

Parkman Township Board of Zoning Appeals

March 12, 2019

Members present: Kathy Preston, Rich Hill, Cindy Gazley, Betty Jo Lengel, Brandon Reed, and Jan Helt (Secretary)

Members absent: Dale Komandt

Meeting was called to order by Chairperson Kathy Preston at 7:05pm

Ms. Preston introduced the Board to Appellant and witnesses.

Motion by Ms. Lengel to waiving reading of the January 8, 2019 minutes until after the appeal, seconded by Ms. Gazley. All in favor.

There is one appeal to addressed by the Board at this meeting: 2019-15490.

This application, submitted by Andy Hostetler, 15490 Grove Road (Parkman Township), Middlefield, OH 44062, requests a conditional use variance from the Parkman Township Zoning Resolution, for property located at same address, which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE IV Section 400.0 (C), Section 401.0 Section (A), Section 403.0 (C), Section 403.1 (A) and (B).

Ms. Preston administered the Oath of Truthfulness to Appellant and all witnesses. (See sign-in sheet.)

Applicant explanation for requesting a variance to Parkman Township Zoning Resolution:

Mr. Andy Hostetler explained his request for a variance as follows:

John Yoder, owner of the Middlefield Pallet Shop in Middlefield, OH, asked Mr. Hostetler to contract to build pallets and crates for him. Mr. Hostetler said that he had been running a carpentry crew, but thought that he might prefer this job. He said that he liked building the crates and pallets, and so decided to continue doing it from his home. Originally, he had one other worker and a 15-year-old boy helping, but the workload was only enough for two men, so he let the boy go. He stated that he wants to keep the business small.

Ms. Preston asked if Mr. Hostetler wanted to add anything else to his explanation. He said "No", so that portion of the meeting was closed, and the floor opened up to comments/questions from the witnesses.

Mr. John Van de Motter stated that he purchased a farm and moved to Parkman Township four years ago. He said that he is upset with the number of semis and other trucks coming down the roads to pick up crates and pallets; that they are tearing up the roads and belong on state highways.

Mr. Ken Butler, a neighbor of Mr. Hostetler, stated that he did not have a problem with Mr. Hostetler's business; that Mr. Hostetler has not added any buildings that were not on the property prior to his buying it. These buildings had been used for a window manufacturing business.

Ms. Preston asked if any of the witnesses had anything else that they would like to ask or comment on. There were no additional comments or questions, and that portion of the meeting was closed.

Ms. Preston asked for a motion to grant the variance. Ms. Lengel so moved and Mr. Hill seconded the motion.

Board Members Questions/Comments to Applicant and Witnesses

Ms. Preston opened the meeting to the Board members.

Mr. Hill asked Mr. Hostetler to explain the use of each of the buildings on the map provided to the Board. Mr. Hostetler stated that one is his house, one is used for his crate/pallet manufacturing, one is storage, and the fourth is a horse barn.

Mr. Hill asked Mr. Hostetler if his business is noisy. Mr. Hostetler said that Mr. Butler could answer that better, as he lives close by.

Mr. Butler said that he does not hear any noise. He added that the only thing he would ask of Mr. Hostetler is to have the semi-trucks shut off their engines and not idle in the driveway.

Mr. Hill asked about the volume of trucks coming to the business. Mr. Hostetler said that during the week he has 2-3 loads per week on a small truck. Fridays he may have 3-5 loads. If a semi is used, there are fewer pick-ups. A semi is equivalent to 5 to 6 loads, 2 to 3 during the week and 1 to 2 on Friday.

Mr. Van de Motter said he feels that the drainage on Mr. Hostetler's property is not good. He is concerned that if this business is allowed, that it will encourage other similar businesses in a residential area, which also will increase truck traffic.

Ms. Preston stated that Parkman cannot stop trucks from driving on the public roads, adding that many trucks, including semis, travel her dirt road also.

Ms. Lengel asked Mr. Hostetler if he had some other property from which to operate his business; somewhere not zoned residential. Mr. Hostetler said that he did not have other property. He said that when he lived in New York, he built crates there, and that he likes the work. Also, he said he likes the convenience of working from home and not having to pack a lunch.

