00 PM

BZA # 2022-009

- 1.Gary: This variance is continued from September something
- 2.Arya: August 10th
- 3.JoAnn: August 10th
- 4.Gary: yes, and it concerns the request for a training center and a dog kennel, and we had in the minutes, we had several things, we had some stipulations that we wanted the client to administer and we requested a business plan and several other things that we already cleared, so how do you pronounce your name
- 5.Arya: Arya Naga
- 6.Gary: okay and you are going to be the presenter again, raise your hand, the testimony you are about to give this evening is the truth
- 7.Arya: yes
- 8.Gary: thank you, and would you please state your name and your address
- 9.Arya: my name is Arya Naga, and I live at 7686 Peck Road, Ravenna
- 10.Gary: Okay and now let's start with the business plan, the business plan was received, I was very impressed and I would like to have comments from the board on their review of the business plan, how you felt about the business plan, Remy?
- 11.Remy: oh, I thought it was very comprehensive and addressed a majority of the points that were brought up at the last meeting, it also kind of summarized the presentation of the last meeting as well, my idea of a business plan
- 12.Claire: mine is the same, I thought everything that we had asked was there.
- 13.Gary: (speaking about the thermostat) put it on 67 or 68 before we cook, (laughing)
- 14.MM: I put it on 66
- 15.Gary: 66 would be okay too
- 16.Audience: it was 62 last meeting (a lot of laughing)
- 17.Gary: the last session we had just a few minutes ago, I had goosebumps on my arms, now I know that I am a cold guy and that's probably some of the problem
- 18.Audience: no I was talking the August 10th meeting
- 19.Claire: it was cold
- 20.Gary: okay now, why don't I have them written down (speaking to the board)
- 21.Claire: what
- 22.Gary: I had 7 stipulations
- 23.Claire: from last meeting?
- 24.Gary: yeah, that we wanted to talk about. Your plan, or any business signage, that was a question
- 25.Arya: Business signage?
- 26.Gary: Signs for the business
- 27.Arya: oh okay
- 28.Gary: did you address that?
- 29.Arya: last time we did not talk about it
- 30.Gary: okay okay, and how about lighting and security, we talked about that
- 31.Arya: that's part of the questions you asked me last time
- 32.Gary: yes yes, okay, noise control Arya: yeah, Gary: and your hours, I think we agreed 7 to 7, 7 in the morning till 7 in the evening
- 33.Arya: yeah
- 34.Gary: and we discussed plans for landscaping, maintenance and screening we are okay on that

- 35.Arya: yeah
- 36.Gary: and Jim is not here tonight but he covered the Fire Department, and recovering animals in case there is a fire or anything critical
- 37.Arya: I actually spoke to the Fire Department, because each of those buildings are less than 20,000SF I do not need 5 sprinklers but every 200 feet I need fire extinguishers
- 38.Gary: okay
- 39.Arya: and which in our buildings I am going to use
- 40.Gary: okay
- 41.Arya: and as far as our evacuation plan, they themselves don't have a clue as to how I will be able to save about 50, 60, 70 dogs whatever, they were asking me instead how will you save them, so I said that's an answer I will be giving to the board, it's a waste of time to give it to them
- 42.Gary: did you discuss the inspections of the fire extinguishers
- 43.Arya: they will not come unless this motion is passed
- 44.Gary: okay individuals, I'm not familiar with the law, but I think individually one of your staff people or yourself, have to check off of every fire extinguisher once a month
- 45.Arya: right, I mean that's the
- 46.Gary: I mean he comes in every 6 months, up in places in Summit County I think it's yearly and they come and they check them
- 47.Arya: right
- 48.Gary: okay board help me where do we, okay and we covered the fencing
- 49.Arya: you gave me an additional question as part of last meeting
- 50.Gary: yes
- 51.Arya: I have answers for them
- 52.Gary: okay in order to take off where we left off last meeting, is there any questions from the board, any specifics that we want to go over that we didn't have a chance to go over
- 53.Claire: I do not have questions at this point
- 54.Gary: Remy?
- 55.Remy: no questions
- 56.Gary: and I refer to the zoning inspector at this time Brett, do we have any questions that we might have not gotten answers for that we might need
- 57.Brett: the only notes to follow up on here were the parking, depending on how it's defined as a recreational, social activity, one space per every 200SF of floor area, most of this will be housing dogs and not humans that would be according to spaces and handicap spaces I think overall he might have 5 or 6 employees at the most on the grounds, I know as far as traffic flow goes, you had mentioned maybe graveling and doubling the width of the driveway for special event parking you could use either side of the driveway
- 58.Arya: (showing on slide show) So I already took down this building, this is not there anymore, so my parking can start all the way from here to there
- 59.Gary: okay that's the building you were going to
- 60.Arya: (interrupting) it's already done, I took it out and the next thing that will be coming off is this little building here (pointing on slide show) that is sitting right almost close to Mr. Tim's property line so that will be going out this weekend
- 61.Gary: okay
- 62.Arya: so from here all the way to here I could manage parking (using slide show) pretty much it's an empty field lot. And regarding the signage question you asked me earlier
- 63.Gary: yes
- 64.Arya: I was thinking of either here (showing on slide show) where my mouse pointer is pointing or here mostly likely I am thinking here, reason being, I am putting my dumpsters here (showing on slide show) every week so because the signage would be a permanent sign I'm thinking of putting it here (left side of drive when standing in roadway) so from the telephone pole to the edge of my driveway that's 22 feet

so I am thinking of centering it around 11 feet away from the pole and facing North west direction so that people can see the sign from both directions

65.Gary: and you will be careful that you will not block the view of traffic

66.Arya: yeah

67.Remy: you said it was a monument sign

68.Arya: it's like stone with angling on both sides

69.Remy: so lower to the ground, not up in the sky

70.Arya: yes, yes

71.Gary: and there is a stipulation on the signage if you want more than 32SF you will have to talk to Brett about what certificates you might need for that

72.Brett: with a commercial dumpster, that would still have to be enclosed, something like vinyl

73.Arya: I am thinking about putting like bricks, are you talking about making sure the dumpster don't fly away or what

74.Brett: no hidden from view

75.Claire: so that it can't be seen

76.Arya: you mean my signage?

77.Claire: no, the dumpster

78.Arya: oh dumpsters? Oh, the dumpsters would be here

79.Brett: they have to be enclosed from view by maybe some related vinyl fencing they couldn't just be open to the road they would have to be concealed, and maybe left unlocked

80.Arya: oh, my dumpsters are like Kimble

81.Brett: oh, like regular push cans?

82.Arya: yeah, push cans

83.Brett: okay that's different

84.Claire: we thought you meant a large dumpster

85.Arya: oh no no

86.Gary: okay anything else that you want to present

87.Arya: if you have questions I can keep going because last time I think you asked me about 7 questions, 1 is the detailed business plan that I have already presented, the next thing is fire rescue plans, like I mentioned I already spoke to the fire department they will come into picture only after this passes, if it doesn't pass they told me to come in to a discussion, but like I said I don't need sprinklers, I only need extinguishers so that will probably be about 30-40 extinguishers pretty much

88.Claire: even though that's, I want to cut in for a minute I am sorry, even though that a sprinkler is not required

89.Arya: yeah

90.Claire: you can get away with just doing the extinguishers, are you going to consider it at all

91.Arya: at some point, if the business grows really well, I'll put money in, it's like project right so I have to prioritize which is first, so if I am getting a lot of money, yeah sure

92.Gary: that's a large expense

93.Arya: the sprinkler system will save me about 40-50 grand out of the pocket so

94.Claire: I understand

95.Gary: do you have city utility, do you have pressurized water

96.Arya: no well water

97.Gary: so you are on a well and the same with a septic system?

