

BOARD OF APPEALS PUBLIC HEARING – JANUARY 4, 2018

PUBLIC HEARING
BOARD OF ZONING APPEALS
January 4, 2018

The Austintown Township Board of Appeals held a Public Hearing on Thursday, January 4, 2018, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-24-A-Sinn; and
APPEAL CASE 2017-25-A-All About the Pawz.

The following Board members were in attendance:

Mr. Joe Koch - Chairman
Mr. Robert Satterlee - Vice-Chairman
Mr. Michael Beaudis
Mr. William Glaros
Mr. James Mahoney

Chairman Satterlee opened the public hearing at 7:00 P.M. The following testimony was given under oath or affirmation. Court reporter in attendance, complete transcript taken of the hearing.

Mr. Koch made motion to approve the minutes of the public hearings held on May 18, 2017, June 22, 2018, September 14, 2018, October 19, 2018, and December 14, 2018.

Seconded by Mr. Glaros.

Roll call vote: Mr. Beaudis – Yes; Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Satterlee – Yes; and Mr. Koch – Yes.

Mr. Koch made a motion to appoint Zoning Inspector Darren L. Crivelli to serve as Clerk of the Austintown Township Board of Appeals for calendar year 2018 with duties to include publishing legal notices prior to public hearings, compiling case mailing lists and sending case notifications by first class mail to property owners within 100 feet of the subject properties, all phases of the processing of appeal cases, issuing and signing letters of confirmation of Board of Appeals continuance motions and final decisions, compiling case minutes, and any other duties as required under the Ohio Revised Code or as may be needed by the Chairman of the Board of Appeals.

Seconded by Mr. Mahoney.

Roll call vote: Mr. Beaudis – Yes; Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Satterlee – Yes; and Mr. Koch – Yes.

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Mr. Koch made a motion to appoint Assistant Zoning Inspector Eric Harris, Sr. to serve as Clerk of the Austintown Township Board of Appeals for calendar year 2018 in the absence of Zoning Inspector Darren L. Crivelli with duties to include issuing and signing letters of confirmation of Board of Appeals continuance motions and final decisions.

Seconded by Mr. Glaros.

Roll call vote: Mr. Beaudis – Yes; Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Satterlee – Yes; and Mr. Koch – Yes.

Reorganization:

Mr. Satterlee made a motion to appoint Joe Koch as Chairman of the Board of Appeals for calendar year 2018.

Seconded by Mr. Mahoney.

Roll call vote: Mr. Beaudis – Yes; Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Satterlee – Yes; and Mr. Koch – Yes.

Mr. Glaros made a motion to appoint Bob Satterlee as Vice-Chairman of the Board of Appeals for calendar year 2018.

Seconded by Mr. Mahoney.

Roll call vote: Mr. Beaudis – Yes; Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Koch – Yes; and Mr. Satterlee – Yes.

APPEAL CASE 2017-24-A

Energy Wise Home Improvements, Inc., 5164 Youngstown-Poland Road, Youngstown, Ohio, 44514, on behalf of Gary and Rachelle Sinn, 664 Purdue Avenue, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and request a variance from the terms of Article VI-Residence R-1 District, Section 603-General Requirements: “Rear Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a sunroom measuring 12’ x’ 20’ (240 sq. ft.) to be placed at the westerly rear wall of the dwelling with an approximate rear yard setback of 33 feet at the property located at 664 Purdue Avenue. The minimum rear yard setback requirement is 40 feet. Said property is further described as Lot No. 176-irregular in shape, College Park Plat No. 2, located on the west side of the Purdue Avenue right-of-way, approximately 157 feet north of the Notre Dame Avenue-Purdue Avenue intersection; and is zoned as a Residential R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant’s letter of request dated November 29, 2017 into the case record, referenced a site plan with approximate rear yard measurements

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provided by the zoning office, a hand drawn site plan submitted by the contractor, three computer generated elevation drawings, a copy of his permit application from Mahoning County Building Inspections, the case mailing list prepared by the zoning office, and four plat maps of the property.

Mr. Koch stated the mailing list for case 2017-24-A will be incorporated into the case record.

