
MINUTES OF THE

CITY OF PATASKALA BOARD OF ZONING APPEALS

Tuesday, July 12, 2016

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio on Tuesday, July 12, 2016.

Present were:

Matt Dixon, Chairman

Kathleen Hasson

T.J. Rhodeback

Steve Valentine

City of Pataskala Planning and Zoning Department staff:

Scott Fulton, Director of Planning

Lisa Paxton, Zoning Clerk

Not Present:

Catherine Baird, Vice Chairman

Chairman Dixon opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance. Roll call was made. Present were: Matt Dixon, Kathleen Hasson, Steve Valentine and T.J. Rhodeback.

First on the Agenda, ***Conditional Use Application CA-16-005***. (Please see the attached official transcript of proceedings).

Next on the Agenda, ***Variance Application VA-16-016***

Ryan Lammers, 110 Ashley Lane, was placed under oath.

Mr. Lammers gave an overview of his variance request, noting the approved construction permit showing a 110-foot setback. Mr. Lammers indicated he had adjusted the layout, noting issues with access to the garage. Mr. Lammers stated he measured 100 feet, however, did not take into consideration the elevations and ended up with 96.7 foot setback.

Mr. Fulton reviewed his Staff Report and reiterated Mr. Lammers' comments.

Mr. Dixon asked if Mr. Lammers volunteered the error on his own.

Mr. Fulton noted in the affirmative.

Ms. Rhodeback asked if the neighbors were informed.

Mr. Lammers indicated in the affirmative and presented the neighbor's letter to the Board.

No further questions were presented.

Mr. Valentine made a motion to approve a variance from Section 1227.05(C)(1) and 1229.05(C)(3) of the Pataskala Code. Seconded by Ms. Hasson. Ms. Rhodeback, Mr. Valentine, Ms. Hasson and Mr. Dixon voted yes. The motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, **Variance Application VA-16-017**.

Thomas Nighland, 14441 East Broad Street, was placed under oath.

Mr. Nighland gave an overview of his variance request to build a 30 x 50 accessory building.

Mr. Dixon inquired into the use of the proposed accessory building.

Mr. Nighland noted recreational vehicles; camper, boat, motorcycles.

Mr. Dixon asked if the proposed accessory building will be used as a business.

Mr. Nighland indicated it would not.

Mr. Fulton gave an overview of his Staff Report, noting the property contains a 2,172 square foot home and a 480 square foot detached garage. Mr. Fulton stated the Applicant is proposing to construct a 1,500 square foot accessory building southeast of the existing garage. Mr. Fulton noted based upon the acreage of the property, the Code allows a maximum of 1,578 square feet that can be combined amongst two accessory building. Once combined, the existing detached garage and the proposed accessory building total will be 1,980 square feet; being 402 square feet over the maximum permitted square footage for accessory buildings on this property.

Ms. Rhodeback inquired as to the height of the proposed building.

Mr. Nighland noted the eave height would be 10 foot, and peak would be 14 feet.

Ms. Rhodeback asked the height of the current accessory building.

Mr. Nighland did not know the height; however, Mr. Nighland stated the proposed building will look equal to the existing building.

The Board reviewed the site map.

Ms. Hasson asked if there would be any living space.

Mr. Nighland indicated there would not be any living space.

Ms. Rhodeback asked if it will store a fifth wheel.

Mr. Nighland stated there would be a pop-up camper and pontoon.

Ms. Hasson asked if it will be his personal items.

Mr. Nighland indicated in the affirmative.

Ms. Rhodeback asked if there is a percentage in the code regarding overage.

Mr. Fulton indicated there is not.
No further questions were presented.

Ms. Hasson made a motion to approve a variance from Section 1221.05(B)(1) of the Pataskala Code for Variance Application VA-16-017, with the following **modifications**:

1. The applicant shall construct the accessory building as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the accessory building.

Seconded by Mr. Valentine. Ms. Hasson, Mr. Valentine and Mr. Dixon voted yes. Ms. Rhodeback voted no. The motion was approved.

Mr. Dixon noted the 30-day appeal period.

Next on the Agenda, **Findings of Fact**.

Mr. Dixon noted no findings of facts for the revocation for Conditional Use CU-16-005, per the City's Attorney. The minutes will be reviewed and approved at the next hearing.

Ms. Rhodeback made a motion to accept from Section 1211.07(1) **Findings of Fact A through K and for Section 1211.07(2) Findings of Fact A and B** for Variance Application VA-16-016. Ms. Hasson seconded the motion. Ms. Rhodeback, Mr. Dixon, Mr. Valentine and Ms. Hasson voted yes. The motion was approved.

Ms. Hasson made a motion to approve **Findings of Fact B, D, E, F, G, H and K for Variance Application VA-16-017**. Ms. Rhodeback seconded the motion. Mr. Dixon, Mr. Valentine, Ms. Rhodeback and Ms. Hasson voted yes. The motion was approved.

Mr. Valentine made a motion to approve the June 14, 2016 regular meeting minutes. Seconded by Ms. Hasson. Mr. Dixon, Ms. Hasson, Mr. Valentine and Ms. Rhodeback voted yes. The motion was approved.

Ms. Rhodeback made the motion to adjourn the meeting at 8:29 p.m. Seconded by Mr. Valentine. Mr. Valentine, Ms. Rhodeback, Ms. Hasson and Mr. Dixon voted yes. The meeting was adjourned.

Minutes of the July 12, 2016 Board of Zoning Appeals Meeting were approved on

_____, 2016

Chairman Matt Dixon

CITY OF PATASKALA
BOARD OF PLANNING AND ZONING
Public Hearing and Regular Monthly Meeting
Tuesday Evening Session
July 12, 2016, 6:30 p.m.

CITY HALL, COUNCIL CHAMBERS
621 West Broad Street
Pataskala, Ohio 43062

BEFORE:

Matt Dixon, Chairman
Kathleen Hasson
Teresa (TJ) Rhodeback
Stephen Valentine

STAFF:

Lisa Paxton, Zoning Clerk
Scott Fulton, Director of Zoning

ALSO:

Brian M. Zets, City's Attorney
Dwight Harlor

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EXHIBITS

IDENTIFIED

Exhibit	Description	
A	Application for Conditional Use Permit	7
B	Hearing notification letter document	10
C	Finding of Facts-Conditional Use Application document	12
D	Violation letter	16
E	Letter dated May 5, 2016	22
F	Letter dated June 6, 2016	26
G	Photographs	37
H	Photographs and brochure	51
I	Various documents	54

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P R O C E E D I N G

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MR. DIXON: It is 6:37. We call this meeting to order. If you will please rise for the Pledge of Allegiance.

(Pledge of Allegiance taken.)

If you -- if everyone could, if you have a cell phone, please silence it this evening, and could we have a roll call of the Board members please?

MS. PAXTON: Matt Dixon?

MR. DIXON: Here.

MS. PAXTON: Catherine Baird? Kathleen Hasson?

MS. HASSON: Here.

MS. PAXTON: Stephen Valentine?

MR. VALENTINE: Here.

MS. PAXTON: TJ Rhodeback?

MS. RHODEBACK: Here.

MR. DIXON: All right. Our first order of business tonight is conditional use application CU-16-005. It is for the consideration of the revocation of this conditional use. Here to represent the City and the City's attorney Brian

1 Zests -- Zets. I'm sorry.

2 MR. ZETS: No, you're not the first one.
3 It sounds like the Mets or the Jets, but with a Z.

4 MR. DIXON: Okay.

5 MR. ZETS: You will never forget it now,
6 and you can always spell it with more than one T too,
7 by the way.

8 MR. DIXON: Okay.

9 MR. ZETS: It's often misspelled even
10 though it's only four letters. I am the lawyer for
11 the City. Mr. Chairman, I won't be actually
12 testifying tonight, so I don't believe I need to be
13 sworn in, but I will be asking questions of the two
14 witnesses that we have present here tonight for this
15 portion of the hearing.

16 The first will be Mr. Scott Fulton, so
17 if you want to just go ahead and start the
18 proceeding. I can -- we can have him sworn in and we
19 can start this part of the --

20 MR. DIXON: That would be great if we
21 could have Mr. Fulton sworn in.

22 SCOTT FULTON,
23 being first duly sworn, as prescribed by law, was
24 examined and testified as follows:

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DIRECT EXAMINATION

By MR. ZETS:

Q. Scott, I'll remind you and I'll remind everyone else, I'll remind myself as well, we have a court reporter here tonight with us, and she's trying very hard to take down every word we say. Court reporters do not like people talking over each other because when we talk over each other, which is what we do every single day when you're at Starbucks and enjoying a coffee, and you're talking about last night's OSU game, we talk all over on top of each other, that makes for a horrible transcript because the court reporter cannot write what two people say at one time. So I would suggest that -- I'll try and -- ask you the questions, let me get the question out as best I can, I will let you give an answer. At some point in time if the Board has questions, you have -- -- feel free to also ask questions. If you do some -- you know, ask questions of the witnesses, and I'll also just ask that you refrain from trying to talk over each other or over the witnesses because -- if we can try to avoid that to make the most clearest transcript that we can put together.

So that's the most basic ground rule,

1 and I also say to read anything, if I give you an
2 exhibit, and you read really, really fast, she can't
3 type as fast as you can read, that's just the rule of
4 thumb. So if you start to read something, try and
5 read slowly, so she can take it into the record. Got
6 it?

7 A. Yes.

8 Q. Oh, and you also have to answer audibly,
9 because if you just shake your head, she'll have a
10 hard time, you know -- nodding is hard, "uh-huh",
11 huh-uh" those are difficult too. No one ever knows
12 what you really mean, yes or no, whatever you give
13 so. Okay.