98.Arya: septic is leach field

99.Gary: okay

100. Arya: but for this one it's 100,000 to set it up
101. Gary: yeah
102. Arya: just the tank
103. Gary: okay
104. Arya: and the system, the next question you asked me was HVAC, so I spoke to a couple of companies, at a high level they gave me a quote just for the dog boarding building I would need about an 18 ton unit and an 18 ton unit is about \$22,000 or something like that is excluding the duct work, insulation and all the different stuff this is just the machine, so I have to add additional labor and other important stuff, so that is only for one building, so if I a 3400SF building needs a 18ton unit it will cost me about \$30-\$40 grand all together combined, that 9,000SF building will be almost 3x the cost so I have 4 buildings over there, so roughly the whole HVAC unit expenses would be close to 150k
105. Gary: God bless ya
106. Arya: thank you
107. Gary: anything else
108. Arya: the next one was, how I will let the neighbors know, like a notification of incident, like an auto dialer or something
109. Gary: yes
110. Arya: I would make it simple like taking cell phone numbers if they want to exchange and then send an immediate text message, just directing them, hey a dog is on the loose we are going to work out to contain so until then make sure your kids or family members are inside, or something like that or your pets are inside and once the situation is under control, I will let them know that the situation is resolved, that's what I am thinking
111. Gary: you would notify the dog warden as well
112. Arya: oh yeah, so that's the next one, and then height and construction of privacy around play area, chain link fencing. So because my property from like end to end like from north to south is only 300 370 something feet my dog play area, shall ideally be like a rectangular shape rather than a square shape, an acre is 208ft x 208ft
113. Gary: okay
114. Arya: but I cannot put 208ft because if I put 208ft it will almost come to here (showing on slide show) which I don't want it to, because I have a lot of space, this way I want my park to be in a rectangular shape so the width of the park will be about 66ft the length will be 670ft that is one acre and in order to put a chain link fence for 1 acre it will be, nine linear feet behind the back yard is 300ft the cost came up to \$20,000 that one is 44,000ft so that many times more for one acre and that is only for chain link fence without any protection on the top I have add the protection on the top so that the dogs cannot escape and in addition to that I have to add the privacy fence so they cannot see the sights of the neighbors. The privacy fence at an average will cost \$30 per linear feet so I need about 1600ft to cover the entire one acre of space, that will cost me about 1600 x 25.00 that's the cost of just the privacy fence
115. Gary: next
116. Arya: oh yeah, lighting intensity, so I want to show you, so am part of a Facebook group called Best Kennel and set up designs for the last one year, they have pretty much kennel systems designed everywhere in the nation and across the world and they share their ideas and what systems they have used in terms of gating, any questions you ask for the kennel set up. So I'll just show you (using slide show) some examples of people have used in terms of putting light for the outside areas, so some people have used something like this (showing on slide) as you can see from the explanation they are using some solar LED lights but I personally didn't like that idea because last time you mentioned that I have to light it up you wanted it lighted up completely, I'll show you a few options depending on how bad or what you wanted it lighted up. So, look at this this is a parking lot, the owner has it lit up this

- bright (example on slide show) do you want it this bright inside my field I can do that I have several options
- 117.Gary: did we discuss indirect lighting, did you discuss, not in direct lighting but lighting that will
- 118.Arya: interrupts yeah it will be facing downwards
- 119.Gary: so, we are not affecting the neighbors
- 120.Arya: yeah, but depends on bright you want me to light it up, do you want me to light it up this bright?
- 121.Gary: I have to ask Brett, is there a lumen requirement?
- 122.Brett: not spelled out in the code only that, I could give the specifics, I know that the lighting shouldn't interfere with any roadways or neighbors. I think, I wouldn't see a need to flood light an empty play area or the grounds over night
- 123.Gary: only when it's in use
- 124.Brett and Gary talking at the same time cannot understand them
- 125.Arya: I will be putting motion sensors on them so when there is no motion they will turn off so I can save my electrical bill, if there is motion they will light up, but when they light up how bright do you want them is the question
- 126.Gary: yeah, I can't answer that question, I would say that Brett, can we, I would say that photo that you have right there to me that's too bright, I mean you need light to be able to walk and see what is going on
- 127.Arya: okay
- 128.Gary: I mean that is like you are going to have a party or something
- 129.Arya: okay, I can reduce the lumage and wattage
- 130.Gary: and I don't know, maybe the vender that you are dealing with can better answer that question
- 131.Melissa Murphy: if I could intervene to the board
- 132.Gary: pardon me
- 133.MM: I have dealt with a case in regards to lighting
- 134.Gary: (motioning that Melissa needs to be sworn in)
- 135.MM: I am sorry, Melissa Murphy
- 136.Gary: the testimony that you are about to give is the truth
- 137.MM: yes
- 138.Gary: state your name and your address
- 139.MM: Melissa Murphy, 4057 Pritchard Ohltown Road, Newton Falls
- 140.Gary: okay
- 141.MM: when you purchase these lights on a pole there is an option of putting on shields, there is an option where you can put a shield on both sides and the front so your light does not disturb your neighbors that might be something you might want to consider if it's not in our regulations already. These nice pole lights that he is looking at can have shields, so that they don't interfere with neighbors and that they can still be bright enough for him
- 142.Gary: Thank you I should've known that because I had to do that with my barn (laughing amongst the board and audience) in fact I got it shut off at the top of the property line so it can be that direct, but

when you put them in, look and ask about those shields and the lumens. The less looms you have the less money it's going to cost ya

143.Arya: right, but like I said if the business kicks off really well my goal is to put solar panels, initially I will be paying out of pocket, but once if the business goes well, I will change the whole house as well as the business into solar panels

144.Gary: if I understand correctly at the last meeting, you are not planning on doing any training at night anyway are you?

145.Arya: no

146.Gary: okay so the only lighting you are going to have at night is

147.Arya: park area, and where they are going to be walked for peeing before I cut it off for the night

148.Gary: okay what's you next one, is that it?

149.Arya: no you have two more questions, one is sound proof of buildings and perimeter, so sound proofing basically when you do the HVAC they will be putting all the foam material to do the insulation instead of one inch foam I can put two inch foam and a lot of acoustic panels just like that website I've shown you, I will show you some material there (using slide show), so look at this material, so that's a sound proofing material the more thickness you have the damping it makes the sound and they have several other ideas too, so depending on if it goes through and the cost of the material. Everything is not like a cookie cutter because, their building material to construct a barn could be something different than mine so I need to do more research and talk to these venders and see which one will best suit my needs, but no matter which one I choose any of these damping materials will definitely lower the intensity of the noise.

150.Gary: and these are inside of the building

151.Arya: inside, on top of adding the insulation material for the HVAC, these will be added

152.Gary: okay, guys? (Looking at the board)

153.Arya: and I think that's pretty much it, those are the seven questions you had

154.Gary: pardon me?

155.Arya: those were the seven questions who had

156.Gary: yes, yes anything from the board with questions

157.Claire: nothing for me

158.Gary: Remy? No?

159.Remy: not right now

160.Gary: Brett do you have anything

161.Brett: no

162.Gary: okay I am going to open it up to questions from the audience, this is quite an involved case and if you have something to say please wait your turn you wont's have to leave the room without having the opportunity to talk. Please do not talk amongst yourselves because the mics are sensitive and that confuses Melissa when she is trying to make the minutes and the minutes are very important in every

case because they have to be submitted to the courts. Okay, so with that is there any questions from the audience?

163. Audience member steps up: hi I'm attorney Elizabeth Dobbins

164. Gary: just step forward please

165. Elizabeth: here is my card (hands it to Melissa)

166. Gary: the testimony you are about to give is the truth

167. Elizabeth: yes

168. Gary: and please state your name, your address and your occupation

169. Elizabeth: I'm an attorney, my name is Elizabeth Dobbins, my business address is P.O. Box 1048, Norton, Ohio 44203

170. Gary: okay

171. Elizabeth: um so am I to ask him questions or ask you guys questions

172. Gary: direct your questions to us

173. Elizabeth: okay

174. Gary: and we can't answer we will direct them to him

175. Elizabeth: Okay bear with me there is a lot of criteria and a lot of notes I've gone over I represent Marie and Allen Springer who vehemently oppose this conditional use, I also wanted to bring, we have a petition that is signed by twenty three adjacent property owners, would you like to see that

176. Gary: submit those to Melissa

177. Elizabeth: okay, that all oppose the conditional use and its mind understanding that there are about five people in person who also oppose this conditional use