Robert Cabana, Energy Wise Home Improvements, Inc., 5164 Youngstown-Poland Road, Youngstown, Ohio, 44514, stated he had nothing to add to the drawings.

Mr. Satterlee inquired about the rear yard measurements. Zoning Inspector Crivelli advised how the measurements were made and speculated the home was originally constructed with an average rear yard of 40 feet as the lot is irregular in shape. He also advised the property owners, who just purchased the home, could not find the property pins.

Mr. Koch inquired about the structure being placed on a wooden deck. Mr. Cabana stated the area would be excavated with two by ten beams running across the center.

Mr. Beaudis asked if the home had a basement. Mr. Cabana speculated it was a slab. Mr. Beaudis suggested the deck would be above the floor of the dwelling. Mr. Cabana stated there was a pad that would be removed. Mr. Koch stated a two by ten will take him above the floor. Mr. Cabana stated the floor is about six and a half inches above the grade.

Mr. Beaudis asked if he was going to center the door. Mr. Cabana stated it was coming in ten feet four inches from the drive side. It will have a sliding glass door. Mr. Beaudis advised there was a single man door there. There was discussion of the doorway.

Mr. Satterlee inquired about a step-down into the room. Mr. Cabana stated it would be about an inch and a half higher. Mr. Satterlee described it as a “tripper” and asked if the customer was advised of what they are actually purchasing. Mr. Satterlee questioned the quality of the drawings and pointed out the drawings are from the company who manufactures the addition but there are no drawings specific to the house.

Mr. Koch questioned having nine piers and inquired about the windows, doors, ceiling, roof, and gutters. Mr. Cabana stated it has been a while since he was out there. They will install double-pane windows and gutters. The roof will not be shingled. Mr. Koch observed the downspouts splash to grade.

Mr. Koch inquired about the manufacturer. Mr. Cabana stated the manufacturer is a company named Joyce. Mr. Koch asked how many sun rooms he has built. Mr. Cabana stated a “ton”. They just started using Joyce the last two months. The room will have no electrical or heating. They will not address the house wall.

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Mr. Beaudis asked how they will close out the house. Mr. Cabana stated it will be framed by two by fours and place OSB and vertical soffit. Mr. Beaudis suggested if approved the contractor advise the customer of what the entrance from the house to the room will be like. Mr. Cabana advised the customers just purchased the house and do not know their final plans.

Mr. Koch asked if he sold the addition to the property owners. Mr. Cabana answered in the negative. Zoning Inspector Crivelli advised the applicants purchased the addition at the Canfield Fair.

Mr. Satterlee asked if he was going to match the floor to the house. Mr. Cabana answered in the affirmative. They will excavate what they have to. He was not sure if they were cutting in the door or incorporating the door. Mr. Satterlee asked for the record if the floors were going to meet and be at the same level inside and outside. Mr. Cabana answered in the affirmative with the finished floor. He was not sure if the customers would have tile placed. Mr. Satterlee observed at most that would be a quarter inch and a transition can be placed.

Mr. Koch asked if he was the installer. Mr. Cabana advised he was one of the managers.

Mr. Koch observed the construction consists of two by eight pressure treated lumber wrapped and a beam down the middle. Mr. Cabana stated there are nine piers. Mr. Koch asked if there was a contact. Zoning Inspector Crivelli stated the applicants advised they purchased it one evening during the Canfield Fair. Mr. Koch asked if they were given the specs of what they purchased. Mr. Cabana stated when they buy the sunroom they tell us what they want. Mr. Koch stated there should be specifications. Mr. Cabana stated the deck and elevations drawings are all he has. He had no pictures or photographs and of a finished room. The company has a website. Mr. Koch down loaded the website. Mr. Beaudis commented they have no drawings showing how the sunroom will match with the house. He asked if the overhang of the sunroom will allow the gutter to run along the gutter on the house. Mr. Cabana answered in the affirmative and stated the sidewall are sent in modules. There was discussion of the construction process.

