

MINUTES OF THE MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, MAY 14, 2007, IN THE TOWN HALL MEETING ROOM AT 7:00 P.M.

Chairman Makowski called the meeting to order at 7:00 p.m. Board members present: Mr. Gorka, Mr. Ziganti, Mr. Makowski, Mr. Swartz, Mr. Skully.

Appeal 2006-10 (continuation) – Chester Properties, Inc., c/o Paul T. Murphy, Esq., requests a variance for new construction of a deck at 8491 Mayfield Rd., Chester Twp., but fails to meet the requirements of Section 10.05 (E), Extension; Section 5.02.03 (A)(1), Area, Yard and Height Regulations – Front Yards; Section 5.02.03 (A)(2), Area, Yard and Height Regulations – Building Setback; Section 5.02.03 (A)(3), Area, Yard, and Height regulations – Side Yards Within District; Section 5.02.15, Dimensional Requirements in a Commercial District; Section 7.01 (C)(1), Required Parking Spaces, of the Chester Township Zoning Resolution.

Mr. Makowski announced a letter was received from the attorney for Chester Properties, Inc. requesting a further continuance indicating that the court case between the Zoning Inspector and Chester Properties has not been totally concluded in Chardon.

Mr. Swartz moved to continue appeal 2006-10 to the June BZA meeting. Mr. Gorka seconded. No Discussion. Call vote: Mr. Gorka, yes; Mr. Ziganti, yes; Mr. Makowski, yes; Mr. Swartz, yes; Mr. Skully, yes. Motion passed.

Chairman Makowski announced appeal 2006-10 has been continued to the June BZA meeting.

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Request from the Mayfield United Methodist Church, 7747 Mayfield Road, Chester Township, for expansion of Conditional Use Permit 1999-2 to expand the ages of children in the Heartland Childcare Center to include infants and toddlers, ages 6 weeks to 2 ½ years old.

Nine people sworn in by Chairman Makowski.

Patricia Jones, Director of Heartland Childcare Center, introduced Elizabeth Burton, President of the Heartland Board, and Stacy Becker, Director of Christian Education for the MUMC, who is standing in for Loren Gisselbeck this evening.

Ms. Jones said they are requesting to lower the ages of the children in their program. They want to add infants and toddlers to their program. It is a request of their families in the program who are looking for Christian care for the younger siblings. The younger children will be included in the number of kids. They are not looking to increase the number of children. They can have a maximum of 80 kids in the program. They are looking to do a maximum of 12 of the younger children.

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The Chairman referred to a binder which was submitted with information, which is marked Exhibit A, and a spiral bound binder is marked Exhibit B.

Ms. Jones said they were asked last month by the Board to submit their Christian curriculum to validate that they are a Christian program. What they have done is they have taken the Ohio Contents Standards for Infants and Toddlers and aligned it with their Christian curriculum. They gave sample experiences to demonstrate how they would include the guidelines into their Christian curriculum. They have explained how the domains will include their Christian content. The domains are the different states infants go through at different times; such as, physical, health, emotional and social development, motor development, language and communication development and cognitive development. These are the guidelines that every center who is licensed in the State of Ohio and care for infants and toddlers must follow to get the education to where it should be according to State guidelines. It is published by the Ohio Childcare Resource and Referral Association.

Mr. Swartz referred to the manual referring to six to 18 months of age. How does the church teaching mesh into that? In order to justify the particular ages in your daycare, there needs to be a fundamental realization that the child who is taken into the daycare can accept and learn your Christian teachings; otherwise, if they can't, that child is there only as a business, which is precluded from their specific use. How reasonable is it to expect a six month old or a 12 month old to understand some of the concepts?

Ms. Jones said this was all geared towards 18 months old as her target for this. Since they do not have approval, she cannot hire somebody to fill out the curriculum. She used the curriculum they use for toddlers and two's. It covers it all across the Board. These were samples of how they would integrate that into everything they do.

