

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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BZA #2022-014

November 9,2022 at 7:00PM

Present: Jeff Gaynor, Gary Long, Remy Arness, Claire Moore, JoAnn McEwen, Zoning Inspector Brett Psenicka, Admin Assistant Melissa Murphy, Township Legal Counsel, Brett Bencze

Jeff Gaynor: Good evening I would like to call to order this meeting of Ravenna Township Board of Zoning Appeals, what is todays date

Gary: 9th

Jeff: 9th Thank you, November 9th meeting, would the secretary call the roll please

Melissa: Jeff Gaynor, here; Gary Long, here; Remy Arness, here; JoAnn McEwen, here; Claire Moore, here; Brett Psenicka, here; and to add to your agenda we have the Township Attorney Prosecutors office, Brett Bencze here

Jeff: Okay, thank you. The main order of business tonight is to consider an appeal of the Zoning Inspectors determination of agricultural exemption for a property located at 7686 Peck Road, Ravenna, Applicants for the original one, wanted a conditional use permit

Brett: are you thinking of the applicant, the property owner, I don't understand

Jeff: well, let me just continue with what's written here, the appellants are Allan & Marie Springer of 77 Cooley Road, Ravenna for Township Resolution Section 402-05. The decision of the Board of Zoning Appeals shall be announced in a public hearing and shall be binding on the Zoning Inspector. Any final decision of the Board of Zoning Appeals may be appealed to the Common Pleas Court, Portage County, pursuant to the Ohio Revised Code, chapter 2506. I have missed a couple meetings due to illness; I have a basic idea of what's going on, but I do not know the process by which this property was declared agricultural instead of residential low, no it was residential commercial. So how was the decision to change the property made and who was involve with that decision.

Brett: Mr. Gaynor, this address was in a residential low-density district, the Zoning District isn't changing. The use of the land was first offered in this proposal as a conditional use with variances, it was then changed to an agricultural exemption, but the zoning of the are hasn't changed

Jeff: who made the change to agricultural

Brett: okay I know the board has already received much of this material I think Springers have, Mr. Springer?

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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48 Allan Springer: yes sir, what was your question though I didn't understand it
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50 Brett: had you received responses in the public records request?
51
52 Allan: Mr. Raley (SP) asked for public records request and has not received that
53 information as of date I asked him right before this meeting started
54
55 Brett: Okay
56
57 Allan: I did receive your rebuttal to our appeal in the mail
58
59 Brett: okay
60
61 Allan: I did receive that
62
63 Brett: okay
64
65 Jeff: Anybody who that is going to make comments before the board this evening it will
66 be recorded in the record, needs to be sworn in so. Do you swear that the comments
67 you are going to make before the board this evening are the truth?
68
69 Brett: yes
70
71 Jeff: thank you, Sir? Do you swear that the comments you are about to make before the
72 board this evening are the truth?
73
74 Allan: yes sir
75
76 Jeff: thank you, we will get your name and address for the record later. The first person
77 speaking here is our Township Zoning Inspector, so I don't think I have an answer yet
78 for my question, who made the decision to change this to agricultural
79
80 Brett: the decision came about, all at the end of September. Ultimately the decision to
81 withdrawal the conditional use and variances, fell upon the applicant. The gentleman
82 withdrew his application for conditional use and submitted instead, an agricultural
83 exemption request. In withdrawing the conditional use on September 28th, Mr.
84 Aryasomayajula endorsed this document, (reading from said document), "I wish to
85 withdraw my earlier application with Ravenna Township Board of Zoning Appeals for a
86 kennel, boarding breeding care facility at 7686 Peck Road, Mantua, correction Ravenna
87 Township Portage County Ohio. Instead, I wish to pursue this project under Ohio's
88 Agricultural Exemption statues, I hereby plan to submit such application by 12 noon,
89 Friday September 30· 2022. Releasing hold and harmless, I have made this decision on
90 my own free will and with full understanding, signed on the 28th of September. Short
91 answer to your question, the applicant.
92

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

93

94 Jeff: Thank you. Any other Board Members have questions or comments

95

96 Claire: I do

97

98 Jeff: okay

99

100 Claire: This goes to our Zoning Inspector, Brett. When the agricultural status came to
101 be, whenever the applicant decided to go that route, did you seek advice from our
102 Township Prosecutor?