Mr. Koch stated he was skeptical, observed the company website as being decent, but is troubled by a lack of drawings and a sales contract and questioned what the customer is receiving. He asked why they are using nine piers. Mr. Cabana stated for the weight and support, especially, in he middle. Mr. Koch asked where the weight in the middle is conforming from. Mr. Cabana stated he did not know. He stated there would be two by eights all the way around. There will be a vaper barrier and three-quarter inch plywood that will be pressure treated. There will be no insulation. Mr. Koch expressed concerns about the ground elevation and the possibility of the pressure treated wood rotting thru the years. He stated although the request is for a rear yard variance the drawings are inadequate and its buyer beware. He hopes the owners know what they are getting into.

No one else in attendance to speak for the request.

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No one else in attendance to speak against the request.

The Board adjourned into executive session at 7:40 P.M.

The Board reconvened from executive session at 7:47 P.M.

2017-24-A-Sinn: Motion by Mr. Satterlee to continue the case with the stipulation the builder submit better elevation and foundation drawings.

Seconded by Mr. Glaros.

Roll call vote: Mr. Beaudis – Yes; Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Satterlee – Yes; and Mr. Koch – Yes.

APPEAL CASE 2017-25-A

Cynthia Lawrence, 41 South Four Mile Run Road, Austintown, Ohio, 44515, on behalf of All About the Pawz, 87 South Four Mile Run Road, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and request a conditional use permit from the terms of Article I—Definitions: “Boarding and Training Kennels” and Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph No. 2-Boarding Kennels and Catteries, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the continued operation of the “All About the Pawz” dog rescue currently operating without an approved conditional use permit at the properties located at 87 South Four Mile Run Road. Said properties are further described as Lot Nos. 1936 and 1937, Wickliffe Plat, are located on the east side of the South Four Mile Run Road right-of-way, approximately 447 feet south of the Mahoning Avenue-South Four Mile Run Road intersection; and are zoned as Business B-2 Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant’s letter of request dated December 12, 2017 into the case record, referenced a GIS site plan, two interior floor plans, six color photographs, a letter of zoning violation dated November 20, 2017 requiring a conditional use permit for the operation of a dog kennel, the Business B-2 District regulations, the general standards for a condition use request, a memo to the A.P.D. requesting the letter of violation be posted on the building, an e-mail from Captain Rick Milliron advising no fire operation permit was issued for a kennel, the case mailing list and four plat maps of the property.

Zoning Inspector Crivelli advised the complaint was brought to the zoning office by Austintown Police Officer Wojciak who during normal patrol was stopped by a resident who complained about the kennel, specifically, the number of dogs, barking dogs, and the care of the dogs. A search of the zoning office revealed a zone change at the properties to Business B-2 Districts and no approval in past years for a conditional use to operate a dog kennel. Zoning Inspector Crivelli submitted as Exhibit “A” a police log of calls to

the facility. Marked as Exhibit “B” were reports from the Mahoning County Board of Health regarding dog bites at the subject location. He advised the reports are taken since rabies is a public health concern. Marked as Exhibit “C” and read into the case record was an e-mail from Michelle M. Labozan who stipulates she is a bite victim of a dog named “Snickers”.

Zoning Inspector Crivelli introduced Mahoning County Dog Warden Dianne Fry.

Mr. Koch stated the mailing list for case 2017-25-A will be incorporated into the case record.

Richard Bates, 530 Glenwood Avenue, Youngstown, Ohio, stated he is representing Cynthia Lawrence who owns the building and started the rescue years ago but is not part of the 501.c3. Mr. Bates stated she did not understand why she had to submit the letter and prior to opening she had checked with the zoning board and was told they could do anything within the building. Zoning Inspector Crivelli asked if he had that in writing from the zoning office. Mr. Bates submitted a hand-written letter to Zoning Inspector Crivelli who gave it back to him and advised he could read it into the case record.

Zoning Inspector Crivelli advised he discussed the application with Cynthia Lawrence in a phone conversation on November 28, 2017 at 8:50 A.M. and was never made aware there was anyone else involved with the kennel. Mr. Bates stated due to health reasons she has backed out of the kennel and he stated again she checked with zoning and was told by the Inspector they do not need to do anything since the property is zoned commercial she could have anything there except a house of prostitution. He stated there has been a shelter there for the past ten years. Mr. Koch observed she is making a statement but there is nothing official. Mr. Bates stated she has no problems with a rescue being there and she is the landlord.