178. Gary: five people in who?

179. Elizabeth: in person here

180. Gary: oh, in person okay, did they by chance give you reasons why?

181. Elizabeth: Give me reasons why what?

182. Gary: they oppose it

183. Elizabeth: I have my client's reasons

184. Gary: okay

185. Elizabeth: I have many reasons from my clients, that's what I was going to go through now, okay.

UMM one thing for a conditional use permit that is that the applicant purchased the property knowing that it was a residential low, and the property owners around them should rely on that and although this is a conditional use it would change the absolute makeup of the surrounding area and um the applicant knew this because he also, my understanding contacted the Zoning Inspector and said he would need the conditional use but went ahead and purchased his property anyway and um this is for a dog kennel which according to the resolution covers for breeding and or boarding only and the applicant already has a business in place it's called Summit Resort, he is currently boarding at the property as it is and has also advertised training, grooming and behavior modification, daily, daily, doggy daycare even if you want someone to exercise or even to just walk your dog he's willing to do that and he wants to open up a retail shop to sell collars and whatever else you may be, you may have. Only the breeding and boarding are permitted as a conditional use, training isn't, retail shop isn't, being an exerciser and walker for the doggy daycare isn't. What that does, is it takes a conditional use and it takes it outside of

that, what is intended and is now making it, mixing it with commercial uses under the guides of a conditional use

186.Gary: excuse me just one second, what rule regulation or state of Ohio revised code does that violate

187.Elizabeth: does what violate

188.Gary: the things that you just mentioned

189.Elizabeth: this is all in the zoning resolutions

190.Gary: in our zoning resolutions?

191.Elizabeth: in your zoning resolutions, I have the resolutions, I can give you some section numbers

192.Gary: do you have the page number

193.Elizabeth: I'll get it for you, it's Chapter 7, section 61, 67

194.Brett: in our book it's 7-59

195.Remy: yeah page 7-59, under 61, dog kennels

196.Gary: okay continue

197.Elizabeth: okay and UM and on this, its 61B, this covers kennels used for breeding and or boarding.

So those would be the only permitted uses, in this case indoor kennels are permitted and um while the applicant has stated things that he plans on doing there is no concrete plan that he submitted to this board to show what he's actually going to do that the neighbors can rely on as to knowing actually what will happen, I, if he's already running a boarding house out of his home as it is right now for dogs and Mr. Springer is going to speak to that how they know that's the case, he must have concrete plans so we can hold him responsible for what he said he's going to do since he's already violating the um zoning resolutions. Um as far as the noise of the barking, the panels that is he going to talk about that will be on the wall of the kennel, the dogs are going to destroy those, they are going to pee on them, they are going to scratch at them they are going to tear at them. A lot of these dogs if he's going to, if he wants to do the use that's not specified is training and behavior modification, these dogs are unruly, that's why they need these services and they are just going to destroy it. Also, one of the resolutions states that the conditional use development shall be located next to non-residential uses such as a church or park, industrial or commercial uses. I believe, I wasn't here from the last meeting so I am going off of what my clients told me was that the applicant is going to have outdoor runs for the his dogs, the resolution specifically states that those outdoor runs should be separated by an 8ft wall and the resolution specifically says the word wall and not fence and the reason for that, that the wall is needed so a dog in one outdoor run, doesn't see a dog in an adjacent run. A chain link fence doesn't do that. The sole purpose of needed that 8ft wall in the run is to reduce, and these are the wording from the resolution, to reduce the tendency of the animals to bark or fight with animals of an adjacent run. So the resolution knew that barking and excess noise was going to be an issue and that these were the things that needed to be needed to help alleviate that. Also, the run has to be screened from views by adjacent property lines by landscaping, I'm not sure if he has provided a detailed design of the landscaping because a lot of these requirements do require landscaping to help to block their view. We, I know that you touched on traffic and um I find it odd that no traffic study was done, he's going to pour all this money into this property but yet hasn't done the applicable studies that would tell us what we need to know here today. It's my understanding he plans on having fifteen employees and if it's 5-6 a day that's 5-6 parking spots taken up, then you are going to have human traffic, you are gonna have people that are just bringing their dogs so he can exercise them and walk them, you are going to have the people that are coming there for grooming, you're going to have the people that are going to the retail shop, you are going to have the people that are coming for doggy daycare, the people for the training and you are also going to have people that are coming in to buy the dogs and drop off their dogs for boarding and pick them up. The um resolution wants there be a description day and night of patrons and traffic volume which is vehicles per day and that's not been provided. And as far as parking, the parking must be in compliance with chapter nine, they must have permanently maintained off street parking if the building or structure will have use change, which obviously he's talked about parking, however he didn't give a detailed description of the parking area with the actual locations of the

parking spaces or the number of parking spaces and there is no details of the parking space design specifications and also with parking you have to have a detailed, he needed a detailed description of the buffering landscaping. Noise, this is probably one of the biggest issues that the neighbors have with this and the resolution says that the conditional use shall have no excess production of noise. Now, just in and of itself, 100 dogs being housed in one area at one time is going to cause excessive noise and it's a quiet neighborhood there's been no noise study done and there is no plan for what to do, I understand there is going to be a building and he may try and muffle that sound, but what about all the dogs during the day that are outside of the building, what about all of that noise and without having the outdoor run separated by a wall, obviously the resolution thinks there will be a lot of barking and fighting amongst the dogs. Um this also comes down to odors and waste, there shall be no excessive production of odors of any significant nature, there has been no study done as to what the odor would be of a hundred dogs on this property plus all of the excrement that comes with it, um also my client's property is directly downwind from the applicant's property so that is going to exacerbate any odors that would come across. Um I don't know if there has been any sanitation or EPA approval, if there are any sanitation designs, if there is anything that is a drawing or design of the septic area, if that has been approved by the health department or permits are done, it's my understanding that there is existing underground drainage but I don't know how old that is or if there is any evidence that it complies with any of the required standards. And what doesn't seem to be here is what is going to happen to all that waste, a septic system, but how is that going to work, and how is that runoff of all that waste and all that excrement going to effect for instance my client's property who is downhill for them, how is he going to insure and what plans has he provided that show that their septic water or their sewer, septic, that their well water is not going to be adversely affected because of this. These are studies that needed to be done and these are things that he should've had done today. Safety, I would call it training but in post that the applicant has put online for his boarding services that he is currently doing, he calls it behavioral modification. The first thing if you take out the training and everything else, the boarding and breeding of the dogs, they are large aggressive breeds of dogs, these are dogs that even with training are very dangerous. These are dogs that are specifically excluded from insurance policies on home owner's policies that if you have these dogs that we are not covering them because they are so dangerous, which leads me to the side note, how has the applicant, what plans has he shown to insure his property, what happens when one of these dogs, not if, when of these dogs gets free and mauls a child, what recourse does that parent have if he can't get insured for these dogs. And he is also responsible for the dogs from the time that they leave fenced in area to when they get into the cars of their owners, so there is an unfenced area that he is responsible for and that's according to the Ohio law. As far as training the dog or behavior modification you're taking these vicious breeds of dogs and you're going to train them well a lot of these dogs have to be trained at a very young age with the proper certified training so that they can be socialized so that they can even be around people. So what happens during that time of training, an unsocialized dog gets out, it's even more dangerous than an dog that has already received it's training and um, so then um there again no safety study done, also the applicant has not provided any information as how he's going to insure the vaccination of all of these dogs, these dogs have to be vaccinated they have to be um, they have to be vaccinated and one thing back to the insurance if any of these animals are Pitbull or Pitbull breed I know that certain counties and certain cities require \$50,000 insurance policy just due to the viciousness of the breed, and also what about the biting history of these animals how is he going to verify that so he knows that he's bringing in a dog for whatever purpose any of the ones that aren't even included in the conditional use that puts him on notice that he is taking in a dog that has already bit someone and that's dangerous and that's a malicious thing for him to do. Also, um how is he going to report dog bites, is he going to call the police in every time there is a dog bite? What if a dog just bites one of his employees, is that going to just go oh I was training the dog, even though that doesn't count according to Ohio law. We went over some of the landscaping and the landscaping must be pursuant to section 40203A4A, it must be appropriately landscaped to be harmonious with surrounding residential properties. There's been no