Mr. Swartz said he finds it hard to understand how a six week old would do some of these examples. In his eyes, care for a six week old is nothing but child care.

Stacy Beck said one of the issues they are dealing with again is the Christian values within the family. They are not just dealing with the children but are also dealing with the families. They have come and requested the younger program for the younger children because they like what they are seeing and they like the Christian community and the curriculum. It's not just that they are looking at the children but they are also looking at the family.

Elizabeth Burton said if you have a parent with three children, it is kind of hard to say we can take your first and second because they are 18 months and older but for the third one you will have to find someplace else because we really can't teach them because they are not quite old enough. They try to minister to the whole family.

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Mr. Swartz said that is the heart of the issue because he doesn't doubt that there is a positive experience that a two month old derives from a church setting. He sees the positive impact, but the difference is they are a church in a residential setting. A business is not allowed except with very specific parameters to exist in that same residential setting. You are allowed to have a school in the church as long as the school is bonafide and you can show the Board that it is a school. You can only show us it is a school to a certain age period. Below that age group, it is no longer a school; it is a business which is not allowed as far as a day care goes in a residential setting.

Mr. Makowski explained to the audience what this request is all about is the integrating of the Christian curriculum of Heartland with the six domains of development identified in the State's booklet.

Stacy Beck said their Christian education starts with their children at the nursery age. They do have a program nursery to two years old (3 months to 2 years old) which is a very informal, more of a one on one, where the coordinator goes in and tells stories. Although it may not seem like learning from the outside, she does believe the children take these stories in. It is the importance of their feeling loved, feeling secure, hearing about the word of God, they are learning about their faith families.

Mr. Ziganti said he has reviewed the information which was provided and asked what the accreditations are of the people who have written the articles in this information.

Ms. Jones said they are all different resources.

Mr. Makowski said the publications submitted are: WHAT IS FAITH DEVELOPMENT OF YOUNG CHILDREN by Donna Strieb. NURTURING THE YOUNG CHILD'S SPIRITUAL NATURE by Judith Mayo. HELPING THE YOUNG CHILD GROW IN FAITH by Mary Jane Pierce Norton. MINISTRY TO YOUNG CHILDREN AND THEIR PARENTS by Nancy Jane Cheshire.

Mr. Ziganti referenced some of the information provided by the MUMC. Is this your position of what you are offering children six weeks of age in the proposed program?

Ms. Jones replied, yes.

Mr. Swartz referenced an article on faith development of young children. He does not see anything different in the articles on how the children can be taught anything different than they could be taught at another child care center. What is there that is different between six weeks and the toddler years that you can give them than differs than what they can get at Miss Pat's? Because that difference is where it is not a business.

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Ms. Beck said their stories have religious background. You would begin with reading the Bible and Bible stories to the children, and that is something you would not get in a different day care that wasn't Christian based. It is just the information.

Mr. Swartz said at six weeks, does it matter what it is you are reading?

Ms. Beck said it matters to the parents.

Mr. Swartz said the parents are not who determines if this is a business or a school.

Mr. Makowski said they mentioned an indication that they have a waiting list. You mentioned today that there may be some families with older siblings who are interested in having the younger ones attend. Are they people on the waiting list who currently use your services?

Ms. Jones said the people on the waiting list are nine siblings.

Mr. Makowski referenced the letter in the materials from the County Commissioners. What is that contract about?

Ms. Jones said the letter states that they are certified by the County to take kids who have their child care funds subsidized by the child care program which points out that even families who are getting County support that the County even supports kids going to a Christian program. The families get their choice.

Mr. Swartz wondered if there is anything raised in their minds after hearing some of the questions raised tonight, where the Board has been going? You have the right to amend your application as it was filed. Is there any desire? Can they change the age group they want to go for?

Zoning Inspector Mike Joyce replied, yes, they can.

Mr. Swartz said they are welcome to discuss this and decide what they might want to do. He does not know if they are aware of this.

Ms. Beck said it would be difficult to sit here and determine at what age they can start providing a Christian curriculum.