Nancy Logero, 472 North Hazelwood Avenue, Youngstown, Ohio, 44509, introduced Ashley Trimble, who was with the person who was bitten and who subsequently submitted the e-mail.

Ashley Trimble, 2912 South Schenley Avenue, Youngstown, Ohio, 44511, advised the dog was a pit-bull and Tiffany the daughter was new and she was there to give direction and training. Mr. Koch asked what provoked the dog to bite her. Ms. Trimble stated the long-term volunteers managed “Snickers” and under their supervision he was good. Tiffany knew from the first time she was there she was not allowed to touch the dog. When she showed up with her mother, without asking permission, she advised her mother to sign a hold-harmless sheet. Ms. Trimble explained she was outside with the dog on a leash and Michelle walked up beside her, reached out to pet the dog and Snickers had a reflex and grabbed her hand and she fell to the ground. Ms. Trimble admitted it wasn’t a good situation but stated you don’t just walk up to a strange dog and say “hey, how are ya doin”. Mr. Koch asked if the dog had bitten anyone before. Ms. Trimble said she believed so but could not recall to what extent. Mr. Koch asked of any other instances with this dog and bites. Ms. Trimble stated she never had any problems with Snickers.

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Mr. Koch asked if anyone else had problems with any other dogs in the two years she knew of. Ms. Trimble stated she was not aware of an exact answer she could give before the Board.

Mr. Koch inquired about the number of dogs being housed. Ms. Logero answered 14 are housed at the shelter. Mr. Koch and Mr. Satterlee observed they did not hear any dogs at the front of the property. Mr. Satterlee observed he could hear the dogs at the back door but no one was there. Mr. Koch asked if anyone was there today. Ms. Logero stated they had a person there from about eight in the morning to about 11.30 A.M. but advised it is difficult to find people to come in during cold weather. They try to have someone there for a shift at five and another shift at eight in the evening.

Mr. Koch inquired about the total capacity for dogs. Ms. Logero stated the humane agent from Animal Charity had been there and stated there is no number as long there is enough room, each dog has their own kennel, and it was clean. She identified the agent as Lisa Hill. Ms. Logero advised Lisa no longer works there.

Mr. Koch asked where they obtain most of their dogs. Ms. Logero stated a lot of their dogs come from the Trumbull County pound as Trumbull County only has room for 13 or 14 dogs and they accept dogs that would otherwise be subject to euthanasia. She stated they also take in strays or surrenders.

Mr. Koch asked how many dogs are adopted. Ms. Logero stated they had a great year last year placing 30 dogs. Mr. Koch asked about the year before. Ms. Logero stated she was not sure but maybe 20.

Mr. Satterlee asked what happens to the ones that are not placed. Ms. Logero stated they are still there. Mr. Satterlee observed they are pretty full. Ms. Logero stated they have two empty spaces but will not take in any more dogs until they have more room. She referenced two dogs in an upstairs backroom belonging to an owner who broke his neck and they took them as the owner was going to put them to sleep.

Mr. Satterlee asked why the dogs are all terroirs or pit bulls. Ms. Logero referred to Rick.

Deputy Rick Tunison, Mahoning County Dog Warden office, advised it is a community problem. The dog warden building is 80% pit bull-terroir. It appears to be the breed of choice for the community of Youngstown and they picked up four today in Austintown running at large. He stated many are breeding them knowing they are a popular breed. People do not realize how much work they are. They are a stubborn obstinate breed that require a lot of work, training, and dedication.

Mr. Beaudis asked how someone with a problem dog finds the business. Ms. Logero stated they are on Facebook, pet-finder, and word of mouth from people who have adopted one of their dogs. They have over 7,000 followers on their Facebook page. Their funding is from donations and weekly fundraisers.

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Mr. Satterlee asked what the chances of finding homes for the dogs they have now. Ms. Logero stated they have a couple that are more adoptable than the rest. They have a trainer who will be coming from Columbus to work with the bite dog and a training session for the volunteers to keep them and the dogs safe. The trainer has a lot of good ideas and Ms. Logero stated she hopes she comes soon considering the weather.

