

## **PARKMAN TOWNSHIP BOARD OF ZONING APPEALS**

### **Regular Meeting**

**February 12, 2013**

Members present: Cindy Gazley, Jo Lengel, Rich Hill, and Jon Ferguson

Members not present: Lucinda Sharp-Gates and Jerry Jacobs

Others present: Allen Weaver, John E. Mast, William P. Weaver, Allen Miller, Robert J. Mast, Nathaniel A. Weaver, Eli L. Yoder, Bob Claar, Carlos Nieves, Mike Lyons, and John Spelich-Zoning Inspector.

The meeting was called to order by Cindy Gazley at 7:30 p.m.

Jon Ferguson made a motion to dispense with the reading of the minutes of the January 8, 2013 meeting until after the appeal is heard. Jo Lengel seconded the motion. Motion passed unanimously.

Cindy Gazley explained to all present that someone in the community had suggested Allen Weaver come see her because of questions he had in regards to making an application for an appeal. She told the Board she gave no advice. She told Mr. Weaver that Mr. Spelich-Zoning Inspector would be able to help Mr. Weaver with making an application. Mr. Allen Weaver confirmed this. The Board decided to continue with the appeal.

Cindy Gazley explained the format of the meeting and then gave an overview of how the meeting would be run. Everyone was asked to sign in on the sheet provided.

Cindy Gazley administered Oath of Truthfulness to all present. Sworn in witnesses: Allen Weaver, John E. Mast, William P. Weaver, Allen Miller, Robert J. Mast, Nathaniel A. Weaver, Eli L. Yoder, Carlos Nieves, Mike Lyons and John Spelich.

There is an area variance permit application to be addressed by the Board at this meeting:

- **NUMBER 2013-16654-1**

#### **Applicant Explanation for requesting variance to Parkman Township Zoning Resolution.**

This application submitted by Allen Weaver, 16654 Hosmer Road, (Parkman Township), Middlefield, Ohio is requesting an area variance from Parkman Township Zoning resolution for property located at 16654 Hosmer Road, Parkman Township. Mr. Allen Weaver indicated a desire to start a small rolled metal forming business. He said the business would use 3-4 foot coils of metal rolls that could be custom cut any length to form trims, gutters, and roof panels.

He indicated the business is similar to an ad submitted by the Zoning Inspector from the January 10, 2012 Good News Middlefield addition from a company called Rolling Ridge M-E-T-A-L-S located in Greenville, PA. He said it would be a similar operation except his would be smaller. Cindy Gazley explained that there had been some question as to whether this type of business would be allowed in a residential area as a Home Occupation. She indicated she had sent this ad to Rebecca Schlag, APA at the Geauga County Prosecutor Office for her opinion. Rebecca Schlag advised that this would be considered a Home Occupation “metal fabrication” provided for in Zoning Regulation Article 4, Section 402.2 (J) (ii).

Mr. Allen Weaver explained that this business would require a large building, so he has applied for an area variance. He said the machine size can go up to 40 foot long and the 3 foot wide roll of metal would require room to coil into the spool. He said he would need room to load a regular trailer pulled by a regular size truck for delivery of the metal after it has been formed. He said he would require a larger size building to accommodate the machines needed for the business, storage, and room to maneuver safely when working. The machines would be run by a 50 hp diesel engine.

Cindy Gazley asked for any other information. There was none. Cindy Gazley closed that portion of the meeting.

### **Open the Floor to the Public**

- John Spelich-Zoning Inspector- Mr. Spelich indicated he had met with Allen Weaver a month ago when he brought in information on a building he said he wanted to build. The building is larger than the Zoning Regulation allows in section 402.2 G. Mr. Allen Weaver proposed an 8,400 square foot building and the Zoning Regulation is 2,500 square foot in area. John Spelich said the size did not qualify. He denied the application and suggested Allen Weaver try to make the building smaller, or he could appeal his decision to the Board of Zoning Appeals. Mr. Spelich indicated that Mr. Allen Weaver has been up-front with his plans.
- Eli Yoder-Mr. Yoder said he lives on Hosmer Road and is a neighbor of Mr. Allen Weaver. He indicated he was in favor of the business and had no problem with this.
- Mike Lyons-Mr. Lyons said he lives across the street from Allen Weaver and he supported the operation. He indicated it was hard to find work and felt it would be unfair to hold someone back from making a living. He pointed out that there are several

buildings of the same size considered agricultural use in the same neighborhood. He said he would be in support of this.

- William Weaver-William Weaver indicated he was a neighbor of Allen Weaver. He is in favor of the home business.
- Allen Miller- Mr. Miller indicated he was in support of Allen Weaver because a Home Occupation would be good for the Community.
- John Mast-Mr. Mast indicated he lives about one fourth mile from Allen Weaver. He said he was in favor because there would not be a lot of noise, and it would be clean-with no trash lying around.
- Carlos Nieves-Mr. Nieves is a neighbor of Allen Weaver. He asked Mr. Weaver where he proposed to build the building. Mr. Weaver indicated he would like to build it south of his existing shop. He said this area would not interfere with neighbors because it is across from a field which is in Farmland Preservation so no homes would be build there. Mr. Weaver indicated there would be no parking on the road and it would be a pole building with nothing stored on the outside of the building. Mr. Nieves said the area described for the location of the building is secluded and he would not be opposed.
- Additional Public Comments-Allen Weaver presented two handwritten notes from neighbors. These were not read because of previous advice of council in this matter, but were added to the applicant's file.