103

104 Brett: yes, at about that same time

105

106 Claire: and can you tell us a little bit about that discussion, for the record.

107

108 Brett: yes, and if it's okay I'll just highlight some of my notes. As stated earlier when the
109 case was first presented in August and September for a second reading it was tabled
110 both times. The next Monday and Tuesday morning, September 19th and 20th in routine
111 filing I discovered legal briefs referring to kennels as exempt, I spoke to both Trustees,
112 Coia and DiPaola in person, separately and privately in my office over the next day or
113 two. On Wednesday September 21st I emailed Brett Bencze, the Township Counsel,
114 who was on paternity leave, was referred to Chris Meduri of the Prosecutors office.
115 Meduri and I spoke by phone the next day and emailed over the weekend. That next
116 day September 22nd was a Thursday. I explained to Prosecutor Meduri how I accepted
117 and processed the application under the resolution section 20, correction, 61. Dog
118 kennels is a conditional use and my discovery days ago of Supreme Court decisions
119 regarding this issue. Meduri and I discussed potentially unnecessary, arbitrary
120 procedures of the BZA when possibly the kennel proposed may be excluded under the
121 agricultural exemption rule. Meduri advised me that my line of thinking on this is very
122 important that if in fact 61 section regulating dog kennels was in violation (inaudible)
123 liability. Prosecutor Meduri stated he believed I was acting in good faith, was aware of
124 two cases, Rootstown and Brimfield experiences with kennels in an agricultural
125 exemption. I notified the Trustees of the situation via emails on the 22nd of September.
126 Also, Meduri suggested a meeting with some members of the BZA to explain a change
127 of course.

128

129 Jeff: What do we have in our book of Zoning Regulations governing a dog kennel

130

131 Brett: as a conditional use, Chapter 7, I don't have it memorized, section 61, there are
132 approximately 14 stipulations

133

134 Jeff: and basically, what do those stipulations state about a dog kennel

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Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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140 Brett: they address, setbacks, road frontage requirements, they address distance from
141 the primary residence to the outbuildings, they address screening, buffering, not in that
142 particular section but in other sections of code

143

144 Jeff: there was something way back in the minutes, of which I read about 100 pages of
145 them this week, seems like, that said you could have the dog kennel, but you are not
146 allowed to train dogs, anybody else remember that? I think the lawyer that was
147 representing the neighbors that brought that up and the applicant at that time said he's
148 not training dogs he's just adapting their behavior, which sounds specifically like training
149 to me but that was a couple months ago I think in the minutes. So does anybody else on
150 the Board have a question or comment

151

152 Remy: well currently we are not reviewing that conditional use because that has been
153 withdrawn, we are focusing just on the decision by the Zoning Inspector to approve the
154 agricultural exemption for the same property

155

156 Jeff: and that restriction on conditional use wouldn't apply to agricultural then

157

158 Remy: no, I believe state regulations would, according to the notes I read

159

160 Jeff: thank you

161

162 Claire: I would like to hear from our Prosecutor on this, and was Brett within his rights to
163 grant this agricultural use

164

165 Jeff: (raising his right hand), if you would sir, do you swear that the statements that you
166 are about to make before the board this evening are the truth

167

168 Bencze: yes

169

170 Jeff: Thank you, please continue

171

172 Checking microphones

173

174 Bencze: Yes so, I can speak to the law surrounding agricultural exemptions and dog
175 kennels if that will be helpful for the Board?

176

177 Claire: yes please

178

179 Bencze: so, two of the cases that Brett had mentioned earlier where Rootstown
180 Township v. Harris, which was a case that went to the Supreme Court and as well as
181 Brimfield Township v. Bush, which was assigned to the 11th district in the Supreme
182 Court denied hearing that because they didn't feel it was of great importance. Both of
183 the cases established that the breeding, raising and caring for dogs constitute animal
184 husbandry, so as used in 519.01 which is where the Zoning power of the Township is

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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186 established, so based upon the language of 519.21 which states that any properties that
187 are greater than 5 acres, if having an agricultural use or an agricultural building are
188 exempt from the zoning regulations including the use of animal husbandry. Now

189
190
191 specifically, *Brimfield v. Bush* established that you wouldn't necessarily need to have
192 breeding raising and care of dogs in order to qualify for that animal husbandry
193 qualification, but that the keeping of horses is considered enough, so the keeping of
194 dogs could also be considered enough and this is supported by O.R.C. Section 955.03,
195 which states that dogs are considered to be personal property and afford all rights
196 privileges, and restraints as other livestock. So that is the currently established law
197 regarding whether or not dog kennels are considered agricultural.