14 Mr. Fulton, just -- we all know who you
15 are, but can you state your name and position for the
16 record.

17 A. Scott Fulton, Director of Planning for
18 the City of Pataskala.

19 Q. As Director for Planning in the City of
20 Pataskala, some of your job duties entail issues and
21 circumstances involving conditional use permits?

22 A. Yes.

23 Q. Okay. I'm going to hand you what's been
24 marked as Exhibit A.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 Q. And I put the sticker on the wrong
3 exhibit, so let me mark a different one. Now, I know
4 the Board received a packet of information tonight.
5 Exhibit A, I'll -- just so -- so the record is clear,
6 is the application for conditional use permit, City
7 of Pataskala, application No. 2012-004. Scott, I'll
8 hand you that and ask if you can identify that
9 Exhibit A?

10 A. Yes.

11 Q. And what is that?

12 A. That is an application for conditional
13 use permit.

14 Q. Okay. And for -- what -- strike that.
15 What's the name of the applicant for that Exhibit A?

16 A. Dwight Harlor, and I apologize if I
17 don't say this correctly, Yungrang Cheng.

18 Q. Could you spell that for the court
19 reporter?

20 A. Y-u-n-g-r-a-n-g, C-h-e-n-g.

21 Q. Okay. Thank you. And what was the
22 address of the property location for this
23 application?

24 A. That is 12684 Broad Street in Pataskala.

1 Q. Okay. And just so we're clear, that is
2 the property address for the location we're talking
3 about with respect to this conditional use, which
4 we're here for tonight, correct?

5 A. Yes.

6 Q. Okay. Exhibit A consists of three
7 pages, I'll turn your attention to Page 2. I believe
8 it's the third paragraph down. It starts with the
9 phrase "On the exterior of the property..." Do you
10 see where I'm at?

11 A. Yes.

12 Q. Okay. Could you read that slowly for
13 us?

14 A. "On the exterior of the property, we
15 plan to remove the existing sign(s) and replace with
16 a 'more modern', 'nice looking' sign."

17 Q. Continue.

18 A. "Also, we wish to install a 6-foot
19 privacy fence on the back of the property. Nice
20 trees and shrubs are in the plans to improve the look
21 of the property."

22 Q. Okay. I'd like to turn your attention
23 to Page 3 of Exhibit A. There's two numbered
24 paragraphs on that page, 4 and 5. Could you read No.

1 4 for us please?

2 A. "Yard: 6-foot privacy fence backyard
3 with shading area for outdoor playground. Separate
4 areas will be provided for different sizes of dogs.
5 There will also be a fresh water running fountain
6 outdoors in the summer."

7 Q. Okay. And, then, No. 5, can you read
8 that please?

9 A. "The yard/play areas will be
10 continuously cleaned of feces. This will be a
11 ongoing process. We will dispose of waste in
12 compliance with local, state, federal laws."

13 Q. Pages 2 and 3 of Exhibit A, were these
14 the commitments made by the applicant with respect to
15 this application for conditional use?

16 A. Yes.

17 Q. Okay. We'll just back up briefly just
18 so the Board -- they probably remember what had
19 happened, but this was four years ago almost. Can
20 you explain succinctly to the Board why there was an
21 application in need for a conditional use of this
22 property and location?

23 A. The applicant was proposing to establish
24 a dog daycare and indoor boarding which is a

1 conditional use. It required a conditioned use
2 approval through the Board of Zoning and Appeals.

3 Q. In other words, they couldn't use the
4 property as such without the conditional use?

5 A. Yes.

6 Q. And while we look at what happened in
7 between, but on the first page of Exhibit A, there's
8 an approved stamped on there. So this is also the
9 application and, I guess, the approval form as well?

10 A. Yes.

11 Q. Okay. And it shows the date of decision
12 as being what on the approval of the conditional use?

13 A. January 24, 2012.

14 Q. Even I can't read the signature, so I'm
15 not sure if any of these Board members were involved
16 in that or not. I see head shakes, no, so -- all
17 right. Mr. Fulton, I'm going to hand you what's
18 about to be marked as Exhibit B.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 Q. And that is going to be the City of
21 Pataskala Board of Zoning and Appeals public hearing.
22 It says hearing date January 24th, 2012. It has the
23 application number, staff summary. The total exhibit
24 is three pages. Would you identify that for us?

1 A. Yes.

2 Q. What is that?

3 A. This is a Board of Zoning and Appeals
4 Staff Report for the conditional use request.

5 Q. Did you put together this Staff Report
6 for the January 2012, meeting?

7 A. No.

8 Q. I assume your predecessor did?

9 A. Yes.

10 Q. Okay. Do you believe what's been marked
11 as Exhibit B is a true and accurate copy of the Staff
12 Report for this particular application, that being
13 application No. 2012-004?

14 A. Yes.

15 Q. And in the staff summary, the first
16 paragraph basically summarizes what you just told the
17 Board tonight about the request for the conditional
18 use to operate the private kennel?

19 A. Yes.

20 Q. Then if you turn to Page 2 of Exhibit B,
21 halfway down the page, Paragraph No. 7, Section
22 1229.04 conditional use. It talks about NAICS,
23 provisions. Could you explain to the Board what that
24 is and how it relates to this matter we're here on

1 today?

2 A. The NAICS is the North American
3 Industrial Classification System, and that system has
4 been incorporated into our zoning code by which to
5 indicate permitted, conditional permitted, and
6 non-permitted uses in a given zoning classification.

7 Q. Again, in order to run -- well, let me
8 back up. What was the business again that the
9 applicant was trying to operate at this facility?

10 A. Dog boarding and indoor boarding and dog
11 daycare.

12 Q. Okay. And they could not do that
13 without a conditional use, correct?

14 A. Correct.

15 Q. I'm going to hand you what's been marked
16 as Exhibit C.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 Q. The top is captioned, "City of Pataskala
19 Board of Zoning and Appeals Findings of Facts,
20 Conditional Use Application No. 2012-004", and ask
21 you if you can identify that for me?

22 A. Yes.

23 Q. Do you believe it's a true and accurate
24 copy of the findings of facts from the BZA with

1 respect to this application?

2 A. Yes.

3 Q. All right. Looking at the first page of
4 Exhibit C, there's a paragraph, if you want to call
5 it that, where it says "findings", and, then, there's
6 handwritten notes in there. Could you read that for
7 us please, the handwritten portion?

8 A. "The application was approved with the
9 requirement that they stick the fencing as stated in
10 the application."

11 Q. Okay. Then it goes on to -- I believe,
12 it's explains why the BZA believes that the
13 conditional use criteria were met, correct, in A, B,
14 C, and D, and E?

15 A. Yes.

16 Q. It continues on to F, G, and H as well,
17 correct?

18 A. Correct.

19 Q. Then the very last thing above the
20 signature lines is the motion. Could you read the
21 motion into the record please?

22 A. "Move to approve the application with
23 strict adherence to the commitments including the
24 fencing."

1 Q. And, again, commitments that were on the
2 application were the items you talked about in
3 Exhibit A on Pages 2 and 3, correct?

4 A. Correct.

5 Q. So what was your understanding of what
6 needed to be done by the applicant in order to meet
7 the criteria for the conditional use?

8 A. That the existing signs needed to be
9 removed, the installation of a 6-foot privacy fence,
10 trees and shrubs were to be planted. Also, separate
11 areas for different sizes of dogs in the backyard, a
12 running fountain during the summer months, shaded
13 areas, and that the feces be removed in compliance
14 with local, state, and federal laws.

15 Q. All right. And that finding, again, was
16 dated January 24th, 2012, correct?

17 A. Yes.

18 Q. When did you actually start as the
19 director with the City of Pataskala?

20 A. October 13th, 2014.

21 Q. When did you first become aware of
22 issues with this property and the conditional use
23 permit?

24 A. Approximately March of 2016.

1 Q. Do you remember how you became aware of
2 those issues?

3 A. I believe we had some complaints that
4 came through the police department to us related to
5 the care of the dogs at this location.

6 Q. What do you mean by the "care of the
7 dogs at this location"?

8 A. We received a letter stating that the
9 dogs weren't being cared for appropriately. They
10 weren't being walked, some had medical issues and
11 were not being treated, and, then, they were being in
12 crates for extended periods of time. There were
13 instances of dog bites, dogs killing dogs, dogs
14 attacking other dogs in terms of the alpha male
15 disciplining the lower subordinate dogs, that was
16 outlined in a letter that went to the police
17 department that they forwarded on to us to go take a
18 look into it.

19 Q. Okay. So after you received that
20 complaint letter outlining those things you
21 described, what did you do?

22 A. We looked into whether there was a
23 conditional use for the property to determine what
24 the approved use was for the property, that's when we

1 found out that the conditions that needed to be met.
2 We also, at that time, we were contracted with
3 Fairfield County and they did an investigation of the
4 property to determine if there was any violations.

5 Q. Okay. What conclusion did you come to
6 with respect to whether the conditions or commitments
7 that the applicant set forth in order to meet the
8 conditional use were being complied with?

9 A. The conclusion -- we took a look at the
10 property and concluded that only one of the required
11 conditions had been met.

12 Q. Okay. And this, again, is March of this
13 year 2016, correct?

14 A. Correct.

15 Q. All right. I'm going to hand you what's
16 been marked as Exhibit D. It is a violation letter
17 dated March 31st, 2016, to Dwight Harlor,
18 H-a-r-l-o-r. I ask if you can identify that for me,
19 please?