Ms. Jones added, they would still want to meet the needs of the family. That was the purpose.

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Mr. Ziganti asked if they understood what the Board's request was from the church at the last meeting because the request was for your specific program for your children that you would be conducting or offering children six weeks and older. The Board requested that they show the BZA what they would be following for that all inclusive age group. They have nothing written or prepared or in mind for that age group. What is the program they are going to follow? How have they broken it up into age groups? The Board was expecting to see it broken up into specific age groups.

Mr. Swartz said in his mind to make a specific decision on something they have requested as far down as six weeks old, there has got to be very good substantiation that they are providing a similar experience and that the six week old can grasp the experience as much as the 16 month old can. Because if not, it is not teaching, it is a business.

Ms. Jones requested a continuance and will discuss this with the Pastor.

Mr. Makowski asked for any questions or comments from the public?

Robert Simpson, attorney for Miss Pat (Miss Pat's Day Care). There was much discussion related to the ability of a child from the age of six weeks to two and one-half. As a point of clarification from the last meeting, there was much discussion regarding the ability of a child from the age of six weeks old to two and a half and their ability to take in this information. It is his understanding that he may have wrongfully stated that those age children are not capable of learning. That's not his position, and it certainly is not his client's. He was not some type of expert analysis to suggest such a thing. The point he was making was brought out in the prior meeting minutes concerning this matter on September 11, 2000. It was the statements made of children being capable of understanding under the age of three years old, and he thinks they are capable. That's what his comments were geared towards with respect to children from the age of six weeks to two and one-half. Having said that, it is important in light of the past approvals of this matter and the opinion rendered by the County Prosecutor where she indicated a critical distinction for her in relation to Miss Pat's was the age of the children and establishment as to whether it is a commercial operation. He would submit that much of that discussion is immaterial in light of the Zoning Resolution. We may be beyond that since this Conditional Use Permit was granted some years ago. He would submit that the day care use is not permitted within a Residential District as a permitted use or as a Conditional Use Permit. That's really the heart of the matter. If we focus on what the use is, nothing prevents the church from operating a day care from a properly zoned Commercial District. If you look in the Zoning Resolution under the definition of church, it is a building or group of buildings including customary accessory buildings designed for public worship. He would think that's really for the Board to take under consideration.

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Pat Jasko said to clarify the statement she had made at the prior meeting that children cannot be taught under the age of two and a half, she feels she should clarify that and explain that children cannot be taught something that they do not understand.

Mr. Makowski said the Board is not here to revisit the permit that was issued nearly seven years ago. For the connection with this activity for the church, he would agree that regulations don't allow general day care in a Residential District although the factual reality of it is that there is probably childcare being provided in any number of houses in this community. There is information in the file that will not peel back that decision seven years ago. We are here to make a decision on the expansion of that use relative to the age bracket for which those uses are being provided.

Ms. Jones said the State says they could have 283 kids per the square footage of the facility.

Mr. Makowski said the license that was issued a year ago indicates that they could have 24 preschool and 18 school age children, which is still within the number we talked about. They only have 29.

A Chester residents said there is a lot of concern about the younger kids not being able to grasp the Christian kids under six weeks if it is just a school. She wonders how this can be ignored in a Christian community? Why ignore the family and their needs? It is a family ministry.

Mr. Gorka moved to continue the request to the June 11, 2007, meeting. Mr. Swartz seconded. No discussion. Roll call vote: Mr. Gorka, yes; Mr. Ziganti, yes; Mr. Makowski, yes; Mr. Swartz, yes; Mr. Skully, yes. Motion passed.

Chairman Makowski announced the request has been continued to the June 11, 2007, BZA meeting.

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Fourteen people sworn in by Chairman Makowski.