Mr. Satterlee asked what would happen to the dogs without the volunteers. Ms. Logero stated some would have to be put to sleep to make room. Mr. Satterlee asked if any agency has approached them about paying to keep dogs. Ms. Logero answered in the negative. She stated officials don't like to transfer a dog from a pound to a shelter. Trumbull County has no objections.

Mr. Koch asked what will happen to the four dogs picked up today. Deputy Tunison stated they will be housed in the quarantine kennel for three business days to allow the owner time to claim them. They will be scanned for microchips to try to find their home. They are checked for heart worms, behavior assessed, and temperament tested for them to be eventually adopt out. The dog pound currently has 72 dogs. A lot of dogs are being removed for inclement weather violations. Their capacity is 120 dogs.

Shawn Metz, 7620 State Route 5, Kinsman, Ohio, 44428, stated he was a volunteer at the Trumbull County pound and they hold 14 dogs. This facility has taken dogs that were going to be put down. There are seven or eight dogs from Trumbull County there now. He said all the dogs there are nice dogs although one needs training.

Janet Gear, 116 Victoria Street, Youngstown, Ohio, stated the dogs are last chance and they will work hard to do right by them. "A lot of us don't know a lot about training but we use a lot of common sense so we can get them adopted out". She has been there a year and they have never put a dog down and it is important that they stay there.

Marco Torres, 117 Gypsy Lane, Youngstown, Ohio, stated he is one of the volunteers. He has been there a couple of years. Most of the volunteers have been there a while. They know what dogs you can't go around. Which ones need help. He usually takes care of the dog's upstairs which are usually older dogs or puppies. This is the last chance for a lot of these animals. Mr. Koch stated the concern of the Board is about the appropriateness and location and the right's of the neighbors and expressed he is an animal lover. Mr. Torres referenced the letter regarding training and stated that although they may not have formal training they have a lot of common sense such as Hey, that's a big dog, don't go near it unless you know it. He referenced one lady across the street who has three yapping little dogs who when they see them with their dogs start yapping. He stated they are out-of-the-way.

Mr. Koch asked if there was any sound-proofing in the building. Mr. Bates stated the building was brick and has a flat roof with double-pane windows and is very quiet. They live next door and the dogs never bother them. He stated they get more noise on karaoke

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night at the Budapest. He stated the closest house is four lots down one way and one across the street.

Dianne Fry, Mahoning County Dog Warden, 1230 North Meridian Road, Youngstown, Ohio, stated she is not here to testify for or against but to provide information that is a concern for township safety. A letter authored by Warden Fry to the Board of Appeals dated January 4, 2018 with accompanying reports and photographs regarding a bite victim at the facility was marked as Exhibit “D”. Volunteers are heart felt and love the dogs and want the dogs to have the best opportunity. Large dogs including pit bulls are powerful dogs with powerful jaws. Once identified, dogs with certain dispositions require additional training and she commended the applicant for seeking training for staff members. When you have multiple and severe bites that becomes an issue for the community and the dog warden’s office.

Warden Fry stated she contacted Franklin County where this rescue has received 47 dogs. She described Franklin County as placing adoptable dogs on an adoption floor. Rescues do not receive adoptable dogs. If a rescue wants an adoptable dog they must apply for it as a single person. When Franklin County works with rescues it is for dogs having been identified with medical or behavioral problems. Warden Fry stated her concerns regarding dogs already identified with “behavioral” problems coming to the township and the community. She stated that with this breed it seldom works out for the dog, or the community, when the dog(s) have been identified as having an issue.

Ms. Logero stated there were only two dogs from Franklin County. Mr. Koch advised she will be given an opportunity to rebut.

Mr. Koch asked how many shelters with similar capacity are in Mahoning County. Warden Fry stated private 501c3 come in and out and are started with the best of intentions. Deputy Tunison estimated three brick and mortar facilities with most being foster based.