198
199 Claire: so, in your opinion, our Zoning Inspector Brett is following the law in granting this
200 agricultural use

201
202 Bencze: that is what I had told him, yes

203
204 Claire: Thank you

205
206 Jeff: anyone else? Any members of the public that wish to speak? Please come
207 forward, you need to sit in that chair so that you can be picked up on the microphone
208 and recorded on the tape. State your name and address please

209
210 Audience Member: Allan Springer, 7712 Cooley Road

211
212 Jeff: and you swear that the statements that you are about to make before this board
213 are the truth?

214
215 Allan: yes, sir

216
217 Jeff: thank you, um you are on the next road over from Peck Road

218
219 Allan: this gentleman's property line, opposite of the road is shared with my property,
220 yes, I'm directly to the East of this subject property

221
222 Jeff: okay and your concerns?

223
224 Allan: aside from the concerns that are already on record and what's been filed in the
225 appeal, I'd like to understand the Board's stance on the applicability of those Ohio
226 Revised Code sections when the case law does not demonstrate at least to a business
227 plan that's been presented in front of the Board, I am not aware of one that has been,
228 I'm not aware of that case law being established for all aspects of this gentleman's
229 business. I recall, and I may be mistaken, I recall in a meeting, just the discussions
230 about the conditional use, that he planned on having boarding, breeding, training, um a

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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gift shop. I guess it was never really made clear exactly what his business plan was so, I am not sure how that decision is being came to at this time.

Jeff: but you are opposed to the presence of the dog kennel

Allan: absolutely sir, so we have a petition that we had signed that we presented to the Board in previous meetings, that has the signature of over 20 residents that are all opposed to this being in their neighborhood, yes

Jeff: what are the specific reasons that you are opposed

Allan: I want to be afforded the peaceful enjoyment of my property without the threats of security of having 80 dogs is not the same as having 2 dogs that your neighbor might personally own or 8 for that matter. I think that's excessive, the noise, the smell, the light pollution, anything that may come from having from what the board has mentioned or referred to as a commercial endeavor, having that next to residential properties is not something that I would want next to my house, and I don't

Jeff: what would you consider the distance between your house and the proposed kennel

Allan: it's approximately, so, it depends on what portion of his business, and again there isn't a detailed business plan, that was at the tail end of the last meeting in the Board of Zoning Appeals for the conditional use before it was withdrawn it was asked that the gentleman provide a detailed business plan, that was never shared but if I were to estimate where that business would be, it would probably be, it would be about 500ft from my residence

Claire: just to keep us on track here and I think I am correct in saying, since this is falling under the agricultural use, he does not have to present a business plan, is that correct?

Bencze: that would be correct

Claire: so, at this point that is a moot point. We are here to discuss whether our Zoning Inspector made the proper call

Allan: so, I understand that, but if he's not presenting the details of his business to the extent that you can determine whether it's agriculture, I am not sure how you come to that decision

Brett: I know that the applicant provided a very detailed business plan, I believe one of the Board members commenting he was impressed by the depth and breadth of the

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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business plan, I don't know if that was shared with the appellant, but it was provided earlier

Allan: that was prior to the board asking for an engineering plan

Brett: okay

Remy: I believe now that since he is going under the agricultural exemption, he has to meet the State regulations, I believe that is true now since he is going agricultural with animal husbandry now, he falls under the state regulation instead of our Zoning regulation

Bencze: So, I guess I could speak from my office perspective, he would have to follow any State regulations and if there is anything on the property that was not agricultural and claimed was, that is something that could be pursued by the Township as a Zoning violation which then could be pursued by our office.