Appeal 2007-3 read by the secretary. Mary Berr for The Canine Affair Grooming and Training Center requests a variance to locate at 8495 Mulberry Road, Chester Township, but fails to meet the requirements of Section 5.04.01 and Section 5.01.01, the use applied for on the General Use Zoning Application is not listed in Section 5.04.01 and is denied by Section 5.01.01 of the Chester Township Zoning Resolution.

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Zoning Inspector Mike Joyce said he incorrectly wrote the Section number on the application and the denial form. The correct Section number is 5.00.01.

Mr. Makowski said any applicant who is denied has the choice to go both ways in requesting a variance. The Zoning Inspector has a narrow range of what he can do; he has to look at the book. If the book states you can do it, then you can. If the book does not say you can do it, then he has no choice but to deny the request. When you look in the book under light industrial, there is a list of permitted uses; dog training was not included in the listing of permitted uses. When a use is not specifically listed, the request has to be denied. Do you want to proceed on the alleged error or withdraw that and just go forward on the variance?

Ms. Berr said they are willing to withdraw the notice of appeal based on error and proceed on the variance request.

Chairman Makowski explained the duties of the Board of Zoning appeals at a public hearing.

Ms. Berr said in lieu of one of their people here tonight, can she speak first?

The Chairman agreed with the request.

Stevi Baskin. She is in the veterinary field in this area, and their goal at their clinic is to educate all of their clients for health and safety. The safety part is training your puppy from the get-go to educate them in all aspects of raising a puppy. By having a training center in our area is such a luxury because people go for convenience. If she says to them in an exam room that they need to take their dog to a training course from the get-go to socialize to make a safe puppy to little children or with anybody, this training center is so convenient for the local people to go to. If I say it is in Painesville, and they live in Chesterland, they will not travel that far. She is talking about the average person who wants to train their dog; they will do it if it is convenient. One of the most important things besides health is training. We hear all of these horror stories on t.v., and it is mainly the person at the other end of the leash. It is not normally the animal's fault; it is the human's fault for not training. They have pamphlets and include a puppy pack in each exam of a puppy. She spends an hour explaining what they need to do for the safety of their children, etc., and one of those things is sending them to Canine Affair. They accept puppies from ten weeks up. If there is a dog that was not trained, they intervene and say they have an issue. An accident with a child should never happen. It is like if you don't train a child, they will get in trouble. They don't know any better. These centers help us, and the convenience is No. 1 because people will not travel far. To have this conveniently located is just a gift. She is for the center.

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Marie Stone, Mulberry Road. When was this property sold and what is this property zoned?

Ms. Berr said they are currently located at 8572 Mayfield Road which is owned by the Township and when the Trustees decided they were going to not be landlords anymore, they were notified that they would be out of the building by the end of September which they had known since last summer. That meant that they started to look. It is very difficult to find a location. When she did investigate the light industrial area, she was thrilled that the owners were willing to say yes that they could lease the place, which meant that she came to zoning to see if it was acceptable in any of the categories. In other cities all over the country, light industrial is one of the places where you would find dog training. It lends itself to it because of size; what they are hoping to have is 6,000 square feet with very high ceilings that would allow them to do agility. Their goal as far as the business is concerned is education to start them out as young puppies because once the puppies hit that four to six to twelve month age, that's when the shelters are full of dogs because people don't understand what to do with them. By educating them early on how to respond and helping them to understand that in some cases they have made the right choice, whether they need to have a dog in their life or not, is very important to her personally and to all of the dog people. Offering activities for people on how to deal with their dogs as families is very important to people. There is no facility like this in this area. They teach dog owners all aspects of being responsible pet owners.

Mr. Berr explained the location of the requested proposed location of the new facility.

Robert LaBanc one of the owners of the building. It is a prefab masonry building to 6'8" and the rest is metal.

Reference made to the permitted uses in the Zoning Resolution.

Mr. Makowski explained that the Zoning Commission is the body in Chester Township that update the Zoning Resolution. They meet on the first and third Wednesdays of the month.

Kathy Crislip. She instructs at this building and also at other buildings where other instructions are taking place which are in the light industrial area because it gives you the larger capacity building spaces. You need 6,000 to 10,000 square feet to run these programs so that you encompass everything.