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 A. Yes.

22 Q. What is Exhibit D?

23 A. This is a violation letter sent by me to
24 Mr. Harlor indicating that he has not met the

1 commitments made as part of the conditional use
2 approval, and that he needed to resolve this matter
3 within ten days or it could result in the revocation
4 of his conditional use approval.

5 Q. Okay. And, again, who is Dwight Harlor?

6 A. Dwight Harlor was one of the applicants
7 for the original conditional use approval for the
8 property.

9 Q. Okay. In this letter -- strike that.
10 Let me start with this one: How was the letter
11 that's been marked as Exhibit D sent to Mr. Harlor?

12 A. It was by certified mail.

13 Q. And I assume you did get a return
14 receipt?

15 A. Yes.

16 Q. Okay. That -- actually the signature
17 page is Page 2 of Exhibit D; is that correct?

18 A. Yes.

19 Q. All right. In the letter dated
20 March 31st, 2016, you outlined eight commitments that
21 were made. I want to walk you through these one by
22 one. Before I do that, let me ask you before you had
23 sent the letter that's been marked as Exhibit D on
24 March 31st, 2016, did you personally observe the

1 property and the condition with respect to these
2 commitments?

3 A. Yes.

4 Q. Okay. Starting with No. 1, "Removal of
5 the existing sign or signs", had that been
6 accomplished as of March 31st, 2016?

7 A. Yes.

8 Q. No. 2, "Installation of a new sign that
9 is a -- that is 'more modern' and 'nice looking.'"
10 Had Mr. Harlor installed this new more modern, nicer
11 looking sign as of March 31st, 2016?

12 A. No.

13 Q. Moving to No. 3, "Installation of a
14 "6-foot privacy fence on the back part of the
15 property." Had that been completed as of March 31st,
16 2016?

17 A. No.

18 Q. No. 4, "Installation of 'nice' trees and
19 shrubs." It's somewhat subjective, but were there
20 any trees or shrubs installed as of March 31st, 2016?

21 A. No.

22 Q. How about nice trees or shrubs?

23 A. No.

24 Q. None of those either?

1 A. No, sir.

2 Q. No. 5, "Installation of a shading area
3 for an outdoor playground in the yard." We're
4 talking about play -- you're talking about a
5 playground area for the dogs, correct?

6 A. Correct.

7 Q. Okay. Had that been installed as of
8 March 31st, 2016?

9 A. No.

10 Q. No. 7, "Installation of a freshwater
11 running fountain in the yard." Had he installed that
12 fountain as of March 31st, 2016?

13 A. No.

14 Q. And Finally No. 8, "Cleaning of the yard
15 and play area of feces that will be disposed of in
16 compliance with local, state, and federal laws." Did
17 you see signs of feces that had not been cleaned up?

18 A. I did not, however, I don't know if the
19 disposal method was in compliance with local, state
20 and federal laws.

21 Q. Fair enough. The next paragraph of
22 Exhibit D explains you are currently in violation of
23 the conditional use permit. "Failure to resolve this
24 matter within 10 days could result in revocation of

1 the conditional use approval." Did Mr. Harlor
2 resolve these eight issues within ten days of the
3 date you sent this letter?

4 A. No.

5 Q. Now, just to be clear, how about 10 days
6 of the date that he received it, which apparently is
7 April 18, 2016?

8 A. No.

9 Q. Did Mr. Harlor contact you at any time
10 after receiving or within a close time of receiving
11 this letter?

12 A. Yes, I believe it was related to this
13 letter.

14 Q. Okay. Do you remember what he said and
15 what he -- why he contacted you?

16 A. I believe it was to respond to these
17 issues in an attempt to work through the issues to be
18 in compliance with the requirements.

19 Q. Okay. Explain to the BZA how that
20 conversation went and what he proposed to do or --

21 A. I believe it was an e-mail. He
22 indicated that he had a sign for the property,
23 however, while reviewing that sign, the photo was
24 taken in 2012. The sign was never installed, plus

1 the sign was associated with Bark Avenue, which is --
2 although proposed for the property, it has never
3 opened, so that business does not currently exist at
4 the property. And, then, Mr. Harlor, if I recall,
5 went through this list and indicated how he was
6 currently in compliance or planning to be in
7 compliance.

8 Q. Okay. With respect to the planning to
9 be in compliance, what did he tell you his efforts
10 were going to be and the time frame with which he
11 hoped to get them done?

12 A. He indicated just for example that he
13 was going to be installing trees and shrubs, that the
14 fence and existing trees qualified as shading areas
15 for the outdoor playground. He was planning on
16 continuing to install the fence, however, he had
17 proposed a building addition to the east side of the
18 property that would result in him removing the fence,
19 which is why he didn't complete it.

20 Also, he said that he had the --
21 separated the yard into different areas with certain
22 equipment that could be installed in 20 or
23 30 minutes. This is just from memory, so I'm
24 probably not touching on all of them.

1 Q. Okay. Did he give you a time frame by
2 which he could get things all done?

3 A. Not that I recall.

4 Q. Do you remember if you gave him any
5 direction as to when these things should be done?

6 A. Not that I recall.

7 Q. Okay. Let me fast forward you to May of
8 2016, in particular. I'll show you what's been
9 marked as Exhibit E. It's a letter dated May 5th,
10 2016.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 Q. Would you identify that exhibit for me,
13 please?

14 A. Yes.

15 Q. What is Exhibit E?

16 A. That was a letter sent to Mr. Harlor
17 indicating that the commitments made as part of the
18 application have still not been met, and that they
19 must be completed by June 1st of this year to be
20 fully compliant with the approved conditional use
21 application.

22 Q. Okay. And a letter dated May 5th, 2016,
23 which has been marked as Exhibit E, that was sent by
24 certified mail?

1 A. Yes.

2 Q. And Page 2 of Exhibit E, is that the
3 green card, if you will, I like to call it, showing
4 the return signed for mail?

5 A. Yes.

6 Q. All right. So regardless of actually
7 what -- whether or not you can remember what time
8 table you gave Mr. Harlow -- or Harlor in March, if
9 you can fast forward to the beginning of May --
10 again, you sent a letter identifying eight criteria
11 or commitments that were made by him with respect to
12 the conditional use; is that correct?

13 A. Yes.

14 Q. All right. And if you look down through
15 the eight commitments, can you identify for the Board
16 which ones were met as of May 5th, 2016?

17 A. No. 1.

18 Q. Okay. Any others?

19 A. Possibly No. 8, but, again, there was no
20 documentation provided indicating how the feces
21 removal was in compliance with all applicable laws.

22 Q. So No's. 2 through 7 were still not
23 complied with as of May 5th, 2016?

24 A. Correct.

1 Q. And just so the Board knows, did you
2 personally observe the property at or around the
3 time -- actually before the time you sent the letter
4 dated May 5th, 2016?

5 A. Yes.

6 Q. And the letter that's been marked as
7 Exhibit E, you say, "The above mentioned items must
8 be completed and rectified by June 1st, 2016, in
9 order to be fully compliant with your approved
10 conditional use application. Failure to do so by
11 specified date will result in the scheduling of a
12 Board of Zoning and Appeals hearing to consider the
13 revocation of your conditional use approval." Why
14 did you put that in the letter May 5th, 2016?

15 A. There's a provision in the code that
16 says if there is a complaint about someone not
17 following the requirements of their conditional use,
18 that a conditional use can be revoked for those
19 reasons.

20 Q. I have the sheet here, but I'm going to
21 ask you do you know what that number is?

22 A. 120 -- 1212, 1213.

23 Q. Very close. I will show you this to see
24 if it refreshes your memory. It's actually a copy of

1 the code. I got it this afternoon.

2 A. Okay.

3 Q. That's code section -- if that -- does
4 that refresh your memory to which number -- I
5 apologize. I'm not trying to give you a quiz or a
6 test here, but I know you're pretty good at these
7 numbers.

8 A. Would you like me --

9 Q. Yeah. Well, no, just a code number just
10 so -- to make sure the Board is on the same page as
11 you.

12 A. 1215.09, Expiration and Revocation of
13 Conditional Use Permit.

14 Q. Okay. After you had sent the letter
15 marked as Exhibit E and Mr. Harlor had received it,
16 did you have any conversations with Mr. Harlor?

17 A. I did.

18 Q. Could you explain to the Board what
19 those were?

20 A. Again, it was touching upon some of the
21 specifics from our previous conversation that the
22 fence wasn't installed because of the building
23 addition. He was planning on putting in trees and
24 shrubs, and, then, that he could install the

1 separation in the backyard in 20 or 30 minutes, and
2 that there was already shade there, that he didn't
3 need to install the shading areas for the outdoor
4 playground. He essentially recapped what we
5 previously discussed.

6 Q. Well, what did you tell him at this
7 time? You had a conversation with him at the end of
8 March. He gave you these reasons/excuses, what did
9 you tell him that he needed to complete at the
10 beginning of May?

11 A. I said that the way the conditional use
12 was approved, it was with strict adherence to the
13 commitments made including the fencing.

14 Q. What if, anything, did he say in
15 response?

16 A. I don't recall.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 Q. I'm going to hand you what's been marked
19 as Exhibit F. It's a letter dated June 6th, 2016, to
20 Mr. Harlor. I ask if you can identify that exhibit
21 for me, please?

22 A. Yes.

23 Q. What is Exhibit F?

24 A. It's a letter to Mr. Harlor indicating

1 he did not meet the commitments by the deadline of
2 June 1st, 2016, therefore, pursuant to Section
3 1215.09 of the Code, a formal complaint has been
4 issued and a revocation date was sent for a hearing
5 date.