Brett: if I could just add to that, I would direct attention to the Ohio's Administrative Code title 9 effective in 2021. Where the director of agriculture is ordered to adopt rules and establish requirements governing the high-volume dog breeders, dog brokers, animal rescues, licensing, record keeping, regulation requirements and procedures, governing pet stores and a slew of other responsibilities specifically enforcement and inspections fall under the purview of the director of agriculture. This information is provided by the Ohio legislative service committee, designated by Ohio Law is the code definer of the code and states administrative rules. There are approximately 55 regulations in chapter 955 and approximately 23 others in chapter 956 all under the jurisdiction of the Director of Agriculture.

Remy: so, it sounds like for him to move forward he has to meet the strict state guidelines, I guess in order to maintain his agricultural exemption. He has to meet all those requirements; he's going to have inspections. So, I believe that can be much more thorough than what we would do at our level as a conditional use, am I interpreting that correct Prosecutor?

Bencze: I know there is a licensing procedure, I know there are inspections, I don't know the breadth of that

Brett: I could provide chapters 955 and 956 for review. They include everything from high volume breeding licenses, purchases from out of state dog breeders, regulating a dog retailer license, transfer dogs to pet stores, application fees, 956.08 is compliance with established standards, 09 relates to enforcement, 10 inspections, seizure of animals, civil penalties, injunctions, the registration of dogs, guide dogs, leader dogs, hearings, court dogs, law enforcement dogs, registration of dogs and kennels via the internet, the definition of a dog kennel, also affirming that dogs are personal property.

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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955.04 addresses kennel registration, kennels registered during the year, a registration tag, fee, period of validity that tags can be worn, dog wardens. I can go on to another 20. A dog kennel fund, sterilization chemical capture, impounding dogs, unlawful tags, rabies quarantine guidelines, duty of a kennel owner after a dog bites a person, forfeiture of dogs, prohibitions against violating that rabies quarantine

Claire: I think we get the point

Remy: yes, thank you

Jeff: we are okay there.

Brett: thank you

Jeff: we don't need the whole O.R.C.

Brett: it's available

Claire: Melissa or Brett, would it be possible if we could take a recess for a moment

Brett: you are the Board of course you can

Jeff: okay I call a brief recess for the board

Brett: do we have to have motion for that

Melissa: actually, the Board is able to meet to go over, and to discuss, I can't say that word, I'm sorry

Remy: deliberate

Melissa: thank you, they can deliberate at this time, if the Board chooses to do that, everyone will need to leave the building other than the 5 Board members, if that is what you choose to do you can do that

Jeff: that's what we want right now, yes please

Remy: we are asking everyone to step out (recording shut off for deliberation of the Board)

Remy: Reconvening at 7:37PM, quorum is present, and the audience members have returned.

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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Jeff: and the chair would like to remind folks that he's been a little lax in the reason why we are here this evening is to decide whether or not Brett's decision to convert this property to agriculture use is legal and proper. So, any other comments from the Board, from our legal representative?

Bencze: I don't have anything else

Jeff: Brett? Our Zoning Inspector?

Brett: no sir, thank you

Remy: and anything from our Trustee?

Jim DiPaola: No, thanks for asking.

Jeff: from the rest of the audience, come forward and speak here, we are limiting our audience replies to 2 to 3 minutes each please

Remy: and remember the focus here is on the Zoning Inspector's decision to grant the agricultural exemption for the property, not for anything that was brought up during the conditional use or anything that might apply for the specifics for the agricultural exemption which falls under the State's purview go ahead, identify yourself again.

Allan: Allan Springer 7712 Cooley Road

Jeff: please recall that you are under oath this evening

Allan: yes sir. I would like to ask the Board what section, in the revised, or in the Ravenna Township Zoning Resolution that affords Brett to make the decision that he did. Agriculture is defined separately from boarding and breeding in the resolution. So, the resolution has deciding that agriculture and boarding and breeding are not the same thing. So, I ask again what passage in the resolution gives him the authority to make this judgement

Remy: does our prosecutor have an answer to that?

Bencze: I guess that I would say that the statutory definitions for agricultural exemptions would still apply even if not directly reflecting the resolution, so under the statutory definition as it relates to zoning, animal husbandry is listed as one of those uses. So, if that was such a use, it would still be exempt from Zoning.