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Mr. Berr added that he is here on behalf of the training center. There is definitely a need in terms of establishing something of the magnitude they have developed it into and there is a significance of a safety factor to not try and sandwich such an activity into an inappropriate space. Above and beyond the obvious needs based on the individual activities that relate to dog training, is the fundamental fact that in the building that they currently occupy with a total square footage of about 3,100 square feet that with the number of people and families with pets and multiple pets to try and stage such training in a small confined area would be totally impractical. No one builds commercial space very often of 6,000 to 8,000 square feet of free span for a typical business. It is light industrial in attitude.

Kathy Crislip said there are no poles or columns or posts in the middle of the building so that individuals do not run into them. This space is a safer space.

Mr. Berr added that in some spaces for therapy training dogs, the people spend hours and hours working with their dog in a facility. Under the current situation, these people have to have their dogs housed in their cars and totally inappropriate surroundings. In an area like this, people can bring their own crate to have their animal in.

Ms. Crislip said it would also lend itself to outside people coming in for workshops and seminars and educational programs. Also, they will not be off Mayfield Road and the traffic. They will be in a safer space.

Mr. Ziganti asked if all training is conducted inside?

Mr. Berr replied, yes. There would be no dog runs, no dogs left on premises, no commercial or dog day care. It is coming to a class.

Mr. Gorka asked how many days per week would the training be held?

Ms. Berr replied, up to seven days a week. The time of the classes would be based on what would be needed. Explanation of the present class schedule.

Mr. Berr said the latest class would be 9:00 p.m. Very few people can make it during business hours.

Ms. Crislip said the class size is five to eight.

Mr. Skully asked if they would be putting on dog shows?

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Ms. Berr replied, there would be no dog shows; only seminars and possibly they might pay somebody to come in and instruct dog owners.

Mr. Skully asked if there would be adequate parking.

Ms. Berr replied, yes. The Zoning Inspector has reviewed the parking.

Mr. Berr said if there were additional seminars, perhaps then there would be additional parking. Those seminars would most like be held on Saturday or Sunday.

Mr. Swartz asked if there will be grooming?

Mr. Berr said Dorothy Kellerhall, who was unable to be present this evening and is Mary Berr's partner, is the professional groomer who has been doing this for over thirty five years. She would continue with a simple cordoned off area that would be adequately fitted out for grooming. It would not be on a large scale; simply what she does now. There is a small space in the back of the present building they are at with grooming taking place.

Mr. Skully asked if any dogs would be outside?

Ms. Berr said there will be an area specifically for the dogs to do their business, and the area will be cleaned up all the time.

Mr. Ziganti raised a question about the grooming and the dogs that will be in the facility. Are there any sanitation concerns? Is the building set up to be used for this kind of function?

Ms. Crislip said if a dog messes on the floor, they spray the flooring. It is not like dogs running in runs and have to eliminate. There are no dog runs or professional kennel facilities. All the groomer needs is a slop sink to wash the dogs and then cut and groom the dogs.

Ms. Berr said they have not had any problem where they are at as far as clean up. There will be no change or additions to the business.

Mr. Swartz asked if there will be any change in the business?

Ms. Berr replied, no. It is just exactly what it is now, only bigger.

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The Zoning Inspector explained the new building. The one change is ODOT forbade the driveway from coming out on Chillicothe Road, and it was moved around to the back and comes out on Mulberry. The units in the building to be used for this business are the end units #3, 4 and 5.

Robert LaBanc said there are 12 acres and explained what areas will be grass and where the parking will be located. The dog business will be only during the day. There are no kennels; there will be no barking. The owner is not worried about them at all. There is plenty of grass for the dogs as long as the area is kept clean. It will not be an issue at all.

Mr. Ziganti asked if there will be any kennels or any fenced in areas outside?