plan of that. Lighting, there has been no lighting plan provided, just showing pictures of what I could get doesn't give doesn't give any of the property owners anything to rely on, he could say I am going to do all this stuff but no plan in place to even show he put forth the minimum effort to get that plan, you don't know if he is going to follow through, he didn't even know about the screening requirement to even say that he was going to utilize those. The lighting needs to be a detailed description with exact dimension and locations of any proposed lighting area, along with a description of appropriate methods that will be used to eliminate glare and not impair the visibility of neighbors, no lighting shall directly shine on adjacent properties, and all this is coming directly from the resolution. There's no description of screening, there is no detailed description of how he will minimize direct light that is omitted across a horizontal plain, what are the fixture placements, what are the height, what are the type of lights and even if you have a type of buffering, we are talking about a chain link fence, so that light is going to get out it's not going to stay in as if you just have a regular privacy fence. Another condition that the resolution provides for is that the conditional use shall not be detrimental to land values given due regard to nature and condition of all neighboring land and building uses. And that is residential and agricultural, and he's provided no report or study that having a 100-dog breeding, boarding, training, grooming, retail, walking, doggy day care center will not adversely affect all the properties around him. What is, a lot of this what it comes down to is that the resolution requires that the conditional use be supported by substantial evidence and that's important, because that gives a standard for people to go by so that they know if what's been presented is enough and in this case it's not enough, it's not even close to substantial, it's a lot of pictures of what I could get off of my Facebook group. The um, conditional use (coughs, excuse me) shall not be hazardous or disturbing to neighboring uses and also no excessive production of the traffic, noise or odors. I know that the applicant touched on a texting system, I am not from this area so bear with me about cell phone reception, it's my understanding that it isn't always the best and it's my understanding that part of living in this area is to have land and to have areas and detach from social media so people if they are doing stuff in their yard, they don't normally carry their phone with them. So, one of these vicious aggressive dogs gets out, he's going to, how many neighbors, how far and how wide will he go with these text messages, because dogs can go very far and in a very short amount of time. How does he know which direction the dog went, what if you are outside and your kids are outside and they are playing outside and you don't have your phone and here comes the dog and mulls your kid, that's not an effective way to notify anyone and it is, what if he, what if he mixes up a number, you just transpose one number and someone doesn't get notified. It is not an efficient or effective way to provide those notices and the only reason is because of the type of business that he wants to conduct isn't conducive to this type of neighborhood. Also, I'm almost done I promise. The conditional use is not harmonious in accordance with residential low zoning objectives it will change the essential character of the same area and it will be disturbing to the existing and future neighbors, that's going to affect resale value if you have to move in next to 100 dogs as opposed to a nice big open field. The applicant has not met all of the requirements specified by the zoning resolution for the conditional use, the number of neighbors opposed to this conditional use which you have seen with the petition of 23 and the approximate of 5 people not including my clients who are here to oppose

- this. Marie and Allen Springer vehemently oppose the granting of this conditional use and I have to say this part pursuant to law and if need be they will appeal this to the court. Thank you
- 198.Claire: I have a couple of comments to make
- 199.Elizabeth: oh sure
- 200.Claire: First of all, I'd like to start with the conditional use, if he is granted this conditional use and we put stipulations on that conditional use if he does not meet those requirements the conditional use will be pulled.
- 201.Elizabeth: but he is already conducting that business, so
- 202.Claire: I am telling you that if we approve this conditional use and those standards are not met those standards will be pulled
- 203.Elizabeth: how um
- 204.Claire: and
- 205.Elizabeth: how, can I just ask a question
- 206.Claire: just let me finish, and as far as you referenced vicious dogs many times during your speech, and I'm not saying that he is not going to have vicious dogs there, however if you look at most kennels, most boarding kennels, now I don't know who here has had animals that they have boarded, I have boarded animals um most of them are not vicious my, my two dogs I have a hundred pound mastiff and I have a sixty pound Pitbull mix neither of which are vicious, when they are taken to the kennel that they go to, um they you know they are put out with other dogs and sometimes you will have a dog that doesn't get along with another dog that's not to say that that dog is vicious, that is two different temperaments, it might be like you and I maybe we don't get along, that's not to say that one of us is vicious and for the next, for my next comment regarding the letting people know if the dog gets loose, I agree I don't think that texting is a great idea, um as you said people don't always have reception however again we are going to go back to what is a Chihuahua gets loose, I have neighbors that just moved in 3 weeks ago, a month ago and they have two Pitbull mixes who this evening before this meeting were in my back yard, I don't expect them to call and tell me I do expect them to go out and look for them um that's going to be a hazard no matter where you live and who lives next to you, but I think we need to calm this down as far as the vicious dog part goes, that was never mentioned except for the fact that he may be doing some behavioral training, that doesn't necessarily mean the dog is vicious. My little dog barks all the time he needs some behavioral training, that's not to say that he's vicious. So, I want to clarify that
- 207.Elizabeth: okay
- 208.Claire: I think that there is hysteria where this is concerned and I think it needs to come down a notch and try to understand what is actually happening here, so that's my comments
- 209.Elizabeth: okay one of the breeds is a Kane Corso and I am just going to go with my experience
- 210.Claire: interrupts, and I have people that have Kane Corso's
- 211.Elizabeth: Right and I'm going to with my experience and things that I have seen from the legal standpoint and the things that have happened I have had numerous dog bite cases that involve Kane Corso's
- 212.Claire: yes
- 213.Elizabeth: and the part that is the scariest is and that I think is troubling for the neighbors and even though those dogs can be acclimated to a person they can still bite that same person at any given time
- 214.Claire: oh absolutely, as can any dog
- 215.Elizabeth: and I understand that but
- 216.Claire: interrupts, and I think that is even his personal dog, that's not a dog that he's boarding
- 217.Elizabeth: he has boarded a Kane Corso
- 218.Arya: my Kane Corso is working for Ohio search dog association
- 219.Elizabeth: he has boarded a Kane Corso
- 220.Claire: and I again when I take my dogs to the kennel that they belong I'm asked, does he have any history of biting, she, does she have any history biting has there been any aggression you can only go

on what you are told, you know I could go in and lie to my kennel and say, oh no they have never bitten, well haven't bitten anybody but you know you can only go on the information that you have

221.Elizabeth: and I didn't mean to upset anyone with the word vicious, I'm going from what I have read in insurance policies and how they describe the dogs to exclude them

222.Claire: oh I understand that, but my point to this is, I think some things were taken out of context in the last meeting as far as vicious dogs, because the word behavioral training was used like I said a vicious dog can be a 5 pound Chihuahua it does not have to be a Kane Corso

223.Elizabeth: correct

224.Claire: and that's what I am saying it needs to be toned down a little I think we are missing the point as to what he is trying to do here, and that's all I am saying I wanted to get that on the table

225.Elizabeth: Okay um

226.Claire: and I do want to hear everybody's concerns, I don't want a vicious dog living next to me either

227.Elizabeth: but the only

228.Claire: but if someone is trying to do their best that's all we can ask for and like I said if we grant this and he does not live up to those conditions we will pull it

229.Elizabeth: who

230.Claire: and then it's on him

231.Elizabeth: is there a, once it's granted, which of course we don't think it should be (chuckled), who polices it

232.Brett: um can I intervene there were a second comment and giggle giggle I know it will be (TALKING OVER EACH OTHER)

233.Elizabeth: I SAID, I SAID

234.Brett: talking as well I OBJECT

235.Elizabeth: I SAID AND WE THINK IT SHOULD BE

236.Brett: MA'AM IM NOT GOING TO SHOUT OVER YOU

237.Gary: One at a time

238.Brett: I AM NOT GOING TO OUT SHOUT YOU, I don't appreciate any preformed opinion when people are devoting hours of their time at \$7.00 an hour we are here to hear all aspects of this argument do not giggle at my board and imply that they have already made up their minds

239.Elizabeth: you misheard me, what I said was and we think it shouldn't be, I did not predispose anything I, obviously our view is that the conditional use should not be made, and that is exactly what is said

240.Brett: you think the conditional use should be made?

241.Elizabeth: should be denied, and that's what I said I did not make any pre disposition as to how the board was going to rule.

242.Brett: I may have misheard you, but I want everyone to keep in mind that people are here, not just as a legal requirement, but everybody here lives in this area or within 30 mins of it I imagine and just like Ms. Moore said we want to hear everyone's side of it we want to hear it calmly, we want to hear it articulated and we want to hear it in a measured respectful way.

