

# 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: 9<sup>th</sup>

Jeff: 9<sup>th</sup> Thank you, November 9<sup>th</sup> 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?

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48 Allan Springer: yes sir, what was your question though I didn't understand it  
49  
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 28<sup>th</sup>, 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 28<sup>th</sup> of September. Short  
91 answer to your question, the applicant.  
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Jeff: Thank you. Any other Board Members have questions or comments

Claire: I do

Jeff: okay

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

Brett: yes, at about that same time

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

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

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

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

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

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

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

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

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

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

Jeff: thank you

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

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

Bencze: yes

Jeff: Thank you, please continue

Checking microphones

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

Claire: yes please

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

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185  
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

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

234

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

236

237

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

241

242 Jeff: what are the specific reasons that you are opposed

243

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

250

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

253

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

260

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

264

265 Bencze: that would be correct

266

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

269

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

273

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

276

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277  
278 business plan, I don't know if that was shared with the appellant, but it was provided  
279 earlier

280  
281 Allan: that was prior to the board asking for an engineering plan

282  
283 Brett: okay

284  
285 Remy: I believe now that since he is going under the agricultural exemption, he has to  
286 meet the State regulations, I believe that is true now since he is going agricultural with  
287 animal husbandry now, he falls under the state regulation instead of our Zoning  
288 regulation

289  
290 Bencze: So, I guess I could speak from my office perspective, he would have to follow  
291 any State regulations and if there is anything on the property that was not agricultural  
292 and claimed was, that is something that could be pursued by the Township as a Zoning  
293 violation which then could be pursued by our office.

294  
295 Brett: if I could just add to that, I would direct attention to the Ohio's Administrative Code  
296 title 9 effective in 2021. Where the director of agriculture is ordered to adopt rules and  
297 establish requirements governing the high-volume dog breeders, dog brokers, animal  
298 rescues, licensing, record keeping, regulation requirements and procedures, governing  
299 pet stores and a slew of other responsibilities specifically enforcement and inspections  
300 fall under the purview of the director of agriculture. This information is provided by the  
301 Ohio legislative service committee, designated by Ohio Law is the code definer of the  
302 code and states administrative rules. There are approximately 55 regulations in chapter  
303 955 and approximately 23 others in chapter 956 all under the jurisdiction of the Director  
304 of Agriculture.

305  
306 Remy: so, it sounds like for him to move forward he has to meet the strict state  
307 guidelines, I guess in order to maintain his agricultural exemption. He has to meet all  
308 those requirements; he's going to have inspections. So, I believe that can be much  
309 more thorough than what we would do at our level as a conditional use, am I  
310 interpreting that correct Prosecutor?

311  
312 Bencze: I know there is a licensing procedure, I know there are inspections, I don't  
313 know the breadth of that

314  
315 Brett: I could provide chapters 955 and 956 for review. They include everything from  
316 high volume breeding licenses, purchases from out of state dog breeders, regulating a  
317 dog retailer license, transfer dogs to pet stores, application fees, 956.08 is compliance  
318 with established standards, 09 relates to enforcement, 10 inspections, seizure of  
319 animals, civil penalties, injunctions, the registration of dogs, guide dogs, leader dogs,  
320 hearings, court dogs, law enforcement dogs, registration of dogs and kennels via the  
321 internet, the definition of a dog kennel, also affirming that dogs are personal property.

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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.

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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

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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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460

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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  
506

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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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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

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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

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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 9<sup>th</sup> 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