Ms. Berr replied, no. It is just a training facility for the dogs to do obedience, training work, therapy dog training and agility work and leave.

Ms. Crislip said the dogs are not supposed to do their business on the mats.

Ms. Berr added that 95% of the training is people training. Part of that training is being responsible for what your animal does.

Mr. Makowski asked, if the Township were not taking the current building away, did you have any plans to relocate?

Ms. Berr replied, not immediately. Down the line, yes, because they have a lot of their clients asking why they can't do specific types of training of their animals.

Ms. Crislip said the space is the main issue. They want space between the animals.

Byron Gray, 12075 Sperry Road. He and his wife have dogs and have used their facility for a long time. They have no financial interest or anything. He can attest they have a clean business; if there is a mess, they clean up and deodorized within seconds. It is really too crowded to have vets talk and speak on grooming. It is a good clean facility that is too small. In the winter, it gets pretty crowded there with the cars and backing out onto Mayfield Road is extremely dangerous. So you can see another good coming out of the new location because it is not heavily traveled and is better because there is more space.

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Don Green, 8430 Dines Road. They are also students with Mary and Ted and Kathy. They have been with them at all of their different locations. Explanation of a dog with a socialization situation and what was done for that dog at this training center. The people that train are much better dog owners and much more responsible as far as accidents or injuries to children than people that aren't. They also keep the area very clean and is probably cleaner than most peoples' backyards.

Susie Gray, 12075 Sperry Road. She is a student of Mary's right now. She just feels there has to be a training facility for people to go to and learn to train their dogs because you don't learn this on your own. You need somebody to teach you. She has learned this over the years. Mary is doing a wonderful job.

Connie Rigotti, 8502 Mulberry Road. Her property is almost directly across from the driveway. She no longer has a dog and is not associated with this group. She does not see a problem with it. She has trained her dog in the past in a facility like this. You wouldn't have even known the dogs were there; baseball kids make more noise. She does not have an issue with it even though she lives across from the driveway.

April Green, 8430 Dines Road. Not only is she a student of Mary and Ted and Kathy's, but she is also an administrator for a local school district where some of the animals come into the school as therapy dogs and actually work with their special needs students. Had Ted and Mary not been around to train dogs to provide therapy for her special needs students, she would not have seen some of the progress that they have by using the dogs. The dogs are used to help the students communicate, socialize, and behave appropriately. They are actually learning this from the dogs. It is a therapeutic means on working with kids on the autism spectrum, who have behavioral disorders and who have cognitive disorders. If that were not available in this area, it would not be benefiting some of their students who need it the most. Not only has she benefited from training her animals but she has been able to see how the dogs are benefiting their students. She is in the Orange School district.

David M. Rigotti, 8502 Mulberry Road. He really does not have a problem with it either and would prefer that over some other use. He supports it.

Chairman Makowski closed the public hearing at this time.

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Mr. Swartz moved to approve appeal 2007-3. Mr. Skully seconded. Discussion ensued.

Mr. Skully said it seems they are being forced out of their location, and this is a reasonable place for them to go.

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Mr. Gorka said a use like this in the industrial area is typical, and more intensive uses are in the commercial district. He does not see any particular problem.

Mr. Ziganti asked, what are the ramifications of the Board deciding in favor of this with regards to this use not being on the list?

Mr. Makowski said it does not add it to the list but recognizes factors about this particular application at this particular building. It is not changing or amending or modifying the light industrial zoning classification.

Mr. Swartz added that it does not set a precedent that someone else could come in and say they got theirs, now we want ours.

Mr. Makowski replied, it shouldn't.

Mr. Joyce said each case stands on its own merits.

Mr. Ziganti asked if there are any concerns about sanitation or the products they use for taking care of the dogs or the excrement of the dogs; is it handled in any other way other than septic systems? Are they set up to do just that - keep a sanitary facility?

Mr. Skully said it sounds like it. Ms. Berr even said they would take the excrement home.

Mr. Swartz said he has heard many good things about the existing business although he has never used the facility.