243.Claire: I think that, that everyone's concerns again should be heard however I also think that, I said earlier the vicious dog part of this came in and people closed off. They are not willing to listen, um and like I said a vicious dog can be a 5 pound Chihuahua and I know that if you see a 100 pound mastiff running towards you or your child or you see a 5 pound Chihuahua running at you or your child you are going to be more afraid of the 100 pound mastiff, I get that, if it's my 100 pound mastiff or my neighbors 5 pound Chihuahua, you better watch out for the Chihuahua so it's a matter of how you perceive things and that's what I have to say about that. Anybody else?

244.Remy: and as far as policing goes and if his passes with stipulations. The Zoning inspector is going to ensure on a regular basis that he's following, especially if this is going to be an operating business if it

passes, he's going to have to keep, you know maintain that, if he falls behind on any of that, he will have to correct that, if he doesn't correct that, then the conditional use is over at that point

245.Claire: if Springer, Mr. & Mrs. Springer is that the name?

246.Allen Springer: yes ma'am

247.Claire: if you see that something is not the way that it's supposed to be call Brett.

248.Audience member: Can I make a comment on that

249.Claire: you need to come to the mic and introduce yourself

250.Brett: just real quickly there is 7 points here that the board is really responsible for answering but we can direct them to the applicant

251.Gary: the testimony you are about to give is the truth?

252.Audience member: yes sir

253.Gary: State your name and your address please

254.Allen: Allen Springer, address 7712 Cooley Road, Ravenna

255.Gary: go ahead what are your comments

256.Allen: I wanted to address your comment about the viciousness of the dogs and having that assumption I could appreciate that when we are talking about somebody's personal animal you know or 1 2 3 or whatever the number of animals the person intends to keep for their own personal benefit um but I don't think there is appreciation for the escalation of risk having the number of animals that this applicant is looking to keep on this property so you are right any animal can be aggressive you can move into a neighborhood that an animal that already lives there is aggressive you can't choose your neighbors and that has to be respected to an extent but um the appreciation for the escalation of risk and having the number of animals that he has I don't think is being appreciated

257.Claire: I also, and I agree with you to a point um and I don't know what the number was 80 or 100 dogs at one time I don't think that's ever going to happen I think you would be hard pressed to find him with 80 dogs and again even if he does have 80 dogs, they are not going to all be outside at the same time at least according to what we have heard

258.Arya speaking in background cannot hear or make out what he says

259.Claire: okay, let us speak and it's going to be fenced in, there is, he's got a plan in place with basically a ceiling on part of the fencing so that the dogs can't jump out and then we have also required that he have something else around that fence, as double protection

260.Allen: okay

261.Claire: um so I do appreciate 100 dogs is a lot of dogs, and I find it hard to believe he's going to have 100 dogs in that or 80 dogs in that facility at one time

262.Allen: so, part of the issue is looking at some of the details of his proposal and how they align with the performance standards and other sections within the resolutions right. So, there is a section on lighting standards in a residential area, so I don't appreciate when the applicant flashes a couple Google images on a screen and says he can do this or he can do that or he can do whatever you guys like right? So, I'm left to say what am I going to live next to right? So he's going to have whatever lighting he might find on sale at the time or whatever he thinks is appropriate whatever the case might be right so the underlying issue is where is there anything to be enforced from my perspective if we are asking Brett to enforce some standards of course he's going to do that, that's what's expected of him correct but this gentleman is looking to spend over a million dollars and if I'm calling the zoning inspector every day because he has all these issues and ends up flushing his business down the drain because he can't adhere to any of the standards that exist in front of him in this resolution, I mean who's to blame for that. My understanding is a section in the resolution there's the application process he supposed to have these details included at least to the extent that there is professional drawings prepared such as the last applicant had and has some detailed design and there's at least something for the neighborhood to latch onto and say I even have a clue of what this gentleman's looking to put next to me, right? So I can't sit here in good faith and say the lighting is going to be horrible or it's going to be great I've seen a couple google images to tell me what the lighting might look. I've heard that we might

put 1 or 2 inch foam in the walls in this place, it may or may not be maintained that's up to him at a later date right? But, there is no noise study to tell me out loud it's going to be on my property line. So what am I left to defend myself against here?

263.Claire: point taken

264.Allen: So, I would like to share one more thing, um so this is found on Rover.com this is Mr. Arya's business I presume, um I am not going to read the whole thing, I'd be glad to share it with you um if you like um but he's soliciting his business, um if I scroll down here there is 29 reviews, he has a list of services, including boarding for \$35 a night, house sitting \$30, dog walking um, so there is 24 of these reviews right now listed on his website that I can count that are from the date that he moved into this residence which I presume is May, um there is actually 2 that I found that occurred on August 12th and September 6th and my recollection of the August 10th meeting was he wasn't given uh any permission to move forward with any of his variances he wasn't approved for any of that. So my question is how am I going to expect that he's going to follow any of the provisions that are that are expected of him going forward right, so he is already demonstrating to me that he doesn't intend to comply with any kind of resolution regulation requirements that might be placed in front of him. So again where is the credibility in the information that we are being shared, how can we access what's being presented in front of us without hard facts, evidence, details, um you know the section on performance standards has has a table for noise and they layout decibels and certain frequencies they give uh foot candles I think is a unit for light intensity right? It gives those values of the property line. Um I am kind of arguing in both of behalf's when I say this, you know, he's going to dump a lot of money into a business correct? He's going to dump over a million dollars into a business that his neighbors are vehemently opposed and are really not satisfied with the idea of it to begin with, right? And we don't have the details to say, is he going to comply with these lighting standards, is he going to comply with the noise standards. So now he's going to put this business in and spend all this money and you are going to revoke that from him, you are going to pull it right back and he's going to be left holding the bag, that's all I had to say.

265.Claire: thank you

266.Audience member: my name is, yes go ahead

267.Gary: the testimony you are about to give is the truth?

268.Audience member: yes

269.Gary: state your name and your address please

270.Marie: My name is Marie Springer, I live at 7712 Cooley Road in Ravenna 44266, okay so I am going to bring something up here, I spoke to Mr. Brett on the phone since the previous meeting. He told me that he spoke to Mr. Naga back in April who was looking at approximately 11 other properties because he would like to open a dog kennel, grooming, breeding, training Um and he told Mr. Naga that he can purchase this property and apply for the variances. (reading off laptop) It says against regulations to purchase a property knowing in advance that it requires approval or variance or conditional use see Chapter 4 administrative procedures and enforcement 402.04B-B.1.F. Can we please go home my daughter needed a tube feed at 10:00, we should not be here talking about this right now. I would hate for him to spend all this money and so much of his time where he could put other efforts. I have much more to go off of, but right there is tells you this should have been stopped, he should not have wasted time, we should not need a lawyer, we should I should not have had to speak to our neighbors to free their schedule and be here today. This is done.

271.Claire: Can I ask you what is your biggest problem, with his proposal is.

272.Marie: what is wrong with that statement? I read that to you

273.Claire: what is Your biggest issue with this proposal

274.Marie: I just read that

275.Claire: Is it the vicious dogs? Or is it property value? I am asking you personally, when you are talking to your neighbors what is your biggest concern, a dog getting loose?

276.Marie: ummm I don't want to hear it and I don't want to worry about my kids and dogs do get out, I spoke to 2 or 3 different people out of the houses I went to one of them said that she was there when I

think it was a little boy got mauled she was the person who had to take care of him and call for help and then there was I think a gentleman who said that he, something about someone being bitten or muled like pretty bad so I am not just some worried paranoid person, I don't want here, and also I live downhill, the water, I know he's planning on putting a septic system in that sounds great because I mean financially and time consuming I mean that sounds like it would be the best thing to do I am downhill, what is that Mahoning River, is that right runs right through the front of my property since I sit so far back and the well is right between there, (laughs) I have children to even think of beside myself and my husband, so when do you think, oh this water tastes weird or it smells weird, do I just change the filter what's going on with this, how long have a been drinking contaminated water.

277.JoAnn: I am not clear about something you said, you said something about, you talked to people about witnessing someone being mauled?

278.Marie: yeah

279.JoAnn: are you talking about his property?

