

PARKMAN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting of April 8, 2014

Members present: Cindy Gazley, Lucinda Sharp-Gates, Jo Lengel, Kathy Preston, Dale Komandt, and Jan Helt (Secretary)

Members not present: Rich Hill and Paul Nalepa

The meeting was called to order by Cindy Gazley at 7:30 p.m. and announced that Dale Komandt would be the alternate for Rich Hill. Due to there being three appeals to be heard Ms. Gazley recommended hearing the appeals first, then dealing with other business. All agreed.

Approval of Minutes

Ms. Sharp-Gates moved to waive the reading of the minutes portion of the meeting until after the appeals have been heard. Ms. Lengel seconded and the motion passed unanimously.

OLD BUSINESS:

Ms. Gazley asked if the board had any preference on what appeal to do first. Being no preference from members, Ms. Gazley choose CNC Precision Machine.

CNC Precision Machine appeal # 2014-18360.

Ms. Gazley stated we first heard this appeal in January, 2014. The January minutes will be incorporated into this meeting. Since the meeting, there have been several discussions with Zoning Inspector John Spelich and County Prosecutor Rebecca Schlag regarding how to proceed with the procedure of this appeal. Ms Helt sent a registered letter to CNC to inform the applicant to either make any amendments or changes by March 20th, withdraw the appeals if they wished, because circumstances had changed, or BZA will proceed with the appeal as originally filed. Architect Sean Gardinia and CNC Owner Alex Szoke were in

attendance representing CNC Precision Machine. Ms. Gazley administered the Oath of Truthfulness to Sean Gardinia and Alex Szoke. Mr. Szoke said they have made the decision to withdraw. Mr. Szoke said that they have increased their business and are purchasing land on several sides of their property. Mr. Szoke stated there will be more jobs available to the community because they will be hiring more employees. He said they will be going from 10 to 20 to 80 to maybe as much as a 100 employees when they are done with their new building.

Ms. Gazley asked if anyone wanted to add anything. Ms. Preston asked how soon CNC planned for this to be effective. Mr. Szoke said sometime in the fall. Mr. Gardiana said more than likely it will be late fall.

Ms. Lengel said it sounds like the building could be a lot bigger than what is allowed. She suggested that they might want to go to the Zoning commission ahead of time.

Ms. Sharp-Gates motioned to accept the withdrawal of CNC Precision Machine variance application and Ms. Lengel seconded and the motion passed unanimously.

Appeal #2014 – 15690 Conditional Use Natan Shilman 15690 Main Market Road (Main Market Auto)

Ms. Gazley administered the Oath of Truthfulness to Mr. Shilman and Mr. Soltis. Ms. Gazley stated that we had also heard this appeal in January. Again the minutes from the January meeting will be incorporated into this meeting.

At the January meeting the decision was made to table **Appeal #2014 - 15690** until the application was in order to the satisfaction of Zoning Inspector Mr. Spelish. Ms. Gazley administered the Oath of Truthfulness to Mr. Spelich. John Spelich said that Mr. Shilman has gotten his Power of Attorney and a business plan to present to the Board.

Mr. Shilman said he will have salvaged vehicles in need of repair on his lot. He purchases these vehicles from auctions, they may have a bent fender or other

damage that they will repair and then sell. Some of these vehicles will be used for parts only to fix other vehicles. What they are unable to use will be taken to the junk yard. Some vehicles will have replaced parts and be restored and some will go to the junk yard. Mr. Shilman will rebuild, repair, get the car inspected, and then sell them. Mr. Shilman showed the board several pictures of the lot as it is now.

Ms. Sharp-Gates asked if he was in compliance with Zoning on his front lot. He said they have removed some vehicles from the front of the building so they are in compliance with zoning restriction of 25 vehicles on the front lot. He said the back lot does not count. BZA took notice in the pictures that there is no fencing on the back property.