6 Q. All right. Now, Exhibit F, whose
7 signature is that at the bottom of Exhibit F?

8 A. Benjamin J. King.

9 Q. Who is Mr. King?

10 A. He's the City's administrator.

11 Q. Why did Mr. King send the letter that's
12 been marked Exhibit F, and you sent the letters that
13 were marked Exhibit D and E?

14 A. With that, it's a -- one of the
15 provisions of that section of the code, it says if
16 the city official makes a complaint, that a letter
17 will be sent, and a revocation hearing would be set.
18 I spoke to Mr. King in regards to this and he said he
19 would write the letter --

20 Q. Okay.

21 A. -- formally issuing a complaint.

22 Q. Did you review the content of this
23 letter with Mr. King before it had been sent?

24 A. Yes.

1 Q. Had you personally observed the property
2 at or before June 6th, the time when this letter was
3 drafted and sent?

4 A. Yes.

5 Q. Did you agree with the items -- the
6 issues that were listed and identified in Exhibit F
7 before Mr. King sent the letter?

8 A. Yes.

9 Q. And how is Exhibit F mailed to
10 Mr. Harlor?

11 A. Certified mail.

12 Q. I believe it shows on Exhibit F a
13 delivery date of June 8th, 2016; is that correct?

14 A. Yes.

15 Q. Looking, again, at the items listed one
16 through eight, it appears to be the same items that
17 were listed in the previous letters, correct?

18 A. Yes.

19 Q. When you personally observed the
20 property at or before June 6th, explain to the Board
21 which one of those items one through eight had been
22 complied with in your opinion?

23 A. One and possibly eight.

24 Q. So nothing basically had changed since

1 March 31st?

2 A. No.

3 Q. After Mr. -- Harlow -- Harlor had signed
4 for the letter on June 8th, 2016, did you have any
5 contact with him?

6 A. Yes.

7 Q. Explain to the Board what that was --
8 conversation was about and what was discussed?

9 A. Mr. Harlor previously had an approved
10 fence permit which had since expired, so Mr. Harlor
11 came back in to apply for the fence permit so that he
12 could install the fence. Also, he mentioned that he
13 had a sign permit that had since expired so he came
14 back in, I believe, to reapply for a sign permit.

15 Also, we discussed the situation that
16 since Bark Avenue was not currently operating at that
17 location that the Bark Avenue sign per the code would
18 not be permitted to be installed to satisfy
19 requirement No. 2. And since Charlie's Wish was the
20 only facility operating from that location, a
21 Charlie's Wish sign would be the only sign per the
22 code that would be permitted to meet requirement No.
23 2.

24 Q. When was the last time you observed this

1 property?

2 A. This morning.

3 Q. And as of this morning, do you believe
4 the written terms and conditions upon which the
5 application for the conditional use was granted had
6 been met?

7 A. No.

8 Q. Has anything changed, and what I mean by
9 that is with respect -- outside of No. 1 and No. 8,
10 have any of these other commitments been satisfied?

11 A. While subjective, Mr. Harlor did install
12 some shrubs.

13 Q. Okay. We'll start with that one.
14 Explain to the Board the types of shrubs that you
15 saw.

16 A. They're very small shrubs outside of the
17 existing sign post, and while it's subjective, nice
18 and it's -- it -- everybody has their own opinion,
19 but I believe nice trees and shrubs leads me to
20 believe that there will be more installation of
21 landscaping rather than a few shrubs here and there,
22 maybe three or four.

23 Q. Okay. Any other commitments that have
24 been satisfied as of the last time you saw the

1 property?

2 A. Mr. Harlor did complete the fence along
3 the eastern side of the portion -- or the property.
4 However, in the back, there's a gap where the fence
5 is still not complete. Also, there is large gaps
6 underneath the newly installed fence that if dogs
7 were to be let out into the backyard, they can easily
8 get under the fence and escape.

9 Q. Okay. Any of the other eight items?

10 A. No.

11 MR. ZETS: I don't have any other
12 questions for Mr. Fulton at this time. I guess if
13 the applicant has questions of Mr. Fulton, he should
14 probably ask them now. I guess it's your hearing,
15 but I would assume that's how it will be run.

16 MR. DIXON: Yes. You want to call any
17 more witnesses at --

18 MR. ZETS: Yes. I mean, I'm going to
19 call -- I'm going to call Steve Blake just for two
20 minutes worth of questions.

21 MR. DIXON: Okay. Is Mr. Harlor here?

22 MR. HARLOR: Yes, I am.

23 MR. DIXON: Do you have any questions?

24 MR. HARLOR: I am trying to comply with

1 this --

2 MR. DIXON: Anything -- if you could,
3 come to the podium.

4 MR. HARLOR: I did not know that there
5 was going to be an attorney in here. I thought I was
6 trying to meet this. We got in this to help dogs, to
7 rescue dogs.

8 MR. DIXON: Mr. Harlor, if you could,
9 I'm going to have to get you sworn in and everything.

10 MR. HARLOR: All right. I will.

11 MR. ZETS: I would also suggest that if
12 he has questions for Mr. Fulton, he can ask those
13 now. If he has a statement that he wants to make to
14 the Board, he'll have time to do that after I get
15 done asking Mr. Blake those questions, so just to
16 keep a proper order of a witness, the
17 cross-examination, which he's entitled to a witness
18 cross-examination. You can put your hands down if
19 you want, too. And, just to keep the order so that
20 the record is clear.

21 MR. DIXON: Mr. Harlor, if you would get
22 sworn in, please.

23 (Dwight Harlor sworn.)

24 CROSS-EXAMINATION

1 BY MR. HARLOR:

2 MR. DIXON: Okay.

3 MR. HARLOR: Thank you. Scott, can go
4 through -- I want to see what the questions are.

5 MR. FULTON: Uh-huh.

6 Q. I'll walk over. I tried very hard to
7 get some of this stuff done. Okay. Where are we on
8 the questions?

9 A. Here's all of the exhibits.

10 Q. Where are we? Just go through the list
11 of what -- the compliance stuff.

12 A. That would be the removal of the
13 existing sign.

14 Q. No, there were three signs there, there
15 were 16 foot 5 by 5 --

16 MR. DIXON: Mr. Harlor?

17 MR. HARLOR: What?

18 MR. DIXON: I'm sorry, I have to
19 interrupt you. This is -- we're running this kind of
20 like a court case, so instead of stating the facts of
21 your case, but if there's any questions for
22 Mr. Fulton at this time, it will just be strict
23 questions.

24 MR. HARLOR: So I can't say anything?

1 MR. DIXON: Well, you can ask him
2 questions at this point in time. You will have time
3 at the end to actually present your case. This is
4 actually the City's time --

5 MR. HARLOR: Okay.

6 MR. DIXON: -- and this is just like a
7 cross examination, I guess I'm trying to say. So if
8 you want to step to the podium over here, so we got
9 you -- it's got to be on the microphone, sorry, and
10 if you have any questions strictly for Mr. Fulton --

11 MR. HARLOR: Go through the questions if
12 you would, please.

13 A. No. 1, Removal of the existing sign --
14 signs -- signs.

15 MR. HARLOR: Can I say anything?

16 MR. DIXON: Basically right now, this is
17 just questions for him to -- if you want to ask him a
18 question about it -- it's almost, like, you're an
19 attorney representing yourself, and just ask him any
20 questions you have. Like I said, any statements
21 about that, actually have to come more when it's your
22 turn to present.

23 MR. HARLOR: I guess No. 2, please?

24 A. "Installation of a new sign that is

1 'more modern' and 'nice looking.'" Installation of a
2 6-foot privacy fence on the back of the property.
3 Installation of 'nice' trees and shrubs.
4 Installation of a shading area for an outdoor
5 playground in the yard. Installation of separate
6 areas in the yard for dogs of different sizes.
7 Installation of a fresh water fountain -- fresh water
8 running fountain in the yard. Cleaning of the yard
9 in the play areas of feces that will be disposed of
10 in compliance by local, state, and federal laws."

11 MR. HARLOR: Okay.

12 MR. DIXON: Do you have any other
13 questions for Mr. Fulton at this time?

14 MR. HARLOR: No, but I do want to go
15 through one-on-one and --

16 MR. DIXON: We'll get to that after the
17 City finishes his case.

18 MR. HARLOR: Okay. Okay. That's fine.
19 I did not know that there was going to be an attorney
20 here to represent, because we did have an attorney
21 against this lady that made these false accusations.
22 I have this -- I don't have them marked like an
23 attorney does, but --

24 MR. DIXON: Okay. We will let --

1 MR. HARLOR: -- nothing much was found
2 in this investigation, I can tell you that.

3 MR. DIXON: Okay. We will give you your
4 chance to present.

5 MR. ZETS: At this time, I have no
6 further questions for Mr. Fulton. I would like to
7 have Mr. Steve Blake to be sworn in, so I can ask him
8 just a couple quick questions, if you would, please.

9 MR. DIXON: Mr. Blake, if you could get
10 sworn in, please?

11 STEVEN BLAKE,
12 being first duly sworn, as prescribed by law, was
13 examined and testified as follows:

14 DIRECT EXAMINATION

15 By MR. ZETS:

16 Q. Could you state your name and spell it
17 for the record, please?

18 A. Steven Blake, S-t-e-v-e-n, B-l-a-k-e.

19 Q. And I'm sure the people who are on the
20 Board know who you are, but for purposes of the
21 record, could you explain your position and when you
22 started with the City?

