

**Nimishillen Township Board of Zoning Appeals
4422 Maplegrove NE, Louisville, Ohio 44641
Tuesday May 10, 2022 – 7:00 P.M.**

MINUTES

Board Members Present: Anthony “Tony” Mucci - Chairman
Pan Aslanides – Vice-Chairman
Randy Donaldson – Member
Randy Lombardi – Member
Kyle Fausnight - Member

Purpose: Conditional Permitted Use Application

Call Hearing to Order:

Chairman Mucci opened the meeting by announcing the present members and the zoning officer. Mucci also greeted the patrons who came to the meeting to be heard and declared a mass swearing in of speakers and attendees.

Conditional Use Permit #768-22

Christine Unkefer 4810 Eshelman Street, Louisville, Ohio 44641 coming forward to request a Release and Transfer of a Conditional Use Permit for an established business at a R-1 Residence. T. Mucci asked Christine Unkefer to state her name. C. Unkefer stated that she is the owner of Louisville Kennels and the property at 4810 Eshelman Street. She stated she would like her conditional use permit transferred from her name to Sam and Ciara LePar who are interested in purchasing her home and business. C. Unkefer stated that the Kennel business has been operating at this address for 36 years under their ownership and the previous owners of the property. C. Unkefer stated that she believes that Sam and his wife are qualified to be an asset to the business and its customers. It was stated that this is for a transfer for the same business as the one currently on the property. It was also stated that the sale of the property was contingent on the approval of this permit transfer.

The board presented a letter from the Stark County Health Department stating that they had no objection to the continued operation of Louisville Kennels, Inc but it has concerns that need to be addressed: waste water from the wash tub and dog urine from the kennels. The Health Department letter also said they would work with the current or new owners on these issues and would make those improvements conditional to their approval. C. Unkefer and her son responded to a question regarding how the waste and urine are now disposed of. They stated that the dogs do have an outside area that most will use and not relieve themselves in the actual kennel area. All feces is scooped up, double bagged, and placed in the garbage. When Unkefer's were asked, they stated they have not received complaints from their neighbors and nothing has changed. Unkefer's were asked if they have received a proposal from the Health Department regarding what changes are needed. C. Unkefer replied that they have talked and that they will be in contact with her. C. Unkefer believes there has been a complaint that generated this.

The Board asked if six months would be enough time to correct the issues the Health Department referred to saying that the Health Department would like the Board to place a continence on the permit. The Board was asking for a timeframe that if the permit was approved, that it could be

revoked if the conditions weren't met. C. Unkefer stated that she will be meeting with the Health Department at the beginning of the week and could not answer the question until then. There was then a comment from those seeking the transfer that they felt 6 months would be long enough but also commented that it would depend on how in-depth the Health Department gets. When asked if the Health Department gave them an indication of what might need to be done they replied that they might have to put in a grey water septic system.

After there was no one else requesting to come forward to speak for the issue, the Board asked if anyone was there to speak against the issue.

Charles Hall, a lawyer addressed the Board. He stated he represents primarily Daniel Duplain and Dean and Bobbi Pugh, the adjacent property owners. He stated that the neighbors are concerned that the new owners will also have breeding at this location. There is also concern about noise and barking dogs. Mr. Duplain has a fishing pond in his yard and when he goes to use it he is disturbed by barking dogs. The Pugh's have a nice setting with a swimming pool they cannot enjoy without barking dogs. It is also hard to sleep with open windows in the nice weather because of barking dogs. Mr. Pugh has taken some measures, including planting trees, to try to help with the noise issue but it hasn't worked. Mr. Duplain also has concerns with runoff and his pond that may be addressed through the Health Department meeting. Mr. Hall stated that the neighbors don't know the new owners and really need to know what they will be doing at the location: breeding and selling dogs, just a kennel? This is a main concern. Mr. Hall provided the Board with a list of residence in the area who signed a complaint.