280.Marie: No, just in previous, their life experiences

281.JoAnn: and then your husband said he can move anywhere and there could be a dog next door, okay a dog next door that could be vicious, maybe doesn't have the credentials that he's shown us that he's going to sit up the fences and

282.Marie: that is true

283.JoAnn: so you can move anywhere and have a vicious dog

284.Marie: interrupts but when you

285.JoAnn: (continues) next door that you are not going to be protected as much as he is intending to protect the neighbors from his dogs getting loose.

286.Marie: he has no control from his car to the building though, and when you have a large amount, it is true, when you have a large amount of anything, any animal, I mean there is a risk, there's a risk, it's obvious, but why are we here right now, I just told you that he was told he can purchase this property and he knew that he was told that he could just apply for the variance so why are we still here, I need I actually really do literally need to go (laughing), I am not joking. I'm serious! Can you respond to that?

287.Claire: he has applied for a variance, that's why we are here

288.Marie: but he knew it's against regulation

289.Claire: that is the reason for variances and conditional uses. It's a variance, it's a conditional use that is why this board is here for everyone that comes in just like the people that were here earlier, they knew when they brought the properties or they knew, they know they couldn't build on it without a conditional use that is the purpose of this board

290.Marie: so can you explain what that, what chapter 4 administrative procedures and enforcements 402.04B1F what exactly that means then why does it say that, that you shouldn't buy a property already knowing you can't change it and then say "hey can I change it" why is that statement there

291.Claire: that is the purpose of this board

292.Marie: alright, I will continue then

293.Remy: I mean if you are going at, sounds like Brett told him that in order to use this property in the way he wanted to use this he would have to seek out a conditional use because it was not a permitted use for that property, he knew when he purchased, he would come in front of this board he knew that he would have our requirements that he would have to file all the zoning pieces and he knew that there was a risk that we would not approve this you know and that is part of the group here, I mean this could still go either way, you know I'm not saying we are for or against it at this point but that's part of why we exist. You know you might purchase a property 5 years from now who decides to do something else with it and it may not be a permitted use, so then you come in front of the board and say hey you know I have my property I want to build this extra-large building on well now it's a conditional use and now we look at it, we look at the other properties we look at water runoff, we take all these into consideration and then we make a decision, is this harmonious is this appropriate and if we deny is this going to cause a hardship and if we approve is this going to harm somebody else. So we have to take all that

into consideration. But no he has said frequently that you know that he, that it's a risk for him and that this is a dream he had and he's putting a lot of work and effort into this dream to come true and that there are hurdles that are in place that he would need to overcome in order to meet that, we expect for us to move forward he's going to have to meet those conditions, that's part of why we are here.

294. Brett: you know you speak from the minutes, section B is implying and deals with variances, section A pertains to conditional use requests I think we are reading from different chapters different paragraph

295. Remy: and as a side, when you talk about well water, when is the last time you had your well water checked

296. Marie: I'm sorry please bear with me I lost internet on my computer \

297. Remy: no, I was just asking when was the last time you had a Perk test, had your well water checked

298. Marie: I need you to refer to him because he checks it

299. Remy: because you want to have that standard in place, because you know this it was it was before and if we move forward, you know this is how it is after in order to make that comparison because well's can get contaminated for a variety of reasons, you know it could be from a crack, there could be runoff from industrial up the street or whatever, you know and that is the type of the well. I grew up with well water and it's changed over the time simply because of the construction around, runoff has changed, the volume has changed I get more fungi now unfortunately so the well has to be updated

300. Marie: okay I am going to continue looking for this, I'll give somebody else a chance

301. Background audience talking amongst themselves.

302. Gary: Sir the testimony that you are about to give tonight is the truth?

303. Audience member: Yes sir

304. Gary: please state your name and address sir

305. Allen Vargo: Allen Vargo 778 oh 7751 Cooley Road, 7783 Cooley Road

306. Gary: and your statement or your presentation whatever, it's your floor

307. Vargo: Okay, um, first of all I want to agree with you I'd take on your big dog before I'd take on the Chihuahua. I have been bit by more Chihuahua's than I have Pitbull's and as far as 70 dog kennels um there is a Bull Terrier over in Pennsylvania that had 70 Bull Terriers the guy would come through and he'd go, I don't want to see this one this one this one tomorrow when I come in and the dog guy who took care of the kennel had to dispose of those dogs before. There is another, there is a bull dog kennel out here we had 40 bull dogs, he lived out in Norton, so yes they can come up with those type of areas. Um I'm concerned about the noise, I'm concerned about the smell uh I'm concerned about his building, uh it looks like he's going with like wooden sides and stuff and um dogs that size are just going to take them, take them apart, he's going to have more work trying to keep that up. I worked with my wife, worked in various kennels, I helped her when we were going together, uh from small kennels up to one that had two buildings carried 60 dogs and the smell is not favorable and I haven't seen anything about the septic and he's talking about ya know, one little garbage can a week, and having 70 dogs and feeding 70 dogs, just even if he is just using a fifty pound bag, uh he's going through a lot of bags a day and that's you know, I just you know the waste and stuff would be overwhelming for what he said he's going to do and I'm concerned about that and the fact that yeah I don't, I'm with them. And as far as the dogs go, they have got two small kids, I don't like kids myself but they do and I've seen, I've had kids over at my place and I opened up my one dog run so I could, I've got 3 dog runs off my house and I opened up the door to clean out the dog poop out of the dog runs and the dog came out and they ran screaming and I had to scream at them to shut up and sit down so my dog wouldn't attack them because as soon as they run and scream, that's prey and kids don't know any different and I am concerned about that yes, now if you know he puts up the kennel he's got the 8ft high, he's got them covered, that does a hell of a lot more but you know with like a wooden building or something like that

it's not gonna do it as far as you know and you can't clean that, there is no way that you can keep wood clean, that's all I have to say thank you

308.Claire: thank you

309.Gary: anyone else?

310.talking amongst the audience

311.Gary: one at a time, on at a time, the testimony you are about to give tonight is the truth?

312.Audience member: yes

313.Gary: please state your name and your address

314.Alice: Alice Lemley, 7743 Cooley Road, I live next to the Springers

315.Claire: I'm sorry what was your name?

316.MM: you are going to have to sit down and speak into the microphone

317.Alice: into the microphone, okay. Alice Lemley 7743 Cooley Road, I am a neighbor of the Springers, I live in back of him and I just found out about this a couple days ago and I was horrified at the thought of having a kennel, if you drive down Peck road and Cooley Road this is a beautiful residential neighborhood, with kids playing in the yard and it's so peaceful and this is not a place for us to start having businesses popping up, uh I just moved from Maryland a year ago and I am just loving country life, just the peace at night not hearing all the noises and it sounds like there will be a lot of noise coming from this property I mean he mentioned his business would be operating from 7am to pm, well 7am is a little early for me um dogs can't tell time and they are not going to shut off their noise at 7 pm and if we want to be nuisances as neighbors well we can just call the cops constantly and make noise complaints we are not going to be happy with this, and he came in wanting a variance, it sounds like this would totally change the character of the neighborhood granting this variance, and if he would've gone to every single neighbor on these two roads and said will you approve this we would all say no, she has gathered 20 some signatures just in a couple days, and probably if you went to all the neighbors on this property we would all say NO NO WE DON'T WANT THIS. I take walks on my property it's an acre and a half, I feel safe walking on my property, but if I knew there was a potential of a dog, a large dog getting loose, I would not feel comfortable and um we get no cell phone reception and even if I suddenly got an alert and started running already the dog could be on my property and we just, we just don't want this, you are our voice. People complain about politicians going and they don't represent the people, we, all of us here we are screaming NO, NO PLEASE WE DON'T WANT THIS, that's all I have to say, unless you have questions

318.Gary: you hit the nail on the head when you said this board is representing the people, representing these people that are sitting here

319.Alice: yeah, YES

320.Gary: and we are also representing him (pointing to applicant)

321.Alice: but we live in a nice neighborhood and we want our neighborhood to stay the same. We don't want to have this business and worry about all the concerns, the smells, the danger. He's one person, we are hundreds of people, and plus you are changing the character of this area. So please listen to us, we are asking you, we are pleading with you this woman here has 3 children, one of them could be mullied, we just asking you to please listen to us

322.Gary: anything else?