23 A. I'm the zoning inspector for the City
24 and I started September 15th, 2015.

1 Q. The property we're talking about here
2 today is located at 12684 Broad Street, Pataskala.
3 Are you familiar with that property?

4 A. Yes, I am.

5 Q. And if you could explain briefly to the
6 Board why you are familiar with that property.

7 A. We had received some complaints about
8 the property from the police department. Once,
9 again, it involved the dogs, and, then, there was
10 also some violations there regarding trash and debris
11 and as part of my job, I did cite him for that, and
12 some of those items were cleaned up. And, then, we
13 also had an issue with the fence on the property too.

14 Q. Okay. And that's what I would like to
15 focus your attention on that, I believe, it was the
16 6-foot privacy fence, part of the commitments. Are
17 you familiar with that?

18 A. Yes.

19 Q. Okay. I'm going to hand you what's been
20 marked as Exhibit G.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 Q. It's five pages that are photographs.
23 This is not part of the Board's packet, but I'll let
24 you see them in one second once he identifies them.

1 Five pictures, and I ask if you can identify those
2 photographs?

3 A. Yes, these are photographs that I took
4 of the fence at the property.

5 Q. Okay. Is -- are these photographs time
6 stamped?

7 A. They're dated, today's date, and the
8 time I took them was about approximately 4:15 this
9 afternoon.

10 Q. And what -- well, before I hand them to
11 the Board, what were you looking to depict in those
12 photographs? In other words, why did you take those
13 photographs?

14 A. One of the things that stood out is the
15 fence was designed to be containing the dogs, and
16 there are some large gaps in the front of the fence,
17 which a dog could easily crawl under. Also, when I
18 looked in the backyard, I noticed that the back fence
19 had not been completed. There's approximately about
20 an 8 to 10-foot section that is totally missing in
21 the back fence. I'm also seeing no signs of any kind
22 of additional shading or running water system that
23 was supposed to have been installed.

24 Q. Just to be clear, these are true and

1 accurate copies of photos you took late this
2 afternoon, correct?

3 A. Yes, they are.

4 MR. HARLOR: Could I see those, please?

5 MR. ZETS: Absolutely.

6 Q. Prior to taking those photographs this
7 afternoon, when was the last time you were at the
8 property before then?

9 A. Oh, it was approximately about a month
10 ago, just doing a follow-up inspection.

11 Q. Okay. Was the fence depicted in those
12 photographs installed about a month ago when you were
13 there?

14 A. No.

15 MR. ZETS: That's all I have. Thank
16 you. Mr. Harlor, do you have any questions for this
17 witness?

18 MR. HARLOR: Can I ask about those?

19 MR. ZETS: Well, yes.

20 MR. DIXON: You're welcome to -- the
21 witness is yours right now if you would like to ask
22 him any questions about it.

23 CROSS-EXAMINATION

24 BY MR. HARLOR:

1 Q. Mr. Blake has really tried to work with
2 me. I have approximately 37 2 by 6's under the front
3 porch, and if you look at this -- I mean, I have not
4 called you for a final inspection, but I'm -- I have
5 to fill those gaps in. I'm not stupid. I mean, the
6 dogs will get out. Okay? That's one, I did put some
7 examples of this -- of a couple of the shaded things
8 and the whole kennel of what we have. We only have
9 one size dogs right now.

10 MR. DIXON: Again, Mr. Harlor, if you
11 have any questions for him or otherwise we can
12 release the witness and you can present your case.
13 Like I said, if you have any question for him --

14 MR. HARLOR: Go ahead and release him.

15 MR. DIXON: Okay. All right. If the
16 City attorney will -- are you complete with your part
17 of the motion?

18 MR. ZETS: Yes.

19 MR. DIXON: Okay. You're all done.
20 You're welcome to come up and present your case and
21 then if you like, you can call any witness as you may
22 like to call.

23 MR. HARLOR: It's just me.

24 MR. DIXON: Okay.

1 MR. HARLOR: Do I need to be swear in
2 again?

3 MR. DIXON: No, we just got to you swear
4 you once, that's all.

5 MR. HARLOR: Okay. I am Dwight Harlor.
6 We bought this place with the intention of doing good
7 things for animals. It's not what we needed for
8 sure. I've had a lot of medical issues. I don't
9 have a vertebrae in my neck -- my bone on -- and so
10 forth -- and, then, I'm dealing with this attorney
11 that I had hired that forged my name on a check, and
12 cashed it to settle my case without my permission,
13 and I have been to the Supreme Court of Ohio hearings
14 over this. There are two felony charges against this
15 guy. A Morrow County Sheriff called me up and said,
16 hey, you better be careful. This guy pointed a gun
17 at my husband and I on I-270 and Sawmill Road. I'm
18 glad to provide you with all this.

19 On top of that, once he found that I had
20 this check, a copy of a check, now he is suing me for
21 \$30,000. He already lost his license for one to
22 two years, and I just -- I'm overwhelmed before I
23 started to get this stuff, but I mean, I just -- I
24 thought the first certified letter was coming from

1 him, and I just -- I found out it was from them, and
2 I tried to respond. But, anyway, like they're
3 saying, we were trying to do -- what was Bark Avenue
4 Hotels, LLC, and profits from that were going towards
5 the Charlie's Wish Rescue. So we've had 64
6 adoptions, we got six pending. Our vet bills are
7 already for 2016 are 15,240 bucks. We do get
8 donations, but not that much.

9 Just a few things in my defense, there
10 were a lot of verbal things from Jack and Diane
11 Harris before about this. I called Jack up, the
12 former building inspector, I said Jack, this -- this
13 is not going to work for what we want to do. We've
14 had the Columbus City vet out to look at it, and I've
15 had some architect guys, some builder guys to come
16 out and look at it and we would need to add this
17 siding onto the building at ground level so people in
18 wheelchairs and handicap people can at least -- could
19 come in, which we would welcome. I have one person
20 that would like to help us out that's in a
21 wheelchair.

22 As I said, I got this, I'm trying to
23 comply with it, with everything I can. I was trying
24 to put the fence up myself. I fell and broke a

1 couple ribs. I don't know. I just -- I don't know
2 what else to say. But, I did -- I do have a sign
3 that I paid \$1,600 for it. It's sandblasted, double
4 sided sign, that was supposed to hang on the old
5 pole. I think you guys have seen it. I'll send it
6 around, which they said now since we're not operating
7 that business, which was pending -- the last time I
8 was here to get a conditional variance on the lot
9 line, they won't let me put that sign up as of now
10 until, you know -- we're over a month away from the
11 business; is that correct, Scott?

12 MR. FULTON: Correct.

13 MR. HARLOR: I have tried to comply,
14 some of the things that I thought -- like, the shaded
15 areas. We really don't need the shaded areas, and
16 the other thing about it is -- I mean, we have tents
17 for shading, but this morning on the east side of the
18 building, when the sun came up, the 6-foot fence
19 itself at 8:00 a.m. provided a 14-foot shade area,
20 believe it or not.

21 I have -- probably when Steven was over
22 there today, I was probably at Sam's Club. I got a
23 stack of pictures that everybody is welcome to look
24 at. Here's one of the fountains that we have. You

1 can tell it's running. To be quite honest with you,
2 the dogs were afraid of it. The rest went over and
3 peed on it.

4 So as far as the feces go, I try to walk
5 the dogs on the sidewalk, that is AEP's property. I
6 try to pick up everything, and actually I started
7 putting coins down on the sidewalk so when I went
8 back with my Pooper Scooper and bucket that I could
9 find it, now there's people who walk the sidewalks
10 and pick the coins up. We tried to make the -- if
11 you saw this building at first, it was horrible
12 looking. It has improved a lot. It needs to improve
13 a lot. I don't know if Mr. Blake verified, but that
14 is all cleaned up now, all the trash is cleaned up if
15 you want to see that.

16 I did get some help over the weekend to
17 do everything. The gap in the back of the fence, I
18 mean, 2 by 6's needs to be stacked to fill in any
19 gaps under the fence. I'm working on that. I have
20 not called him for a final inspection. The missing
21 part of the fence on the back is the only fence part
22 that I did not get done, and that is -- that's going
23 to be a gate. I have to get mowers and tractors and
24 so forth in the backyard.

1 The landscaping, I mean, it's not the
2 greatest, but I tell you there's a very, very small
3 patch out in the front of this, and I can tell you if
4 you dig down in that yard is 3-foot of stone.

5 It's -- it is, like, solid stone all the way.

6 MR. DIXON: Could we see those pictures?

7 MR. HARLOR: Yeah. I made an attempt to
8 do that. I mean, it's not perfect, that's for sure.
9 I planted a couple small pine trees to try to comply.
10 The front of the shaded areas -- we do have -- we've
11 gotten donations from people, and we have this
12 plastic fence that we could divide up areas. This is
13 one of the kennel things that I set up with the
14 temporary thing. We have hanging baskets on the
15 front of it. The building looks so much better than
16 it did.

17 And if I wouldn't had all of the medical
18 issues I've had, things would be a lot further along.
19 I was going to fly out to California to try to get an
20 implant in my neck because I'm miserable. I'm on
21 pain pills. I just -- and another thing, we will
22 provide pet cremations for pets. We done it for a
23 couple of our rescue pets, our own pets. We don't
24 cremate pets onsite. We used a place called Pet

1 Cremation Services. They're the ones that go to all
2 of the veterinarian offices in the area, and they --
3 you know, they're very professional. I've been down
4 to their facility. We do not cremate pets at that
5 time. I've been accused of about everything you can
6 imagine, and I don't burn animals in the backyard.
7 Okay?