The LePar's stated that as of now, they have zero interest in breeding dogs or changing the business. They plan to keep it just the same. The kennel can hold up to 27 dogs and 6 cats. The property is 4.45 acres. The kennel is about 100 yards behind the house, about 200 yards from Duplain's house and a quarter mile from Pugh's house. C. Unkefer stated that the kennel was already on the property when Mr. Duplain purchased his property.

Dean Pugh of 9343 Louisville Street stated that they are only there about kennel issues and have no complaints with Unkefers. He reiterated his attempts to block the noise. He also informed the Board of how the noise is a problem for his family. He also stated that they might be interested in selling part of their property and felt that the kennels there would cause them difficulties in selling it.

Daniel Duplain of 4854 Eshelman Street stated that he had not complained except for a line from the kennel that ties into his drainage. He stated there was a problem and he had to install additional drainage and the cost was split with the Unkefers. In 2018 he had some dirt in his yard being moved and was showed what he believed was septic in the soil. There was disagreement about where tiles ran and pictures were shown. The Board asked and D. Duplain responded that any of these problems would be addressed by what the Health Department will be requiring. There was some discussion about how much the repairs would cost and if this case should be tabled until the cost is determined.

The Board asked why neighbors have not come to the Board to complain when this permit was being renewed annually. D. Duplain replied they were just trying to be good neighbors.

Mark Goebler of 9595 Louisville Street stated he lives next to D. Pugh and also hears the barking every morning and evening. He has lived there 4 years.

Thomas Kimble of 9368 Louisville Street. He has lived there 7 years and stated his concern is also the noise. There was also discussion about an alleged business next door of breeding dogs. Jeff Shipman, Zoning Inspector, said if it is kennel, it goes through the state. Mr. Shipman will check into the nuisance matter.

Sam Ferrell of 9444 Louisville Street stated he has lived there for 4 years and found out the kennel was there very quickly. Even though he is a little further away, the noise carries across the open field.

What is believed to be Mr. Hall addressed Mr. Mucci and said: 1. He believes they have established this is a commercial business in a R-1 area and in the Zoning book there is no conditional use for a kennel or this type of business in an R-1. 2. If it should be renewed, the property is less than 5 acres and all of operations must meet the set-offs and set-backs per the Zoning book, which are not currently being met and are not grandfathered, so must be corrected to be brought into compliance. He requests that this request be denied.

C. Unkefer was offered a chance to rebuttal. She stated that in the Zoning book, under Agriculture, animal husbandry is listed as allowable. When the kennel was established it was under animal husbandry. She was concerned that the neighbors would mistreat the new owners if this is they way the felt.

Motion to go into Executive Session and seconded:

Anthony “Tony” Mucci - Yes

Pan Aslanides - Yes

Randy Donaldson - Yes

Randy Lombardi – Yes

Kyle Fausnight - Yes

The basis of the Executive Session is to discuss a few things. Mr. Hall objected to this and Mr. Mucci said they were permitted to do so.

Motion to Ballot Vote: Randy Donaldson **Second:** Pan Aslanides seconded the motion

Ballot Vote: Anthony “Tony” Mucci – Disapprove

Pan Aslanides - Disapprove

Randy Donaldson - Disapprove

Randy Lombardi – Approve

Kyle Fausnight - Approve

Motion to Approve the Minutes from December 1, 2021 - All voted Aye.

Adjournment:

Chairman Mucci declared the meeting to be finished. T. Mucci motioned to close the meeting and Randy Lombardi second the Motion.

Roll Call Vote:

Chairman - Anthony "Tony" Mucci – Yes

Vice-Chairman - Pan Aslanides - Yes

Mem- Randy Donaldson - Yes

Mem- Randy Lombardi – Yes

Kyle Fausnight – Yes

Tony Mucci – Chairman
Nimishillen Township Board of Appeals

Pan Aslanides -Vice- Chairman
Nimishillen Township Board of Appeals