Remy: I think the question was, where is it written or noted that the Zoning Inspector has the authority to grant an agricultural exemption to a property in the township

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

415

416 Brett: well in my response, Mrs. Springer first alleges that resolution and I am quoting
417 "defines dog kennels and boarding under section 7 as a conditional use not agricultural
418 is defined separately the Zoning Inspector must stay within his responsibilities in section
419 4 which does not involve interpreting case law." I would direct the reader to zoning
420 resolution section 301.01 responsibilities of the Zoning Inspector who shall imply and
421 enforce provisions to this resolution responding to questions concerning applications
422 and act on those applications. A job description for the position title Ravenna Township
423 Zoning Department, Zoning Inspector, as produced by Township Administrators lists
424 these qualifications, he or she is the most immediate contact for the general public and
425 for this reason the inspector should have an understanding of the State Laws dealing
426 with Township zoning, the Township resolutions and the general principles which
427 govern Zoning and Planning, and establish reasonable lines of communications,
428 specifications include, must be able to read and understand the Zoning Resolution and
429 apply both the letter and spirit of both the Zoning Resolution to the applicant's request.
430 Able to communicate effectively both oral and in writing and use sound judgement in
431 applying the Zoning Resolution. I as the Zoning Inspector am required to keep abreast
432 of ever-changing laws regarding zoning, including Rootstown and Brimfield's
433 experiences. Inspectors often attend legal and planning seminars for this purpose as
434 well as regional planning work sessions. Zoning Inspector was asked in a Trustee
435 meeting on October 4, by an audience member how he could justify a dog kennel as
436 agricultural, the Zoning Inspector read aloud the Harris v. Rootstown Township Board of
437 Appeals, in which the supreme court of Ohio held that breeding, raising, caring of dogs
438 constitutes animal husbandry, as that term is used in revised code 519.01

439

440 Jeff: okay, we are okay there, we have been through most of that before, the animal
441 husbandry

442

443 Brett: well, I was just addressing the primary complaint in the appeal, asking how and
444 on what foundation I granted that decision

445

446 Jeff: yes, we understand that

447

448 Brett: Okay

449

450 Jeff: does that answer your question?

451

452 Allan: well, if this satisfies the board, that's my

453

454 Remy: well, let me ask the Prosecutor then, Does Brett have the authority to grant an
455 agricultural exemption to a property in Ravenna Township

456

457 Bencze: I guess I am not as intimately aware of the Zoning Resolution as the members
458 of the Board and the Zoning Inspector but typically Zoning Inspectors have the authority

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Ravenna Township Board of Zoning Appeals

461 Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen
462 to grant permits and agricultural permits would fall into that or agricultural exemption
463 permits

464 Remy: so, it falls within the scope off his position at the Township

465
466 Allan: okay

467
468 Jeff: anything else?

469
470 Allan: that's all I had thank you

471
472 Jeff: Anyone else? Come forward please, do you swear that the statements you are
473 about to make before this Board are the truth?

474
475 Audience member: yes, I do

476
477 Jeff: name and address please

478
479 Audience member: Alice Lemley, 7743 Cooley Road. I live pretty close to the Springers,
480 and I would just like to make the committee aware as an eyewitness, I got on google
481 maps and I saw that I am approximately 1800 feet from the back of their property where
482 the barn is, Mr. Naga's barn and already, it's not every night, but certain nights I am
483 already hearing excessive barking, and I also wanted you to be aware that one of our
484 neighbors, Ben Hampton, he lives next to their property on one occasion a dog got
485 loose and it chased after him I believe he was on a

486
487 Jeff: hey, I gotta stop you, are there dogs being maintained on this property in question
488 already

489
490 Alice: Yes

491
492 Jeff: okay that is something that has to go to

493
494 Remy: he has personal dogs on the property, I don't know if he has

495
496 Jeff: Police if you have problem with that

497
498 Remy: or dog warden, there are official channels

499
500 Jeff: Ownership of a dog or a few dogs is not the responsibility of this Board

501
502 Alice: I believe they were looking at his social media and he had already started his
503 business; he was already taking in animals

504
505 Jeff: Brett, would you say the property is already in use as a kennel

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Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

507 Brett: that was brought up at the last Board meeting, I think Mr. Hampton was here as
508 well and we discussed social media we discussed a work around for advertising,
509 posting, likes and customers that may or may not exist

510

511 Jeff: okay

512

513 Brett: at that time, I asked the audience if anyone had any knowledge of the applicant
514 taking animals for boarding other than the one occasion, whereby two dogs were
515 dropped off 3 months ago and no one in the audience responded

516

517 Jeff: we are once again stepping outside the boundaries of what this meeting is here to
518 decide, whether or not the Zoning Inspector acted properly converting this property to
519 agricultural use. Any other questions?