323.Alice: no

324.Gary: anyone else? Sir the testimony you are about to give tonight is the truth? (yes) and state your name and your address please

325.Allen Bechdel: Allen Bechdel, 7660 Peck Road Ravenna, is there any chance of getting that picture of that property up again, helps me make sense of what I am talking about, anyway your discussion about vicious and the point of vicious, I consider it size if a dog bites you, I'd rather get bit by 100 Chihuahuas then a hundred pound dog that tears your leg off I mean that's preferences, but, (walking to the slide

show picture of the aerial view of the properties) I'll speak as loud as I can. This is the property in question,

326. Gary: yes

327. Bechdel: this is my home, my property goes, right here, my great granddaughters play in this area right here, that field is my back yard I have 2 acres there, I kept, I used to own all this property, purchased it in 68, 69, lived here the last 200 years. You point about that vicious stuff which as I'd say I'd rather a Chihuahua can bite ya 100 times, one big dog rips your leg off. My great, great, great, I can't keep track of them my kids grand kids are playing back there now, have concerns about it, when you text, that's too late, it's already done, this last lady says, it's a nice community, nice area, I've been there longer than she has (laughs) and I want to preserve that and I feel this board is supposed to be watching over that for me, plus representing him, I don't know who steered you on this trip that it's gonna be, but not in my back yard. If some animal, I don't care what kind it is, a bear, a tiger whatever comes in my property, and my home and stuff, I'll take care of myself before I text anybody, you can't keep the heat on in this room properly, I mean you can't control the future what's going to happen tomorrow, I can try not to make it happen, reduce the possibility of it, the odds, but that's what I am hear for to talk to you about it because apparently you have the control over my life, that can grant it, yes or no, and I felt that I wanted to voice my opinion about it. As far as the property values, you may as well knock half my life off me, but that's all I have to say and I, oh one other mention that I hate to bring this up but I wasn't notified about this. But if I was, I would be here properly represented, would've had time to prepare. I did contact the office when I was, I believe the first time I knew about it was when he, yes you

mentioned it to me, (talking with Arya in background - inaudible), did you get a letter, did you get a letter. I get my letters every day, I am not even thinking about this kind of stuff in my life

328.Claire: we do appreciate your comments

329.Bechdel: well, I appreciate your comments, but you have control over my life right now and I don't appreciate that, I will take care of myself like I have all my life, but that's all I have to say.

330.All board member say thank you to resident

331.Gary: just a side note Brett

332.Brett: yes sir

333.Gary: directing towards you, my understanding is not what it quite should be here on the notification to the neighbors

334.Brett: there was one inadvertently (GARY TALKING OVER BRETT)

335.Gary: I mean he lives right next door and he was not notified

336.Brett: I know probably we sent out dozens of notices, his inadvertently was not included, that list is not something I compile, it is submitted with the application

337.Gary: well, that's okay I just wanted to bring it up, Melissa maybe we want to double check the notification of the neighbors

338.MM: sure, for this hearing alone tonight we sent out 85 letters

339.Gary: 85

340.MM: for just this hearing

341.Gary: and the neighbor

342.MM: for 4 variances there was 85 letters sent out

343.Gary: something happened

344.Audience member hollers: I got two of them

345.Gary: you got two of them?

346.Audience member: yeah I got one at both my residences

347.Gary: hmmm well it's just a point of interest that I think needs to be taken care of, Brett, Melissa develops a safe procedure on notifications

348.Brett: in this particular conditional use, there were at least 20-21 notices submitted by the applicant that received notices

349.Gary: but yet the next-door neighbor didn't get one, well it might be an over sight on somebody's part but I'm just saying it's not right, it needs to be taken care of. Anyone else in the audience please

350.talking amongst the audience members

351.Gary: the statement you are about to give to the board is the truth?

352. I do

353.Gary: please state your name and address please

354.Tim: Tim Hartong and I live at 7600 Peck Road, Ravenna and I own I believe 90 acres all along this line, (cant' hear all he is saying, he moved away from microphone), my worry is the smell and the noise, there is a couple things that he needs to check and you guys need to check is EPA, um there is a creek that runs back through there dumps into west branch that everybody's property goes through there, I know mine does, we tried to do a campground years ago, they wouldn't allow it, because the EPA said we couldn't do it. My farmer has to worry about, when he rents my property, he has to worry what kind of chemicals he puts on the property, he has to get approved from the EPA, so cause the runoff that goes back into there so you have to worry about that, so he will have to check that, you guys might need to make sure that's a part of the stipulation. The other thing is you guys said you would pull his variance if something happened that he didn't do something right, he hasn't got a loan yet, he hasn't got any drawings to go by which I think that needs to be done, but you can't put that on Brett, he's got a lot of stuff he has to deal with right now, we've got issues, things that we've been working on since Jim DiPaola and now I gave it to him about neighbors and you guys can't even get that handled, so how are we going to get this handled, if there is an issue. So seriously, you can't put that on him when we can't even get the prosecutors to handle or the Township to handle the problems across the street from me, I

mean the guys got a toilet sitting on his tractor sitting in the front yard. There's junk cars sitting in a yard of an house that's abandoned that can't be taken care of and the only reason why they aren't doing anything is because the neighbor is mowing the lawn, and he's doing it because he wants to farm the property for free, and he's got a bunch of junk cars across the street from me, that, everything he has is junk, he doesn't have nothing, no license plates on anything and that ain't getting handled, so and I know Brett's tried

355. Brett: are you speaking to the Besmore Davidsons (can't hear him on recording) you know they are both still open cases

356. Tim: right I know you have been trying working on that, but if we have one more issue that to deal with if something doesn't happen you know with his part, that he doesn't have the loan, that he doesn't get the thing right, you guys, I mean how are we going to handle that. So I know he wants to try and wants to do it and hopefully, he fixes up the property, but there is no way that you guys can police that, so that's one thing you can't say that you will do. You pull his variance, how yeah going to police that so. Like I said, I am worried about the noise, I am worried about the dogs, it's very peaceful at night besides coyotes so we don't need to add 100 dogs on to that, and it's, and that's what I am worried about and if I want to sell my property down the road here and I can't develop it or sell it with 100 dogs next to it so that's what I'm worried about

357. The board members saying thank you

358. Gary: yes sir, the testimony you are about to give is the truth?

359. Yes

360. Gary: thank you, state your name and your address please

361. My name is Ben Hampton, my address is 7710 Peck Road

362. Gary: and your comments?

363. Ben: asking applicant to pull the aerial shot back up on the screen again

364. Ben: alright I got some questions, Arya, don't be mad at me, I got some questions I'm going to say a few things, I have talked to him a few times, I pretty know what's going on, I haven't seen any blueprints or engineering drawing or where the waters going to go, where the downspouts are going to go or the dirty water is going to go. I also have 4 little kids, I got minibikes and go-carts and stuff and uh, (moves towards the slide) I live right here, there's my drive, and the farm goes back here, someday I hope to build a house back here, it's my dream I've lived here for 16 years ever since I was a little boy I always wanted a nice place out in the country, it's quiet. I had first energy out we talked about having power run from here to back here and having the house here, that's probably in a couple months though. My property is 400 feet wide, if I put it in the middle, I'm not a very far distance from over here. Now I have spoken with him, I told him my thoughts, I told him that having a dog park next to me is my worst nightmare, I retire in about 5 years, I will build the house of my dreams with my children. So far he's been a great neighbor, the dogs that he does have I don't mind at all, unfortunately his dream and my dream are two different dreams. I don't want 75-100 dogs here barking. I am a narcoleptic I am not sure if any of you are familiar with narcolepsy, I have really, really disturbed sleeping habits, I sleep when I can, very light sleeper, dark barking is not something that we are all adjusted to, maybe a lawn mower or some cows or planes you get by that. This house (pointing on screen) is a rental, the people that owned this house, sold this house, so therefore he's obviously got not problems from this house, cause they're not going to do that. I don't know how you are going to stop the sounds of all these dogs that are outside. I've asked, now I understand inside is going to have insulation, but out in the doggy park area, I am sure if it just 3 or 4, but im sure it's 24/7, asked Arya