Mr. Skully noted that this variance goes for life at this building.

Mr. Makowski said it is only for the three units of space they will be using. If they would choose to move, it would not restrict it to this one use.

Call vote: Mr. Skully, yes; Mr. Gorka, yes; Mr. Swartz, yes; Mr. Ziganti, yes; Mr. Makowski, yes. Motion passed.

Chairman Makowski announced the request has been granted. Upon approval of the minutes at the next meeting, a letter will be sent so indicating the approval. Upon presentation of said letter to the Zoning Inspector and payment of the appropriate zoning fee, a Zoning Certificate will be issued by the Zoning Inspector.

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Findings of Fact: This is a request for a use variance for dog grooming and training in the 6,000 square foot portion of a new 20,000 square foot industrial building at 8495 Mulberry Road by Canine Affair Grooming and Training Center. That business is currently located at 8572 Mayfield Road; the property owned by Chester Township. The Township Trustees have determined to not maintain that building on the premises of tearing it down, and the applicant is requested to leave that area by September of 2007. The Township is no longer in the leasing business. Essentially, the primary business is training of dogs with an adjunct of grooming in a small portion of the building. In order to do the training, the applicant has indicated a need for a large open area unobstructed by pillars or walls or poles, and this new construction presents them with that large open area. Exhibit A is a reduced copy of the plan for the building. Their proposed uses would cover units 3, 4 and 5 located on the east end of this new building. There was no evidence indicating any issues relating to delivery of governmental services. The plan is that no dogs will be left on the premises. The dogs will come in for the training session and leave with their owner. As well, there will be no facilities on the exterior of the buildings; such as, kennel runs, that will create either a long term noise nuisance or doggie-do waste nuisance. They stated that the plans are to have up to seven days of training; different hours during those days for the training sessions, but they didn't foresee going past the hour of 9:00 p.m. due to the fact that the dogs would be gone based upon families coming to pick up their animals. They did indicate that there would be no dog shows on the premises, but there could be seminars conducted for the training of humans. The number of parking spaces that were built for this particular building match requirements for a light industrial area, and they indicated they might require up to eight spaces, but it was indicated by the owner of the property Robert LaBanc that parking should not be an issue, and he would be flexible with any additional parking that might be required for support of that business. There were seven citizens from either the Chesterland or surrounding area that spoke in favor of the business, indicating the importance of having such a facility and business that offers training of dogs. It is essential to animals to obey and not be problematic in the area because as one individual indicated, the convenience of a facility being located in the area would allow the Chesterland residents to actually send their dogs to such a training facility. There will be one groomer on staff and no self-grooming. The owners have indicated that there should not be a sanitation concern in the training and grooming facility. The granting of the variance does not appear to change or alter the character of the use in that zoning district and that establishing this use couldn't occur other than by the granting of a variance at this location on this property given the district clarification. It will not affect the health, safety or general welfare.

Mr. Swartz moved to approve the Findings of Fact. Mr. Gorka seconded. No discussion. Call vote: Mr. Ziganti, yes; Mr. Swartz, yes; Mr. Gorka, yes; Mr. Skully, yes; Mr. Makowski, yes. Motion passed.

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Discussion of the minutes dated April 16, 2007. Mr. Swartz moved to approve the minutes dated April 16, 2007, as amended. Mr. Skully seconded. No discussion. Call vote: Mr. Gorka, yes; Mr. Ziganti, yes; Mr. Makowski, abstain since he was not present at said meeting; Mr. Swartz, yes; Mr. Skully, yes. Motion passed.

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Discussion of the next regularly scheduled meeting on June 11, 2007. Due to vacation schedules of the Board, the next meeting of the BZA will be held on Monday, June 25, 2007, at 7:00 p.m.

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There being no further business before the Board, Mr. Makowski adjourned the meeting at 9:25 p.m.

Respectfully submitted,

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Approval Date

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Mary Lou Fende, Secretary

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Richard Makowski, Chairman

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