520

521 Alice: I just wanted to, on record the incident that had already occurred, because Ben
522 Hampton, he's trying to get along with his neighbor, we told him to file a police report
523 and he didn't want to. But in case there ever was a dog attack, I just wanted, you were
524 made aware of that

525

526 Jeff: okay

527

528 Alice: and personally, as a neighbor I do worry about my safety I carry a dog horn now
529 whenever I am walking around, just in case I see a dog loose I'll blast the horn at it

530

531 Jeff: we are not the people of whom you need that to be on record, that needs to be
532 logged elsewhere if you are concerned about that

533

534 Alice: okay

535

536 Jeff: anything else, that's all we can do right now, anyone else wish to speak?

537

538 Audience Member: speak or questions, I have confusion

539

540 Jeff: do you swear that the statements you are about to make before the board this
541 evening are the truth

542

543 Audience member: yes

544

545 Jeff: name and address please

546

547 Allen B: My name is Allen Bechtal, 7760 Peck Road, Ravenna. Well at the beginning of
548 this meeting you asked what our property is zoned at, as, I believe as I am told
549 yesterday, it's zoned residential and farm. Light residential and farm. Now you are
550 putting in, or giving a variance to, for a business

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Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

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Claire: we are not giving a variance

Allen B: well, you authorized

Jeff: that is not the subject of the meeting this evening

Allen B: I'm confused

Jeff: we do not have a residential farm division, we have a residential high, medium, low and commercial. That is not the focus of the meeting

Allen B: today, oh okay I am here trying to understand this too, my property runs right alongside of his, his driveway runs right alongside of mine, I have dreams of them putting a Giant Eagle back there and have traffic run up and down the side of my house. My property, from past experience, they let him get away with letting him build his buildings within 5 feet of my property, his house, I have a corner stake, within 25 feet you would be in his garage, I don't know how you work that out, and then open up a business there, a commercial business.

Jeff: that is not the focus of this meeting this evening, bear in mind that hog farming is an agricultural use also

Allen B: yes, I am just trying to, I am asking you to explain to me what the difference is

Jeff: anybody else?

Allen B: what can I do as a resident that has been there for 70 years, paid my taxes for a nice quiet piece of property, now all of a sudden somebody says, oh they can do anything they want now just as long as it's agricultural

Claire: The Board did not make this decision, the Board, we are here tonight to determine whether the Ravenna Township Zoning Inspector was within his rights as the Zoning Inspector and if he followed the Law in good faith giving the agricultural designation for this kennel

Allen B: Good faith for whom, I mean the area? The community? Everything I read is the harmony of the area, to prosper, the community

Claire: so, we are only here to say, yes, he followed the Law or no he did not

Jeff: if you have other questions about building that is close to your property line etc., I would suggest that you come in and make an appointment with Brett the Zoning Inspector and speak to him privately about that

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

599 Allen B: okay I am just trying to get along with everybody

600

601 Jeff: go over the sizes and dimensions and so forth, he will be able to help you out with
602 your concerns there. Any other questions?

603

604 Allen B: Thank you

605

606 Jeff: The Chair will entertain a motion pertaining to this evening's proposal

607

608 Remy: So, I move that we, trying to think how to word this, that we agree with I guess,
609 the Zoning Inspectors decision to grant the agricultural exemption, for the property at
610 7686 Peck Road, as it follows case law, it falls within the scope and that he acted in
611 good faith by allowing that agricultural exemption and for the purpose that the applicant
612 had proposed animal husbandry which falls underneath the agricultural exemption

613

614 Jeff: do we have a second

615

616 Gary: I'll second that

617

618 Jeff: secretary call the vote please

619

620 MM: Remy Arness; yes, Jeff Gaynor; yes, Gary Long; yes, JoAnn; yes, Claire Moore;
621 yes

622

623 Jeff: okay we have carried the motion that indicates we believe you acted properly in the
624 conversion of this property to agricultural use, that subject is finished for this evening.
625 Do we have anything else?