8 These are the two storage sheds and the
9 trees that had to be removed for a proposed site.
10 This is the stump where the tree was that's right
11 behind those two sheds, and it was a mess. I
12 apologize for that. It finally got cleaned up. Five
13 different people took fire wood, and I got all the
14 rest of it cleaned up this morning.

15 Can we go through your questions, Scott?
16 Can I ask that now?

17 MR. DIXON: He's no longer -- I guess
18 you can call him as a witness again. Could he or --

19 MR. ZETS: You know, you can allow the
20 leeway. He was given an opportunity to cross-examine
21 Mr. Fulton when Mr. Fulton was actually providing
22 testimony. I think, the Board can do that if they
23 want to offer some leniency, but usually this is the
24 time for an applicant to actually present his version

1 of the facts, but it's up to you.

2 MR. DIXON: Do you have a copy of the
3 questions yourself?

4 MR. HARLOR: I don't have it with me.
5 Can I at least look at them?

6 MR. DIXON: Yeah. You can see them
7 yourself, and then if --

8 MR. HARLOR: Okay. That's -- that's
9 fair.

10 MR. DIXON: If you have some comments on
11 those?

12 MR. HARLOR: No, sir. Okay. The signs
13 were removed, as I said. There were three signs, a
14 16 foot by 5 by 5 ugly thing. The awning itself,
15 said, Wellness One Stop Carry Out. The privacy
16 fence, when Jack was the building inspector, and I
17 said -- he came out and we walked around and talked,
18 and he said if you can get a variance on your lot
19 line, just stop the fence, even with the back of the
20 building, just over -- if I did that with the privacy
21 fence, then I would have needed to install it. It
22 would have been about 14 feet, so that was a verbal
23 thing from the former building inspector.

24 The nice trees and shrubs, they're

1 small. The other thing in my defense on the trees,
2 the shrubs, and the front fence, when I was out
3 there, there's one fence post in one side. I have to
4 put a fence across that. I have to put a gate that's
5 going to close because they steal everything that
6 they can get their hands on down there. They stole
7 my zero turn radius mower, which was about 3,000
8 bucks. I had stuff missing. I want to enclose the
9 carport, if I keep this, which is going to be part of
10 the decision here tonight, and -- you know, we're --
11 we're -- we have dogs there right now that are --
12 would have ended up in a plastic bag in the dump. I
13 mean, we saved a lot of dogs.

14 And in that part of town, everybody said
15 get in this, it's fun. It's not fun. I mean, I'm --
16 anyway, let's get back to the complaint. I do not
17 have these things marked as an attorney would because
18 I did not know that you were going to do this. We
19 were represented in this case. This lady's name is
20 Sherri Jolley. She's -- I've been told by someone
21 that she's bipolar and she sits at home on her
22 computer and cause a lot of problems, that was my
23 description from other people. Dave was the guy that
24 came from Fairfield County to do the inspection. I'm

1 in there one day taking care of the dogs, and I see
2 this guy at the window with his hands --

3 MR. ZETS: I hate to object, but I think
4 we're getting really far a field of the issue that's
5 before the BZA at this point in time.

6 MR. HARLOR: I have a right to at least
7 say something about this complaint that started all
8 this, sir.

9 MR. DIXON: We'll hear your complaint,
10 just try to narrow it down.

11 MR. HARLOR: Okay. These are e-mails,
12 we were represented by a guy named Jeff Holland --
13 Jeffrey Holland. He's in Sharon Center, Ohio. As I
14 said, this guy came up, he had made a statement to
15 Laura that he wanted to come and look at a dog. I
16 walked over to the -- I'm in the kitchen, and I see
17 this guy looking in the windows. Well, there was a
18 murder down the street. This guy had trespassed on
19 the street. He did not have an appointment to be
20 there.

21 Anyway, everything that I -- I don't
22 know if you guys want to read this or without -- or
23 how do you want to do this -- but nothing was found
24 by the Fairfield County humane officer. I let him

1 in, I said look, you know, you're welcome to look
2 around. I said I clean up after the dogs. I feed
3 them. They are not mean. They're friendly, nothing
4 was found.

5 MR. DIXON: Do we have that paperwork?

6 MR. HARLOR: I don't think so. I really
7 don't.

8 MR. DIXON: Okay. Do you have that
9 paperwork for us?

10 MR. HARLOR: Well, I have the -- Laura
11 gave this to me in case I needed this, that's why I
12 ran out to the car and got it because it was quite
13 obvious it was going to be needed after, you know --
14 here I am up against an attorney. This is a letter
15 from -- an apology letter from Sherri Jolley.

16 MR. ZETS: We'll -- give them that.

17 MR. HARLOR: Okay.

18 MR. ZETS: Because I want to make sure
19 the record is clear. It has nothing to do with
20 anything but the record. I know there's some
21 pictures that were shown to the Board. I believe,
22 those should be marked as an exhibit so they can be
23 part of the record if there's ever an appeal. If you
24 would like these e-mails or whatever you have there

1 to be considered by the Board, I say we mark those as
2 an exhibit as well and include that as part of the
3 record, then everything is complete. If you don't
4 want to, that's fine, but I think if you want to,
5 then that's how it should be done.

6 MR. HARLOR: Well I -- yeah, I think I
7 can leave them. I would -- to be quite honest with
8 you, I thought this was trying to comply with the
9 complaints. I didn't know we were going to get into
10 the --

11 MR. DIXON: What exhibit are we on right
12 now? I know we had D.

13 MR. ZETS: The photos should be H.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 MR. DIXON: We'll put all your -- if
16 it's all right, we'll put all your photos as Exhibit
17 H. Is that okay?

18 MR. HARLOR: Yeah, that's fine.

19 MR. DIXON: And we as a Board have seen
20 all of your photos in Exhibit H and taken a look at
21 them.

22 MR. ZETS: Also, included in these
23 photos is a brochure for the Pets We Love, is that
24 also included with the exhibit that is --

1 MR. HARLOR: Well, people have accused
2 me of burning pets in the backyard, and it's -- yes,
3 you can have that. They're very professional. They
4 come and pick the pet up, and take it down to their
5 cremation to this -- Frank Road area downtown. I've
6 been down there and they showed me around a little
7 bit.

8 MR. ZETS: Okay. Exhibit H will be 11
9 photos, plus this brochure for the Pets We Love.

10 MR. DIXON: Okay. And you do not have
11 the Fairfield County --

12 MR. HARLOR: Well, there is something in
13 here, but nothing was found.

14 MR. DIXON: Can we -- can we mark that
15 as an exhibit?

16 MR. HARLOR: Yeah.

17 MR. DIXON: And then we will take a look
18 at it.

19 MR. HARLOR: Yeah. As far as I know --

20 MR. DIXON: We don't have that in our
21 packets.

22 MR. HARLOR: Okay. Yeah. Yeah. I got
23 a lot of stuff. I got the thing from the Department
24 of Agriculture. I got our 501(c)(3) paperwork, this

1 is all of our attorneys, there is an apology from
2 Sherri Jolley who started this, which Charlie's Wish
3 Animal Rescue will file a lawsuit against her.

4 MR. DIXON: Like I said, if you wanted
5 to make that an exhibit, but we haven't seen any of
6 that stuff so --

7 MR. HARLOR: I didn't know to prepare
8 for this thing.

9 MR. DIXON: I understand.

10 MR. HARLOR: I really didn't. I thought
11 we were going to talk about the issues and me
12 explaining the issues tonight.

13 MR. DIXON: This is a court proceeding
14 in a sense.

15 MR. HARLOR: I did not know that.

16 MR. DIXON: And, then, again it is a
17 court proceeding.

18 MR. HARLOR: Okay.

19 MR. DIXON: So that's how the City
20 handles this. So anything that you like in front, we
21 will have it marked as an exhibit that you presented
22 to us. Thank you.

23 MR. HARLOR: There's all the --

24 MR. ZETS: It's your decision. I don't.

1 MR. HARLOR: Yeah. Yeah, that's fine.
2 That's just the lady that started all this, it's an
3 apology to --

4 MR. DIXON: Let's just go ahead and mark
5 it in as an exhibit and then we'll take a look at it.

6 (Discussion Held Off the Record.)

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 MR. ZETS: It will be -- it's marked as
9 Exhibit I. There are five e-mails, another document
10 that has outline of some material, Ohio Department of
11 Agriculture, and Animal Rescue for Dogs, a
12 certification from the Department of Agriculture for
13 Charlie's Wish Animal Rescue, Incorporated, date
14 issued December 31st, 2015. There's a Department of
15 Treasury, IRS document dated July 6th, 2015. It all
16 has to do with 501 (3)(c) exemption of some sort, and
17 that is Exhibit I.

18 MR. DIXON: If you could, we'll just
19 take a few seconds as a Board to take a look at this
20 Exhibit.

21 MR. HARLOR: Is there going to be a
22 decision made tonight? Is that the way the Board
23 works?

24 MR. DIXON: Most likely, yes.

1 MR. HARLOR: I would like to be
2 represented by an attorney before -- I mean, I'll
3 sell the building if that's what you guys want to do.

4 MR. DIXON: Hold on. Just get -- let us
5 take a look at this.

6 (A short recess was taken.)

7 MR. HARLOR: I don't know if everybody
8 realizes the horrid conditions --

9 MR. DIXON: We're still in court here,
10 so just --

11 MR. HARLOR: Okay.

12 MR. DIXON: We're taking a brief break
13 here.

14 MR. ZETS: But not off the record break.

15 (Inaudible Discussion amongst the Board.)