Cindy Gazley asked for any other questions. There were none. Cindy Gazley closed that portion of the meeting.

Cindy Gazley asked if there was a motion to grant the variance. Jon Ferguson moved and Jo Lengel seconded the motion to grant the area variance from Parkman Township Zoning Resolution for property located at 16654 Hosmer Road, Parkman Township.

### **Board Members Questions/Comments to Applicant.**

Jo Lengel asked Mr. Weaver if there would be any painting at this location. Mr. Weaver indicated that all the metal is delivered pre-painted. He would be unrolling spools and cutting into length and forming trim. The metal spools would be delivered by semi-trucks once a month. He said there would be more semi-truck delivery just at the beginning for setting up the business, after that he expected only once a month. He would make his deliveries of the formed metal with a Ford 350 Truck and trailer. It would be a 2 man family operation only.

Rich Hill asked if it would be possible to add a second floor to the building to gain the additional space needed and keep the area of the first floor the 2500 square feet allowed by Zoning Regulation for an accessory building. Mr. Weaver replied that it would cost more to make a second story, it could make the building look bigger, and would make it harder to back the trailer into the building to load for deliveries. He was concerned it would make the building too crowded and someone could get hurt while working.

Jon Ferguson asked the size of the equipment. Mr. Weaver said the coils could be 4 foot. He would need a 33-34 foot line with some space at the end for working. Jon Ferguson asked if line was 70 feet in length if it would fit into 2500 square foot area. Mr. Weaver said if the equipment would fit they would not be able to maneuver, and the building would have no room for storage. Jon Ferguson suggested putting up an additional building as two accessory buildings are allowed on a residential lot. It was noted that the appellant already has a shop on the property as well as a barn. Jon Ferguson asked if Mr. Weaver could use the shop for storage. Mr. Weaver indicated the shop is already in use for storage.

Cindy Gazley asked could Mr. Weaver use the barn for storage. Mr. Weaver indicated the barn would not be a suitable place to store the product. Cindy Gazley asked if Mr. Weaver could shorten up the building some. Mr. Weaver indicated he needed the length for working area and the machines. Cindy Gazley asked Mr. Weaver how long he has owned the property. He said he purchased it in 1991 and knew there was Zoning when he purchased the property.

Mr. Spelich asked if a resident built a 40 foot by 80 foot building for agricultural use could they then convert it to a Home Occupation. It was noted that would have to remain agriculture use if it does not meet Zoning Regulation size for Home Occupation.

### **Board Members Discussion/Deliberation.**

Cindy Gazley led the Board in considering the following issues.

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance: All members agreed yes.

- b. Whether the variance is substantial: All members agreed yes.
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance: All members agreed no.
- d. Whether the variance would adversely affect the delivery of governmental services: All members agreed no.
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction: Jo Lengel indicated that the Zoning Resolution was not in place in 1991. It was indicated that the Resolution was initiated around 1996, so the members agreed the property owner did not have knowledge of the zoning restriction.
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance: Rich Hill noted that a two story building could be an option or the property owner could choose a different business. It was also noted that in the definition portion of the Zoning Resolution there was no definition for "area."
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: It was noted that Zoning Regulation provides for Home Occupation's, in Mr. Weavers case the problem is with the area of the building only, not noise, traffic, or cleanliness. The area of 8400 square feet is way over the limit of 2500 square feet. Members agreed that the application is within the spirit and intent of the zoning requirement which provides for home occupations. The members agreed that substantial justice would be done by granting the variance.
- h. Such other criteria which relate to determining whether the zoning regulation is equitable: The business is not noisy, minimal traffic, not obnoxious, not polluting. It would not



- d. The variance would not affect the delivery of governmental services.
  
- e. The property owner purchased the property in 1991 and the restriction was not in place at that time.
  
- f. The property owner responded there could be other options such as a two story building. He said it would cost too much and he was concerned about safety.
  
- g. Board of Zoning Appeals members agreed the spirit of zoning would be observed by granting a variance.
  
- h. The proposed variance does not produce a noise problem, pollution, or jeopardize health. The building would look like other buildings in the area. Every neighbor was in favor of the variance.

**Roll call to approve the Finding of Facts**

Cindy Gazley	Yes
Rich Hill	Yes
Jon Ferguson	Yes
Jo Lengel	Yes

**Old Business**

Jon Ferguson made a motion to approve the minutes of the January 8, 2013 meeting as amended. The motion was seconded by Jo Lengel. The motion carried unanimously.

Renee Patry presented the Board of Zoning Appeals with a letter from the Geauga County Clerk of Courts which indicated that Ben Byler had filed a case with the Court of Common Pleas in Geauga County regarding his denial of an area variance. Documents will be sent to the Geauga County Prosecutors Office.

Mr. Spelich reported that Parkman Auto will be coming in to Zoning Inspector Office to submit paperwork.

Mr. Spelich reported that he submitted information for the Community for the Parkman Paragraphs.

The Board of Zoning Appeals will meet on March 12, 2013.

A motion was made by Rich Hill and seconded by Jon Ferguson to adjourn the meeting at 9:30 p.m. Motion passed unanimously.

Respectfully Submitted,

Approved,

Renee Patry

Cindy Gazley

Zoning Secretary

Chair