626

627 MM: Yes, if you look at your agenda, we do have some old business

628

629 Remy: I just, I do want to remind everyone that our decision can be appealed you know
630 to the Common Pleas Court of Portage County, pursuant to the Ohio Code chapter
631 2506, so you can appeal our decision, and just like you can appeal any other decision
632 we make before the Board, questions?

633

634 Allan S: I had a question about the appeal process, what time frame do we have

635

636 Jim: 30 days

637

638 Remy: I believe it's 30 days

639

640 Jim: 30 days from today's date

641

642 Allan S: with the pending appeals, the applicant, the subject property allowed to
643 continue business

644

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

645

646 Remy: he can, but then again, I believe he would be subject to the result of the appeal,
647 so if he engaged in activities and then it was found in violation of those, he would have
648 to stop. But I can't speak as to law on that. You would have to follow up with an
649 attorney. So, I believe, we have our prosecutor here, so if he engaged in activities
650 during the appeal process.

651

652 Bencze: ultimately that would be something left up to the court. I would suggest if
653 anyone if anyone is wishing to appeal the decision, they consult a private attorney to
654 better walk you through the process. The time frame is 30 days, we have entertained, at
655 least our office has, counting that 30 days from the day the minutes are approved so
656 that gives you a bit longer

657

658 Jeff: okay the Board has a couple of things to consider at this point. We need a motion
659 to, pertaining to the minutes of the October 12, 2022, meeting with corrections. Yes or
660 no motion please

661

662 Claire: can you say that again, I am sorry I did not hear a word you said, I apologize

663

664 Jeff: no, it could well be my fault, we need a motion pertaining to the October 12, 2022,
665 minutes as presented to us with corrections, I'm sorry it says corrections to include, I
666 was not here so

667

668 Remy: yes, so what has changed I think in the time you were out is that we are using
669 email back and forth and emailing corrections. So, for example, I reviewed the minutes
670 again and I sent the revised copy to Melissa, and so she has already printed out the
671 minutes for today. The only changes that I proposed were some style changes and just
672 adjusting some wording and adding an apostrophe, so those are not official yet. Melissa
673 has those, no content was changed.

674

675 Jeff: some corrections have been presented to the Township Secretary, but no actual
676 content of the minutes has changed

677

678 MM: Correct

679

680 Claire: so, I move that we accept the minutes from October 12, 2022, with the subject of
681 corrections

682

683 JoAnn: I second it

684

685 Jeff: Secretary call the vote please

686

687 MM: Jeff Gaynor: abstain, Gary Long: I was absent that day, so I will abstain, JoAnn
688 McEwen: yes, Claire: yes, Remy Arness: yes, Claire Moore: yes

689

690

Ravenna Township Board of Zoning Appeals

Jeff Gaynor, Chairman; Gary Long; Remy Arness; Claire Moore, JoAnn McEwen

691
692 Jeff: okay the motion has been accepted with the corrections as stated. We need to
693 journalize
694
695 Remy: BZA 2022-014
696
697 MM: yes
698
699 Jeff: BZA 2022-014, I need a motion pertaining to the BZA 2022-014 decision from the
700 October 12 meeting, need a motion to journalize that
701
702 Remy: you mean the November 9th meeting, to journalize our decision? I so move
703
704 Jeff: and a second please
705
706 Claire: I second it
707
708 Jeff: secretary call the vote please
709
710 MM: JoAnn McEwen: yes, Claire Moore: yes, Remy Arness: yes, Gary Long: yes, Jeff
711 Gaynor: abstain
712
713 Jeff: anything else, Chair will entertain a motion to quit
714
715 Remy: to adjourn
716
717 Jeff: do we have a motion to adjourn
718
719 JoAnn: I move that we adjourn
720
721 Jeff: any opposed? We stand adjourned
722
723 Remy: So, Jeff we actually have to vote on the adjournment, so Gail, yes, they wanted it
724 more official. So, I will second it
725
726 MM: thank you
727
728 Remy: and then secretary if you will call the role, please
729
730 MM: Gary: yes, JoAnn: yes, Claire: yes, Jeff: yes, Remy: yes, stand adjourned