16 MR. ZETS: Hey, guys. I said it's not
17 off the record break. You can't talk unless she can
18 pick it up.

19 MR. DIXON: Okay. When we were looking
20 at Exhibit I, the one thing that was kind of mumbled
21 over here, we apologize, was we were unclear of the
22 Fairfield County Humane Society looking at something
23 in Licking County, but later in one of the things we
24 seen --

1 MR. HARLOR: I can answer that. There
2 is a humane officer that is at the Licking County
3 Humane Society. The main officer gets paid, like,
4 \$25 a month or \$40 a month in some areas, and
5 according to our attorney, Jeff Holland, he said the
6 guy had no right to walk in, under law, he had no
7 right to walk in.

8 MR. DIXON: But he -- he works for
9 Licking County?

10 MR. HARLOR: No, he didn't. He actually
11 didn't. This was part of the Sherri Jolley thing.

12 MR. DIXON: Hold on just a second.

13 MR. FULTON: If I may, prior to
14 July 1st, 2016, the City of Pataskala did not
15 contract with Licking County and used Fairfield
16 County. For whatever reason, I wasn't aware of the
17 reasoning behind that, but as of July 1st, 2016, the
18 City of Pataskala has contracted with Licking County
19 Humane Society.

20 MR. DIXON: Okay. Thank you.

21 MR. HARLOR: According to what I
22 understand, they didn't want to pay the fee that
23 Licking County charged to come out there.

24 MR. DIXON: Okay. I think we're all

1 clear on that.

2 MR. HARLOR: Okay.

3 MR. DIXON: Do you have anything else to
4 present to us?

5 MR. HARLOR: Other than I had no idea
6 that this was the way it was going to be. I was
7 trying to comply with the complaints around there. I
8 think I explained to these guys that gaps, which will
9 take about five workers to take tractors and mowers
10 on to the backyard, that's all the gate. I just
11 didn't get it done. It's going to take me a couple
12 days to do everything -- to do that. And, you know,
13 if you guys want me to sell the building to get out
14 of this, let the shelter slaughter animals, I'll get
15 out of it. Thank you.

16 MR. DIXON: We have the right to ask
17 questions now, correct?

18 MR. ZETS: Correct.

19 MR. DIXON: Okay. Board, do you have
20 any questions?

21 MS. HASSON: You had said something
22 about needing a room addition, so that the handicap
23 can come in, has that been completed or started or --

24 MR. HARLOR: No, it is an addition to

1 the side of the building which is a proposed
2 addition, and I came here to ask for a variance of a
3 lot line and none of this stuff was mentioned at that
4 time. What date was this, Scott?

5 MR. FULTON: November 15 of -- the side
6 yard setback variance was approved by the Board of
7 Zoning and Appeals for the proposed addition.

8 MR. HARLOR: Now, we're on to the things
9 that -- the carport that is at the building is on the
10 neighbor's lot is about 5-foot, which would have
11 happened probably in the 1960s, that's throwing the
12 whole thing off, is where the lot line is, but I
13 figured out where the lot line is. We're probably
14 going to have to survey if -- I'm not adding on the
15 building if it doesn't pass. I'm going to sell the
16 building and get out of this.

17 MS. RHODEBACK: I would like to go back
18 to the conditional use application. No. 2,
19 "Installation of a new sign that is 'more modern' and
20 'nice looking.'" Is there a budget or any plans to
21 have that completed and what's the time line?

22 MR. HARLOR: What's -- it is the -- did
23 I -- I don't know if you guys got this.

24 MS. RHODEBACK: Yes.

1 MR. DIXON: You can show us that.

2 MR. HARLOR: It's made --

3 MS. RHODEBACK: But that's not --

4 that's -- you're not able to put that one up

5 because --

6 MR. HARLOR: No.

7 MS. RHODEBACK: -- photo is not --

8 MR. HARLOR: No. No, they will not.

9 MS. RHODEBACK: -- but for the Charlie's
10 Wish Foundation. Was there a plan or budget --

11 MR. HARLOR: I was never --

12 MR. ZETS: Wait, wait. Let her finish
13 the question.

14 MR. HARLOR: I understand. I'm sorry.

15 MS. RHODEBACK: Is there a plan or
16 budget to complete the sign as of the conditional use
17 application No. CU-16-005, No. 2 for the staff
18 review?

19 MR. HARLOR: It's plated. It's done. I
20 just can't put it up.

21 MS. RHODEBACK: No, that's not the
22 correct sign, sir. You can't put that one up per the
23 variance.

24 MR. HARLOR: I'm not putting a sign out

1 that says Animal Rescue because my dogs is not there.
2 I will not do that.

3 MS. RHODEBACK: No. 3, "Installation of
4 a 6-foot privacy fence on the back of the property."
5 What's the time line of completion on that?

6 MR. HARLOR: In the next, probably, two
7 weeks at the most. I have to fill in under the
8 fence --

9 MS. RHODEBACK: All right. But --

10 MR. HARLOR: -- to patch the wood.

11 MS. RHODEBACK: Do you have it scheduled
12 with a public contractor or is this self?

13 MR. HARLOR: I'm doing it.

14 MS. RHODEBACK: And the budget? Do you
15 have a budget in mind?

16 MR. HARLOR: I already got the
17 materials.

18 MS. RHODEBACK: I'm just trying to get
19 the details of --

20 MR. HARLOR: I got everything.

21 MS. RHODEBACK: Okay. And there are --
22 No. 6, "Installation of the separating areas of the
23 yard for dogs of different sizes", is there a --

24 MR. HARLOR: When we would open Bark

1 Avenue --

2 MR. ZETS: No, let her ask her question
3 completely.

4 MR. HARLOR: I thought she was done.

5 MS. RHODEBACK: Do you have written or a
6 schematic of what your intentions are in the backyard
7 to separate the canines?

8 MR. HARLOR: No, not right now. We go
9 through a lot of stuff, but we think it will work and
10 it doesn't work so we try to vary and make it work.

11 MS. RHODEBACK: Have you contacted a
12 professional dogs rescuer that has had a successful
13 dog rescue for professional services?

14 MR. HARLOR: I know a lot of people that
15 are in this.

16 MS. RHODEBACK: But do you have -- are
17 you mentoring under another one or are you just
18 haphazardly --

19 MR. HARLOR: No, if I have a question, I
20 can get Dr. Messer, the Columbus City vet, out, and I
21 can get other people that we're -- we had different
22 relationships with.

23 MS. RHODEBACK: Do you have a dog rescue
24 that you can give us the name of that you're

1 mentoring with or working with?

2 MR. HARLOR: Not so much a rescue. I
3 mean, we got rescues we're in contact with, but I
4 have people that are very professional in this
5 organization -- or in this business. They -- I mean,
6 Dr. Messer is one of the main people. I'm on the
7 Animal Response Team with him, and if -- he's been
8 out. He's been out. Like, what do we do? What do
9 you think of this? What type of a door should I
10 install? What should I do with this, and he'll come
11 out. He will come out and help me.

12 MS. RHODEBACK: And No. 8, as far as
13 cleaning the yard and the play areas, do you have a
14 written schedule of when that's completed every week?

15 MR. HARLOR: I pretty much do it daily.

16 MS. RHODEBACK: And you're doing all the
17 work yourself. No one shares --

18 MR. HARLOR: Not all of it, but a lot of
19 it.

20 MS. RHODEBACK: And what is that
21 schedule?

22 MR. HARLOR: I go out with my Pooper
23 Scooper and walk around and scoop poop.

24 MS. RHODEBACK: Daily?

1 MR. HARLOR: I try to do it every day,
2 if it's --

3 MS. RHODEBACK: Every day?

4 MR. HARLOR: -- if it's raining, things
5 vary, but, I mean, if it's raining hard, it's kind of
6 hard to go out there with a rake and pick it up, but
7 it's clean. I mean, it's not laying around.

8 MS. RHODEBACK: Thank you.

9 MR. DIXON: One thing I've kind of was
10 looking for clarity on is it seems we are dealing
11 with two separate businesses here?

12 MR. HARLOR: Right.

13 MR. DIXON: And when you got the
14 conditional use, which business did you get the
15 conditional use for?

16 MR. HARLOR: It mainly was Bark Avenue
17 Hotel, but we were going to do the rescue and Laura
18 has taken off with this more than I wanted to. She's
19 the partner in this. She's taken off with the rescue
20 to the point where it's almost an obsession with her.
21 She spent \$4,600 on a 13 year-old dog. He had his
22 leg amputated, ended up sick, and he got his gall
23 bladder taken out of him. I mean, he comes back and
24 forth. I mean, it's kind of crazy.

1 MR. DIXON: Okay. So, the conditional
2 use you asked for you're saying it was kind of for
3 both? I think I do have a question for Mr. Fulton
4 real quick.

5 The conditional use from 2012, was that
6 for either business or was it just for a rescue or
7 just for a daycare?

8 MR. FULTON: It was for both because
9 with the NAICS number, under that number there's a
10 list of uses, and animal rescue is included with
11 kennels, boarding, et cetera.

12 MR. DIXON: The name he had that under,
13 though, on the conditional use was? Did he have one?

14 MR. FULTON: I don't know that one was
15 indicated in the conditional use application.

16 MR. DIXON: Why are we considering him
17 as one business and not the other one?

18 MR. FULTON: The Charlie's Wish is the
19 only operation functioning at that location. Bark
20 Avenue, while we have a sign and things, is not
21 functioning at that location. So moving forward, the
22 conditional use is for both because he was approved
23 for both, so the conditional use considered tonight
24 is for both because it's under that NAICS number,

1 which includes all the other usages, and both are
2 under that same number.