Warden Fry submitted Exhibit “E” identified as Franklin County’s procedure for rescues as information for the Board of Appeals. She expressed her concerns for the dogs having been identified as having “behavioral” issues. She described dangerous dogs being able to bond with one or two people and it becomes emotional when you have the dog there for a long period of time and you have a bite case and a decision has to be made.

Mr. Satterlee asked if there were criteria for a dog with a bite history. Warden Fry stated there were designations that can be placed on dogs but they try to stay away from designating animals within rescues as it makes it more difficult for the rescue to do what they are doing. A lot of times they are not informed of the designations. By way of example she spoke of “Snickers” and referenced his bite cases that have been documented. She stated if your personal dog is unprovoked and goes off your property and attacks someone there is a designation that can be made. There are criteria for dangers and/or vicious dogs. Warden Fry stated she was made aware of some bites that were quite severe from the facility and referenced pictures from the exhibit. She also

expressed concerns with extension cords being used at the facility and dogs being crated in household crates that are not designed to be in use 24/7 with the dogs being let out only 15 to 20 minutes at a time. She further stated the crates are not secure enough for dogs with temperamental issues which can lead to dogs getting out of the crates resulting in dog on dog fights.

Mr. Koch inquired about a picture. Warden Fry stated the picture was a dog on dog fight from the facility.

Mr. Satterlee asked what can be done for a situation like this. Warden Fry stated they are a government agency and they have procedures. As the Dog Warden, she was made aware of the situation and felt an obligation to bring it to the Board's attention since this is a conditional use request. She stated there are no perfect or easy answers for this type of problem. She stated these situations are occurring throughout the United States.

Mr. Satterlee asked how they know, for example, dogs from Trumbull County have been given a dog designation. Warden Fry stated her shelter is a government agency and has statutory obligations to be able to take in strays. She questioned how she can adopt a dog out that she knows is going to bite, or the first time an accident happens such as an open gate or door, the dog gets out, and the dog goes next door to kill the neighbor's dogs, then how can that dog be adopted out into the community in all good conscience, she questioned. It's a difficult decision. Some dogs can be rehabilitated. Some dogs when they go to that, that is there go to response, then they must be humanly put down. A dog that is going to bite cannot be put back out in the community, especially if the bites are severe. She stated there are situational bites that are looked at case by case. She acknowledged it is a problem finding appropriate safe places for dogs that are marginal or have severe behavioral problems.

Mr. Satterlee asked how you stop other counties from bring theses type dogs into our community. Warden Fry acknowledged the difficulty of the situation. Zoning Inspector Crivelli advised under the Austintown Township Zoning Ordinance the property is zoned as a Business B-2 District and a kennel or cattery is listed as a conditional use and the applicant has to appear before the Board with a plan and these situations of importing dogs from outside the township or county can be looked at by the Board as part of the hearing process.

Mr. Koch asked about the dog warden's capacity. Warden Fry stated if they were required, their facility could absorb the dogs as they currently have 72 dogs and a capacity for 120 dogs. She stated it is an on-going battel. She observed in one day they brought in 19 dogs. Ninety percent of the dogs brought in are from the city. There tethered. This a horrible time of year for this. The dogs are un-socialized. She observed a lot of people keep dogs not for pets and these dogs have never been trained or socialized to be pets. Some dogs can transition but some can't.

Mr. Satterlee asked if they were not pets, are they for protection. Warden Fry stated they could be used for protection or as an early warning system. She referenced her office

being contacted a number of times by the drug task force to pull dogs so they can issue search warrants. She stated it is sad how this powerful breed is being used.

Mr. Satterlee asked about fighting dogs. Warden Fry stated they do see that but not on the scale as other areas. People who are making money with fighting know how to hide their dogs. She stated this is more a rural problem.

Mr. Koch inquired about the use of the old pound. Warden Fry stated it is being used by the Sherriff's office for day reporting and as a quasi-body shop. They also monitor the building to make sure no one is leaving dogs in the outdoor cages.

Mr. Satterlee observed that the volunteers at the facility did not hide the fact that there have been bites. Warden Fry acknowledged bites happen and the bite victim who came to her was very experienced as a dog walker and handling big dogs. She emphasized the problem with unprovoked bites that are serious. Had she been taken off-balance that would have been a huge concern. The record of bite cases was marked as Exhibit "F".

