PARKMAN TOWNSHIP BOARD OF ZONING APPEALS

October 8, 2019

Members present: Jo Lengel, Rich Hill, Bryan Mullins, and Jan Helt, Secretary

Board of Zoning Appeals meeting called to order by Chairperson Jo Lengel at 7:00pm.

**Ms. Lengel** asked for a motion to waive the reading of the minutes until after the appeal. **Mr. Hill** motioned **Mr. Mullins** seconded the motion.

There is one appeal to be addressed by the Board at this meeting:

* 2019 - 15550

**Ms. Lengel** administered Oath of Truthfulness to all present who wished to speak at this variance hearing.

**Ms. Lengel** explained the format of the meeting and then gave an overview of how the meeting would be run.

**Appeal 2019 – 15550 was called**.

This application submitted by Don and Theresa Hofstetter appellant,11090 Clay Street, Montville Ohio 44064, is requesting a variance from the Parkman Township Zoning Resolution for property located at, 15550 Main Market Road Parkman Township, Ohio which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1V Section403.0 and 403.1.

**Applicant Explanation for requesting variance to Parkman Township Zoning Resolution:**

**Mr. Hofstetter** explained the request for variance as follows:

**Mr. Hofstetter** stated that he bought the building located at 15550 Main Market Road a couple of years ago in the commercial area and he assumed that the storage of pickle products would be allowed. He then received a letter from Mr. Spelich Zoning Inspector for Parkman Township informing him that the storing of pickles is an illegal use of the building.

**Ms. Lengel** asked if there was anything else there was not. Ms. Lengel closed that portion of the meeting and opened the meeting to the public.

**Open Floor to Public:**

**Mr. Musson** who a neighbor stated he wanted to be sure that there were no hazardous waste being stored in the building.

**Mr. Hofstetter** stated there isn’t any finished product stored in the building. He stated he is legally protected by the lease which states that fact, no hazardous materials allowed. That is part of the lease.

1

**Ms. Fox** also a neighbor asked Mr. Hofstetter if he designates what goes in the building, and can you limit it.

**Mr. Hofstetter** stated he is requesting a variance for storage of dry goods only.

**Ms. Lengel** asked if anyone else had anything to add. Ms. Lengel closed that portion of the meeting.

**Ms. Lengel** asked for a motion to grant the variance. Mr. Hill moved to grant and Mr. Mullins seconded the motion. Motion is on the table.

**Ms. Lengel** opened the meeting to the Board members for questions to the applicant/owner.

**Board Members Questions/Comments to Applicant/Owner:**

**Mr. Hill** asked do you have any plan at any time to put anything else in the building.

**Mr. Hofstetter** stated he was not planning on anything else**.** He filled out the request for a variance feeling that it would be a very mild use, low key and ideal use. He stated he would follow whatever the board decides.

**Mr. Hill** asked Mr. Hofstetter “What dry goods are being stored in the building?”

**Mr. Hofstetter** stated plastic jars, labels, pallets, drums of brine, cardboard boxes, and plastic bottles.

**Ms. Lengel** stated allowing Mr. Hofstetter to use the building for storage would change the zoning from commercial to industrial. This board is not allowed to change the laws or the zoning map that is up to the Zoning Commission. The Board of zoning Appeals enforces the law we have no authority to change it.

**Ms. Fox** stated that she would not want that property to change from commercial to industrial. She stated she is fine with storing the pickle supplies, she would rather have that then garbage trucks going in and out every day. That is the business that used to be there.

**Mr. Hill** stated that the variance clearly stated that the conditional use variance would be strictly for dry goods only as it states that in the variance application. If the property is sold it would not continue with the new owner it does not make it a forever use, it will not change the map. He stated it is commercial so why don’t you sell something from the inventory that is there.

Mr. Hofstetter stated there is nothing there to sell.

**Ms. Lengel** stated it changes the zoning and the map if we allow Mr. Hofstetter to change the use of the building.

2

**Mr. Hill** stated he respectfully disagrees with Ms. Lengel. A Use Variance does not change zoning or the map. The variance request is about storing of dry goods, not manufacturing.

**Mr. Hostettler** stated that the people he bought it from had trucks coming in and out and stored at least 25 garbage cans. He is requesting a use variance on storing of dry goods.

**Ms. Lengel** stated that she thinks we need to change our paperwork stating conditional use variance. She stated she would like to get legal advice before we proceed with this variance.

**Ms. Helt** stated that the Paperwork is the same as we have always had and it covers all variances Area, and Use Variances of any kind including conditional use.

**Mr. Hill** stated the board has been hearing conditional use variances and going through each of the points in the list and coming to a decision after considering all the points and information provided for twenty years as long as he has been on the BZA and he feels that Ms. Lengel is trying to change the standards of how the board comes to a decision

**Ms. Fox** stated that she had no issue with permitting sale or storage on Mr. Hofstetter property.

**Mr. Hofstetter** said if you can sell the product you should be able to store it also, he said it seems like a no brainer to him.

**Mr. Hill** asked how long the lease is for Mr. Hofstetter stated it is year to year.

**Mr. Hill** stated the Conditional Use Variance would be for storing of dry goods only nothing else.

**Ms. Lengel** stated she understands Rich’s point , but she is not comfortable with the statement that none of this changes the property from commercial to industrial. She feels that all the Use Standards have to be met before we can issue a Use Variance. Ms. Lengel said she would like to table the variance until our next meeting.

**Mr. Hill** stated that you are not likely going to meet every single standard and if that were the case we would never issue another variance again. The board takes into account all the information provided and makes a collective decision which is not always unanimous. . Why would Mr. Spelich send them for a variance and have them pay the fee if there is almost no chance that they will get the variance. He said it makes no sense applying some new standard to meet to this variance.

**3**

**Ms. Lengel** asked Mr. Hofstetter if he mindedwaiting until November for a decision. She told Mr. Hofstetter he will not be required to make any changes until after the November meeting.

Mr. Hofstetter said he had no problem waiting until after November’s meeting for a decision.

**Ms. Lengel** made the motion to table the variance #2019-15550 until our November 12, 2019 our next meeting. Mr. Hill seconded the motion.

**Ms. Lengel** asked for any other questions, there were none.

**Ms. Lengel** asked for a motion to accept the minutes from September 10, 2019l. **Mr. Hill** motioned **Mr. Mullins** seconded the motion. Motion passed unanimously.

**Adjournment:**

Ms. Lengel asked for a motion to adjourn, Ms. Mullins motioned, Mr. Hill seconded, the motion passed unanimously. .

Respectfully Submitted,

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Jan Helt Date Jo Lengel Date

Secretary, BZA Chairperson, BZA

4