Ms. Gazley asked Mr. Hostetler if there was anything unique about his property, such as the lay of the land, that prevents him from using it for any other purpose, thereby creating a hardship. He stated that no, there wasn't anything unique about the land in that way. He moved to this property in January 2016, although he has lived in the township for six years. Since coming to Parkman Township, he has run a carpentry crew and worked at Gold Key Processing in Middlefield Township. Mr. Hostetler explained that he likes the job of building crates and pallets. This is what he did in New York, but on a much larger scale.

Ms. Lengel asked Mr. Hostetler if he has thought about acquiring property in an industrial area for his pallet/crate manufacturing business. He said "No", he would not buy other property. He would prefer to just leave his home every day and work at the pallet shop.

Mr. Butler asked whether the Zoning Resolution allows for a home business. Ms. Preston said "Yes", there is a list of home occupations in the Zoning Resolution, and that this subject will be addressed.

Ms. Preston asked Mr. Hostetler about his business hours. He stated that they generally are 6:45 am to 2:45 pm, Monday through Friday. He added that the first trucks on Fridays sometimes come at 6:30am.

Mr. Van de Motter interjected that these are about the times children are on their way to or from school, and that this is a safety concern.

Mr. Hill asked Mr. Hostetler if a fire truck has easy access to his shop. Mr. Hostetler stated that his driveway is paved, and that 4-5 fire trucks could fit in his driveway side by side.

Ms. Preston asked Mr. Hostetler about his disposal procedure for sawdust and debris. He stated that the sawdust gets mixed with manure and put into the manure pile, and that dirty wood, nails, etc. get put into a dumpster.

Mr. Reed asked Mr. Hostetler if his shop is equipped with any fire suppression. Mr. Hostetler said that he is planning to buy some fire extinguishers but, at the current moment, there is nothing in the shop.

Ms. Preston asked the Board to discuss whether Mr. Hostetler's pallet and crate manufacturing business falls under the Home Occupation of Cabinet/Woodworking, citing three dictionary definitions which define "woodworking" as an activity of making objects from wood.

Mr. Hill stated that, in his opinion, woodworking is meant to be craftsmanship, such as making spindles and cabinets.

Ms. Gazley stated that the definition of "woodworking" would have to be determined by the county prosecutor.

Ms. Lengel read this from the Parkman Township Zoning Resolution, ARTICLE IV, section 402.2, section J, (2C): "There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance of ARTICLE VI." She added that she has seen stacks of pallets and numerous crates outside the shop, easily identifying the property as a pallet shop.

Ms. Lengel also read the following from the Ohio Rural Zoning Handbook, Pg. 28, #6:

"A variance must not be contrary to public interest, even if a hardship can be established. A use variance is in reality a change in the zoning district shown on the zoning map and not a minor relief of some hardship. Zoning district changes are the sole responsibility of the Township Trustee or County Commissioner's office after receiving recommendations from the township or the county zoning commission and the county regional planning commission. The board of zoning appeals cannot make changes through use variances."

Ms. Lengel said "You cannot operate a business in a residential area. Your business is commercial. You have someone picking up pallets and crates" she added. Ms. Lengel said she drove by the property and there are a lot of crates and pallets stored outside.

Ms. Lengel asked Mr. Hostetler what the square footage of his shop is. The building is 24 x 48, he estimates. His other accessory building is approximately 24 x 108.

Ms. Preston asked Mr. Hostetler if he could use the longer building to store his crates/pallets so they would not be visible outside. He said that, "No", the other building has a low ceiling and also is filled with equipment, supplies.

Mr. Hostetler stated that he does not believe he is a commercial business.

Mr. John Spelich (Parkman Township Zoning Inspector) explained that Mr. Hostetler is indeed a commercial business, under contract with Mr. Yoder's pallet shop, and that Mr. Hostetler realizes that this would be a conditional use, a temporary fix for a short period of time.

Ms. Lengel read the following from the Parkman Township Zoning Resolution, ARTICLE IV, Section 401.0 (J): "No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission or odor, smoke, fumes, cinders, dust, noise, gas, vibration, electrical interference, refuse matter, water carries wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands."

Mr. Hill and Ms. Preston both stated that they did not believe this applied to this appeal; that there was no testimony addressing these issues, other than a concern about drainage.