3 MR. DIXON: Okay.

4 MR. HARLOR: Can I speak?

5 MR. DIXON: Hold on. We might have one
6 more. Go ahead. Go ahead with your comment. Go
7 ahead.

8 MR. HARLOR: The functionality of the
9 building, I mean, I don't know how many people have
10 been by there, but it sits like 6-foot off the
11 ground, almost all of this building. We would need
12 to add the side of the building on with -- which is
13 going to be approximately 24 by 40 with the length of
14 the angle. We asked for its length of the building,
15 that's why I came in here and spent 300 bucks for a
16 variance of the lot line, which there's nothing there
17 except for low spots that AEP owns, and that was
18 going to be completed, and, then, Bark Avenue Hotel
19 would be open. Hopefully, Scott will let us put the
20 sign out and --

21 The goal here -- and Laura did put the
22 cart before the horse. The goal here was to make
23 some money and support the rescue with the money that
24 we made. I have boarded dogs for people there, not

1 many, once, twos, every once in a while. A lot of
2 them are dogs that we had rescued and were adopted
3 out and they bring them back to us, and I use that
4 money to buy dog food for the rescue dogs, so to a
5 point without a sign, I'm kind of doing Bark Avenue
6 Hotel, not for anyone to put the sign up.

7 MR. DIXON: Steve, do you have anything?

8 MR. VALENTINE: No, I don't have
9 anything.

10 MR. DIXON: Is there any other questions
11 from the Board?

12 MS. RHODEBACK: Is there a budget for 24
13 by 40 foot addition?

14 MR. HARLOR: Yeah.

15 MS. RHODEBACK: And has it been surveyed
16 and construction plans been made?

17 MR. HARLOR: The guy finally came back
18 out -- and I know Scott was kind of aggravated, but I
19 do trust this guy. He took on a big thing, like, he
20 for -- lumber at -- with a lot of buildings, and he
21 said, I'll give this to you as soon as I can. But
22 I'm going to pay it myself to get this installed.

23 MR. DIXON: Any other questions from the
24 Board?

1 (No Response.)

2 MR. DIXON: Mr. Harlor, any other
3 comments?

4 MR. HARLOR: No, I did not know this was
5 going to be what it is tonight. I would have had
6 Mr. Holland here to speak as to what happened with
7 that. Nobody really told me it was going to be like
8 a courtroom type of thing. I thought I was going to
9 try to comply.

10 Did you ever really tell me what it was
11 like? I mean, this is like a courtroom.

12 MR. FULTON: Well, typically, the BZA
13 hearings are quasi-judicial by nature.

14 MR. HARLOR: Okay.

15 MR. FULTON: So when I said, you know,
16 there'll be a hearing to consider the revocation of
17 the conditional use, there wasn't, "well, what does
18 that mean?" "How does the process go?" I didn't
19 know that you didn't know, so there was --

20 MR. HARLOR: I did not know, so from a
21 standpoint of me not having our attorney, which you
22 saw his communication on the Sherri Jolley thing, I
23 don't think I was fairly told what was going to
24 happen tonight, that's just my opinion of what's

1 going on. I thought it was going to be that I comply
2 with this and, you know, where are we. I didn't call
3 Mr. Blake for defense because it's not done, so --

4 MR. DIXON: All right. Are you all
5 done?

6 MR. HARLOR: Yes. Thank you.

7 MR. DIXON: Thank you. Mr. Zets?

8 MR. ZETS: Yes, sir?

9 MR. DIXON: As a -- what's our options
10 as a Board tonight as far as revoking it, not
11 revoking it? What is -- what is our -- has he been
12 given enough notice to provide legal counsel?

13 MR. ZETS: I believe he was given the
14 notice that was required. He has been given multiple
15 letters, and the last letter sent by Mr. King, he
16 actually said that there would be a hearing, and I
17 believe Scott's explanation is exactly accurate. BZA
18 hearings are quasi-judicial by nature. I mean,
19 they're really not -- you don't conduct them as
20 formally as you were sitting in a formal courtroom
21 with Judge Marbley, but you're also maybe not as
22 informal as Planning Commission where they kind of all
23 talk over each other, and you have those things. So
24 I believe he was given an opportunity to present I

1 think everything he needed to present.

2 Quite honestly, I think when he said
3 what he thought today was, actually is what it was.
4 We talked about whether or not he met the eight
5 conditions, and he was able to explain why he
6 believed he did or did not meet them and the Board
7 had questions on it. Although maybe the process was
8 a little more formal than I believe he thought,
9 actually, we did exactly what he thought was going to
10 do, that is explain why -- to come here tonight to
11 explain why he was complying or why he wasn't.

12 I think the Board -- I always say that
13 the Board's motion should be an affirmative because
14 it gets very confusing, so it should always be, you
15 know, a motion -- you know, a motion to revoke the
16 conditional use then I'm thinking in the mind of my
17 vote is to revoke it or not to revoke. I think if
18 you do it in a negative, it's two double negatives,
19 and it gives you a clue to what you are really voting
20 on. But that's completely up to you, but that's why
21 I think the motion would be motion to revoke to -- or
22 revoke the conditional use that was granted
23 January 2nd, 2012. The application number is
24 2012-004.

1 MR. DIXON: All right. Thank you.

2 MR. ZETS: You should have the motion --
3 you should have some discussion so the record is
4 clear as to why the Board actually wants to make that
5 decision and, then, take a vote.

6 MR. DIXON: Okay.

7 MR. HARLOR: Can I ask another question?

8 MR. DIXON: Come up -- come up in front
9 of the --

10 MR. HARLOR: Okay. I know it's on the
11 record from earlier, which I assumed that all this
12 was created by this lady name Sherri Jolley. Are
13 their names of who reported this stuff? Do you have
14 names? I mean, I know her, but --

15 MR. FULTON: It's in the Staff Report.
16 Everything that we received is in the Staff Report.

17 MR. HARLOR: Are there names?

18 MR. FULTON: Yes.

19 MR. HARLOR: Am I able --

20 MR. FULTON: You were sent a link to the
21 Staff Report.

22 MR. HARLOR: I didn't know that was in
23 there. There are names, probably two?

24 MR. FULTON: Without finding exactly

1 where it is, yes, there is names associated with the
2 complaint.

3 MR. HARLOR: Okay. Just -- can I get --
4 I can look at those?

5 MS. PAXTON: You were sent it in an
6 e-mail.

7 MR. HARLOR: Because I want those names
8 because nothing was found in those.

9 MR. DIXON: Yeah, it's -- we're actually
10 looking at one through eight here, more than we are
11 of how you run your kennel, and who saying what about
12 it. We're looking more of about what it -- what it
13 looks like and what you said you're going to do, what
14 you haven't done tonight.

15 MR. HARLOR: But I would like those
16 names and I would like a transcript of this --

17 MR. FULTON: Uh-huh.

18 MR. HARLOR: -- if I can get that.

19 MR. FULTON: Uh-huh.

20 MR. DIXON: The Board if I -- I'll
21 entertain a motion.

22 MR. VALENTINE: Well, I move to approve
23 the revocation of conditional use per Section 1215.09
24 of the Pataskala Code for application CU-16-005.

1 MR. DIXON: Do I have a second?

2 MS. HASSON: I second that.

3 MR. DIXON: I have a second. Do we have
4 some discussion as to why?

5 MS. HASSON: I think that the program is
6 wonderful. I think what he's trying to do is great,
7 but I think he needs to try to set some time aside
8 and the money aside to get this done, and, then, come
9 back in and say, okay, now, I'm ready to start this
10 business, and look at reopening at the time that he
11 actually is ready to do it.

12 None of my decision is based on any of
13 the complaints that anybody made. I'm just looking
14 at you had four and a half years to do eight things
15 that they asked of you, and you still have things
16 that aren't done. And, then, you still need to do
17 room addition to meet on. I just think that some of
18 these things needs to be done, and, then, look at a
19 business --

20 MR. HARLOR: The room addition is not
21 going to happen if this is done tonight.

22 MR. DIXON: Sir, we can't have anymore
23 comments. Sorry.

24

1 MR. HARLOR: It's going up for sale.

2 MS. HASSON: And so that is one of the
3 reasons it should be revoked until he can get it to a
4 place that's good.

5 MS. RHODEBACK: And I feel like a better
6 business plan and a budget, if you're coming back in
7 for another conditional use application, that the
8 budget, and a time line of completion -- completing
9 any of the projects, two through seven -- or two
10 through six -- I'm sorry -- would have to be
11 documented for any further conditional uses.

12 MR. DIXON: Anything else, Board?

13 (No response.)

14 MR. DIXON: All right. The motion on
15 the table is to approve the revocation. Roll call
16 when ready please.

17 MS. PAXTON: Ms. Rhodeback?

18 MS. RHODEBACK: Abstain.

19 MS. PAXTON: Mr. Dixon?

20 MR. DIXON: Yes.

21 MS. PAXTON: Ms. Hasson?

22 MS. HASSON: Yes.

23 MS. PAXTON: Mr. Valentine?

24 MR. VALENTINE: Yes.

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MR. DIXON: We did vote to revoke your conditional use, and we wish you luck in the future.

- - -

(Thereupon the hearing concluded at 8:03 p.m. on Tuesday, July 12, 2016.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, July 12, 2016, and carefully compared with my original stenographic notes.

Ebony M. Reynolds
Ebony M. Reynolds
Registered Professional
Reporter



- - -