365. Arya: 7 to 7 are the business hours

366. Ben: yes but 7 days a weeks

367. Arya: yeah

368. Ben: okay, as far as I know there isn't any gutters on any of these buildings, these big buildings, so if he does add gutters which I assume he would, where is all this water going to run, if he widens the road for extra parking, he's going to need catch basins and where's all that excess water going to run? The

lay of the land, grade wise runs off the back like this. The old neighbor dug a swell ditch here, but I didn't say nothing, I tried to be nice and get along, this dirty water discharge that comes out of the back of his building, there's some pipes running behind his house, comes out in this ditch and runs across my property and then back in the creek that feeds West Branch state park, it's just a short distance, I was in the Ohio Forestry program I'm in CAUV now, I just had my forest re-managed couple of weeks ago, I had a Forester come out because I had to renew, my crop is timber, we try to utilize the land as much as we can. All the runoff from this property goes across my property. So, when you have 75-100 dogs pooping, crapping and peeing and it rains, it's going to come across, I was just wondering where is that going to go, as long as it doesn't come across my property and all the extra downspouts arose enough water, cause it goes across my property into this little farmers property over here and as I said it goes into a creek that feeds a park. I just want to know, is there going to be a gate here, is the whole property going to be fenced into the dog park fence, are you going to drive through a gate and let your dog out or you going to park and walk your dog or does the dog get loose somewhere I don't know. You know, little kids, I like dogs too I like all animals, maybe not him, but if somebody comes there and let a dog out and it was a bad one, just one, one's too many and it ran across the yard and got to my little kid before I did, I have 17 acres, I can't be everywhere at once and if something happened, God help whoever let that happen, one time is too many. I talked to the dog warden, he said if the dog comes on your property, one time is too many. I get along with him, and I really do, but I feel bad we have two separate dreams and I have been here for 16 years, it's a beautiful forest, I love the nature, including my girlfriend and my kids, we go for walks and rides all the time, it's beautiful and quiet. The whole neighborhood is quiet, I feel bad that he bought it unseen and didn't check it out or didn't talk to anybody and get any ideas, it's unfortunate, there are certain people that want their money that wanted to sell it, they told him things probably, maybe I don't know, but nobody around there wants a dog park or a dog pound or that many dogs there, and I don't think any of you would either, you may not tell me that, but I don't think you would. And if I were to sell the house, "oh what's next door" "oh a dog pound" I don't think they are going to want that, I know I wouldn't buy a place with that already there, and again I am sorry Arya, it's just That's my dream and you got yours, I apologize you are a great guy, I feel bad, I told Elizabeth a million times I feel bad, but I gotta tell you, that's just what I'm afraid of it, I don't want that, I don't want to listen to dogs, I just don't, cows and horses, even goats and chickens and rabbits, get all you want. I don't want dogs barking, I don't want them getting loose, and you have been good with yours I will tell you that, I will admit we have had zero problems for the dogs you have got. But this is my dream, for what's it worth that my dream, that's the only dream, I have had to work hard, I am a single father I have worked two jobs, that's all I got. That's it, that's all I got to say.

369. Gary: Thank you, all the board thanks him

370. Gary: anyone else? Well, you are not going to like what I have to say, it's late, we have crucified our client and we have not given him the opportunity to speak. I have spent many hours in the last month, I can't tell you how many, probably ask my wife she will tell you, every day um reading the business plan, I don't know how many times I have worn out Melissa's minutes going through every sentence that Arya gave. I think that the gentleman has dotted all the "I's" and crossed all the "T's" the one thing that he didn't do and I don't believe that he can do, and I don't believe that there is anyone in this room that can do it and that's to take care of the "what if's". Forget the dog kennel, what if he wanted to put up a nuclear reactor, on that property? There are all kinds of laws and rules, stipulations and inspections and on and on and on and on and on, but it does not mean that something can't happen, it could have a leak, and it could blow up for God's sakes. My point is, that we are going to give this gentleman an opportunity to defend all these questions in another meeting, we're going to table this thing again. We cannot base out decision on what if's and it is, he's an American citizen also, we can't deny him to open up a business, that's a freedom that we all have and if the next meeting that we have, we are going to take a vote, we are going to put a motion on the floor and vote on it, but let me make you understand something, after we make that decision there is a 30 day appeal process, you know what that is, so within that thirty days any neighbor can appeal our decision when we deny it or grant it, in that 30 days,

if we deny it, he has 30 days to appeal it. Now what happens, it goes to court, we are done with it, we have done our job but I am going to tell you what, you can verify this, it's not going to be cheap so be prepared with your billfold on whatever direction it comes about here, that's you have that to face. I think Brett, myself we have minutes, there will be another section of minutes that Melissa and I would request that you get it to us as soon as we can, because that will be our study material for the next meeting, and if you get a copy of it, if Brett and Melissa feels as though they can give it to you, they still haven't been approved, they're rough cut. We haven't approved our meeting for the last couple of meetings because there's not been any time, but you will see in those minutes and in the business plan, where Arya has covered I think all the bases and what he intends to do and by the phone the phone and the wooden buildings and the screening and all of that has been covered, can it be destroyed, absolutely, absolutely, but he's had professional guidance on these things. He didn't make these things up. So I will move and the board has to approve, I recommend that you approve it that we table this until our next meeting and continue on. The first order of business will be to, Arya take everything that's been said and address, the only thing that I would address and maybe I was a miss in addressing it with the 7 stipulation's, I did not request and I probably should have, is to have a professional engineered sit plan, I did not request that of you, I didn't think about that, I am sorry for that, but I think that is needs, that will give everybody a feel for the landscape and where the drainage

is going to go and I will entertain a motion. We table this until our next meeting which will be the, help me Melissa, (MM: October 12th). Gary: October 12th

371.Remy: I so move

372.Gary: second please?

373.Claire: second

374.Gary: Melissa take the vote

375.MM: Remy; yes Claire: yes, JoAnn: yes, Gary: yes

376.Gary: okay you folks can leave we have a few orders of business that we need to take care of

377.Tim: can we just say one thing, put this to the first part of the meeting instead of the last part of the meeting please so we don't all have to wait

378.Gary: depends upon, it depends on the docket, we knew this was going to be long so we tied up the least amount of people

379.Remy: we were not expecting that 3rd proposal to be so long we thought it would be more straight forward

380.A LOT of talking amongst audience (inaudible 46:31)

381.Claire: Melissa you said 10-12?

382.MM: Yes

383.Remy: talking with Arya about points needed

384.Claire: well hold on a second, I think Remy was just saying to you you heard the conversation here tonight, wait wait wait (Arya trying to speak to board) you need to come back with the engineered site plan and

385.Remy: if you have something from the EPA bring that too

386.Claire: right and take note of what comments and questions they had tonight, and comments and concerns and try to address those very specifically

387.Gary: the minutes that Melissa is going to issue us for our reference and our study have not, we have not approved them and they won't be approved by the next meeting, it's just our, whatever is recorded, he can have a copy of those, is that correct or not

388.MM: they are not public record, until they are completely voted in and approved by the board themselves, they are not public record

389.Gary: okay it's impossible to memorize and remember everything that was presented today by the attorney and these people

390.Arya speaking, not close enough to the mic to understand or hear him

391.Gary: Time out

392.Brett: that would be the responsibility of the applicant to take notes, just as well as we do but I know I wrote down 8 or 9 things that they were hammering so,

393.Claire: so he can talk with you to get those

394.Brett: most of what these 8 or 9 points are, first off should we be talking on or off the record what are we doing here

395.Gary: no we should record this

396.Brett: okay

397.MM: if I could just make a suggestion why don't you just finish your meeting, as far as you wanted to table your minutes

398.Gary: and just have an open forum

399.MM: and all that good stuff

400.Remy: so I move that we table the journalizing of minutes from prior meetings, yeah let's move all those several minutes to the next meeting

401.Gary: I second that

402.Remy: secretary please call the vote

403.MM: Remy; yes, JoAnn; yes, Claire; yes and Gary; yes

404.Gary: and one more motion and I'll make that before we close and I can't find it. I move that we journalize the results of BZA 2022-010, 011, and 012, Remy: I second the motion
405.MM: you are moving to journalize that next meeting we are journalize those results 010, 011, 012.
JoAnn; yes, Claire; yes, Remy; yes, Gary; yes
406.Gary: and do I hear a motion to adjourn, JoAnn: so moved, Remy: anyone opposed, so moved
407.mm: can I have a roll call for the vote, Claire; yes, Remy; yes JoAnn; yes, Gary; yes
408.MM: okay the meeting was adjourned at 11:04PM