Mr. Koch asked if the dog "Snickers" was euthanized. Ms. Logero answered in the negative.

There was discussion of codes for building the new county dog facility including areas for outdoor kennels and kennel sizes. Mr. Satterlee observed the kennels he saw were 3' x 5'. Mr. Bates advised he built the kennels and some are 3' x 10'. Warden Fry speculated the county's kennels are 5' x 12' and the adopted floor kennels are slightly smaller.

Mr. Koch inquired about the three other places similar to this. Deputy Rick Tunison stated there was three other brick and mortar building. He listed Angels for Animals, Falcon Animal Rescue, and Animal Charity.

Mr. Koch inquired about a normal number of incidents that would occur at these types of facilities. Deputy Tunison that based on the type of dogs they are bring in it is on par. They are not bringing in the average Golden Retriever or similar dogs. The dogs they are bring in are high risk. They can usually identify within the first five to ten minutes after bringing a dog into the building what they will be in for. They will put locks on kennel doors or note cards that state "Do Not Walk" so the volunteers know not to touch or walk a certain dog. They do not allow the general public or volunteers to interact with high risk dogs. Deputy Tunison described the "Safer Testing" method where dogs are scored thereby taking out human emotion. It's just the dog and the test and the test determines if the dog should be in a one dog home only, without kids, or if the dog needs to be euthanized, or if the dog has food or resource guarding issues. He stated no test is 100% accurate.

Mr. Koch inquired about conditions that he would like to see as a dog professional. Deputy Tunison stated the number of dog is the most alarming issue even more so than temperament. Some behaviors can be corrected. He questioned the volunteer staffing

needs to the number of dogs and how much time each dog is given for exercise, play, and people interaction.

Warden Fry stated she would like to see kennels versus household crates which are not as secure. Deputy Tunison stated the kennels they built are perfect but the problem is trying to put an aggressive or unknown dog in a situation where now he or a volunteer is over the top of the dog. Most bites occur when you bend over as the dogs fears you are invading his space. The walk-in kennels allow you to open the door, walk the dog in, slip your hand down and take the leash off, and shut the door. There is no struggle trying to push the dogs in. You cannot use your everyday house dog interactions with these dogs as the dogs have had zero interactions with people. The volunteers are probably the first people taking a chance on rehabilitating them. The answer is not mass euthanasia. Sometimes it becomes overwhelming.

Deputy Tunison asked the Board when the rescue was started how many dogs were there and what was the intake time period. Did they always imagine bringing in 14 to 22 dogs or did they start off with five or six dogs? They are aware people will say if you do not take the dog we will let it lose. Their scope is to protect the public. He visited the facility three times for bite cases. One of the dogs ended up being perfectly fine. He described another visit with two volunteers and a dog that came out of the house that was fine, put his feet up on the van, and the dogs face changed and the volunteers husband pulled the dog away just in time as the dog went after his arm. He emphasized the dog was fine at the first approach, pictures were taken from about four feet, but as soon as he was in his space the dog's reaction occurred.

Warden Fry stated that when dogs are in a rescue only status, or a possible euthanasia status, a lot of times there is a reason, and you must pay attention to that. It is not an easy thing to do. You have to care. There is no faking in this business. A decision to put a dog down is difficult and a tough thing to do.

Mr. Koch asked if there could be a compromise with maybe the number of pit-bull dogs. Warden Fry said that would be difficult. She suggested training, limiting the number of dogs, and making sure the dogs are getting exercise. The size of the kennel also needs to be looked at.

Mr. Satterlee asked if there was a ratio for square footage and the number of dog. Deputy Tunison stated there is no ratio for dogs housed in a building. He stated dogs are pack animals. They react to each other differently. He described a study whereby one aggressive dog in a setting can lead to a friendly dog reacting and stated "dog reactive" is bad. Aggressive dogs give warnings such as growling, barking, or their hair is up. Dog reactives and silent ones are the scariest. You get no warning. Those are some of the things you need to watch out for. He described the old county facility and the problems with dogs seeing other dogs being walked while they were in chain-link kennels.