Ms. Lengel asked Mr. Hostetler about the size of his property. He stated that he has about 7 acres. When questioned about the discrepancy with the Geauga REALink page showing he has 5.13 acres, he explained that he had purchased another 2 acres, but that the two lots are not consolidated.

Mr. Reed asked Mr. Hostetler if his business is temporary. Mr. Hostetler said that, while he cannot guarantee that his pallet making would be temporary, he feels it might be, since Mr. Yoder may be expanding his pallet shop. Mr. Reed also asked Mr. Hostetler if he intends to grow the business. Mr. Hostetler said "No", that it would remain him and one other worker, as this is his home. Asked if he would ever go back to running a carpentry crew, Mr. Hostetler said that he would not, nor would he return to Gold Key.

Board Member Discussion/Deliberation

Ms. Preston led the Board in considering the following:

Standards for a "Use" Variance

- A. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district.
No, there is nothing unique about the property.
- B. The hardship condition is not created by actions of the applicant.
There is no hardship condition.
- C. The granting of the variance will not adversely affect the rights of adjacent owners.
It may potentially adversely affect the rights of adjacent owners: property values affected due to mixed use, increase in truck traffic.
- D. The granting of the variance will not adversely affect the public health, safety, or general welfare.
It may potentially adversely affect the public health, safety, or general welfare: due to road stress, pedestrian vs. truck traffic.

- E. The variance will be consistent with the general spirit and intent of the zoning resolution.
No, a manufacturing concern in a residential district is not consistent.
- F. The variance sought is the minimum which will afford relief to the applicant.
No.
- G. There is no other economic use which is permitted in the zoning district.
This is a residential district.
- H. Such other criteria which the board believes related to determining whether the zoning regulation is equitable.
Mr. Hostetler is permitted to have a home occupation in a residential district. This manufacturing business does not meet the Parkman Township Zoning Resolution's criteria for a home occupation.

Ms. Preston asked the Board for any other questions or comments. Since there were none, she closed that portion of the meeting and asked for a roll call on the motion to grant the variance:

ROLL CALL ON GRANTING VARIANCE APPEAL 2019-15490

Kathy Preston	NO
Rich Hill	NO
Betty Jo Lengel	NO
Cindy Gazley	NO
Brandon Reed	Abstain

Ms. Preston advised the appellant, Mr. Andy Hostetler, that the variance has been denied. **Ms. Gazley** added that he has 30 days to appeal the decision, and that the decision forms will be mailed within the next 10 days. **Ms. Preston** also included that if Mr. Hostetler decides to appeal, he should contact the Geauga County Court of Common Pleas to find out how to proceed.

Board members completed the Decision Form and Findings of Fact sheets for appeal 2019-15490.

ROLL CALL ON FINDINGS OF FACT

Kathy Preston	YES
Rich Hill	YES
Betty Jo Lengel	YES
Cindy Gazley	YES

Brandon Reed

Abstain

Old Business:

Minutes – Ms. Gazley moved to approve the minutes from January 8, 2019, with corrections. Ms. Lengel agreed. Ms. Preston, Ms. Lengel, Ms. Gazley in favor; Mr. Hill and Mr. Reed abstain.

New Business:

Ms. Preston thanked Mr. Reed for accepting a seat on the BZA, and all members welcomed him.

Ms. Preston announced that Mr. Roger Anderson, Trustee, spoke with her before the meeting to advise that the trustees have received a letter of interest from a resident about being an alternate on the BZA, and the trustees wanted the Board's input. All BZA members agreed that this decision rests with the trustees, not the members of the BZA. Ms. Preston will advise Mr. Anderson.

The Board discussed some of the issues with properties in Parkman, including some of the unsightly and even vacant homes in the downtown area. Mr. Spelich assured the Board that he continues to follow up on all these concerns.

Ms. Preston asked the Board which member would like to chair the meeting for April 2019. It was decided that Mr. Hill will chair that meeting.

Adjournment:

Ms. Lengel moved that the meeting be adjourned. **Ms. Gazley** seconded. All in favor.

Meeting adjourned.

Jan Helt, Secretary

Kathleen Preston, Chairperson