Mr. Satterlee asked if the design of this facility was a plus with five dogs in each room. Deputy Tunison stated in theory with five dogs you could put three dogs outside and have

two volunteers walking two other dogs all at the same time. You are not leaving dogs in the building to get amped up and stressed out every time another dog is walking in or out. In the new County kennels dogs cannot see each other. The number of dog on dog incidents has dropped and the number of bites in the pound has dropped with the current design. The dogs are not as amped up anymore. You have to ask what is arousing the dog, or stimulating the dog to provoke a negative response.

Warden Fry described volunteers giving treats to dogs that gets the dogs up to new levels of excitement. She described a new program called “Dogs Playing For Life” designed for shelter dogs and teaches how to recognize the different true personalities as they are with each other in a “pack”. It makes for easier decision making as to whether they are aggressive, reactive, or passive. She suggested the program may be useful for this facility.

Mr. Satterlee suggested a continuance and this group meet with Warden Fry to devise a plan to run the facility more efficiently and safely. Warden Fry was agreeable. Mr. Koch and Mr. Satterlee suggested recommendations for improvements may be a positive thing for the appeal case. Ms. Logero stated she was agreeable to this. Mr. Satterlee stated this is an issue but the Board would like to help them out to make this successful. Mr. Koch observed everyone is passionate about the issue.

Ms. Logero stated they had two dogs that came from Franklin County. The rest of the dogs are in foster in Columbus, Cleveland, and Cincinnati. Eighty percent of the dogs are adopted. Mr. Koch applauded the applicants for their passion but emphasized the Board’s responsibility for the public safety.

A member of the audience advised that in Trumbull County if a pit-bull bites someone the dog does not get out.

Wendy Jackson 172 Vermont Avenue NW, Warren, Ohio, 44485, testified that she was a volunteer at the shelter and there have been bites that were kept quiet because you don’t want the dog to get in trouble. She described a dog that attacked her at the shelter and observed that dog went out for adoption later that week. The lady who adopted the dog was later attacked by the dog. The dog was eventually put to sleep but it shouldn’t have gotten that far. Mr. Koch stated the lines of communication need to be opened up to the County to better evaluate the situation.

Ms. Trimble stated she wants to figure this out. She has been there for two years and yes there needs to be improvements. There are always improvements needed at every facility. She stated the volunteers all need better education and training and better facilities but they do not have resources. Circumstances matter and everyone needs to work together for improvements.

Luann Delon, 1910 Beaver Trail, Mineral Ridge, Ohio, 44440, stated not every dog that comes in is a high risk case. She advised she adopted a pit-bull from the facility and the dog is perfect. Mr. Koch agreed and advised the Board wants to adopt a spirit of

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cooperation. There is a lot of good they do but the bad comes to the surface. That needs to be minimized and everyone needs to work in a spirit of cooperation.

Mr. Beaudis observed the temperament of the dogs improved when they did not see each other and asked will that be feasible at this location. Warden Fry advised you can always look to see what can be done so it can be sanitary and not spreading disease. She stated they can give suggestions and they leaned a lot building the new facility.

Mr. Satterlee asked how much time would be needed. Warden Fry suggested 60 to 90 days as a time frame to get together to see what is feasible. Mr. Satterlee observed that time period could be used by the applicant to begin making some recommended changes.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

It was determined that Nancy Logero would be the main contact to work with the Mahoning County Dog Warden.

2017-25-A-All About the Pawz: Motion by Mr. Satterlee to continue the case for 90 days to allow the Mahoning County Dog Warden and Nancy Logero to meet to formulate a plan of improvements and recommendations for the next hearing.

Seconded by Mr. Mahoney.

Roll call vote: Mr. Beaudis – Yes; Mr. Glaros - Yes; Mr. Mahoney – Yes; Mr. Satterlee – Yes; and Mr. Koch – Yes.

Zoning Inspector Crivelli advised the applicant the continued hearing will be scheduled for April 12, 2018 or earlier if they should submit a plan sooner.

Mr. Satterlee commended everyone for doing a nice job.

There being nothing further to come before the Board, the hearing was adjourned at 9:20 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____