Ms. Preston asked if they will be selling parts. Mr. Shilman said they have a permit to do that but that is a whole different business. He said they will not be selling only parts at this time. It is not part of their business plan.

Ms. Gazley said it looks like this week you removed some cars and cleaned the place up somewhat. Mr. Shilman said he is trying but the weather has been a deterrent. Mr. Spelich said Mr. Shilman has other lots elsewhere that he has moved some of the vehicles to his other lots.

Mr. Soltis said he and Mr. Shilman have talked about “swapping” some property, but it will be a legal process they have to go through to accomplish this. Ms. Sharp-Gates said that would be an issue between the two as the property owners. She said Mr. Soltis and Mr. Shilman should work out their property rights and lines between them as the BZA does not have the authority to resolve their problem.

Mr. Soltis also stated that he feels Mr. Shilman should not receive the variance until he removes all of the vehicles from the Soltis property line. Mr. Komandt agreed with Mr. Soltis that it should be worked out first. Again Ms. Gazley informed him that is something that has to be worked out between the property owners. Mr. Shilman said he would take care of that situation soon.

The question of the presence of the towing business was raised. Mr. Shilman said that it is not an addition to Mr. Shilman's lease. He said that Emil Akhundov is in a contract to lease the house and property. The gentleman who owns the towing company lives in the house and so does Emil Akhundov. He took the sign down and he does not have a truck in the back anymore. Ms. Gazley asked who owned the vehicles that were in the back. Mr. Shilman said he owned them.

Ms. Gazley asked if he has had an EPA inspection done. Mr. Shilman said he has not. She said she is concerned with the Grand River being so close to his property. Mr. Shilman said we take apart the vehicles inside the building and have someone come and pick-up the oil. Ms. Gazley would like Mr. Shilman to contact the EPA and ask if they need to inspect the business. She is concerned for the containment of by product fluids, for example antifreeze, for the protection of the environment including the the Grand River.

Ms. Lengel reiterated that Mr. Shilman needs to get the EPA inspection if applicable, Power of Attorney from Olga Prokhorovs to Natan, and the original land contract. We will address the application again at our next meeting on Tuesday May 13, 2014. It will be put on the agenda for the May meeting but no later than our meeting on June 10, 2014. Everyone agreed to resume the appeal for Mr. Shilman # 2014 –15960 at the next meeting on May 13, 2014.

New Business:

Appeal # 2014 – 16654 Allen Weaver (2 variances)

Ms. Gazley administered the Oath of Truthfulness to Allen Weaver. Mr. Weaver said his son applied for a flag lot variance then "all this other stuff happened." Mr. Weaver said he is really not sure what the Planning Commission are talking about because the property has been this way since he purchased the property in 1991. At that time, both homes were on the property. Mr. Weaver said he has paid taxes on both homes and he also has two homes financed through the bank.

M. Spelich explained once the property lines are changed it is considered a new parcel with two dwellings on it. When lot lines change prevailing zoning applies. This is an issue with respect to R-1 zone requirements. Mr. Spelich said the variance for the two dwellings has to be addressed first before we can deal with the variance for the flag lot.

Mr. Spelich was asked if he is satisfied with the barn that is on the property being declared as agricultural, as questioned by the Planning Commission. He said he was. Zoning does not apply to this building because it is agricultural.

Ms. Lengel suggested other ways the problem may be resolved including maybe splitting the lot. Ms. Sharp-Gates feels that would raise a lot more issues such as side lot issues, where to put another driveway, she feels it would be a huge expense to require the property owner to split his lot. She does not feel it is feasible according to the way the homes, septic systems, and wells are set up.

Ms. Gazley asked what the distance was between the two homes and Mr. Spelich said about fifty feet. Mr. Weaver said when he purchased the property it already had two houses on it, and he pays taxes on both homes. There were also two appraisals. Ms. Gazley asked if it would make a difference in our decision if it were grandfathered in. Everyone said that it would make a difference in their decision making. Ms. Gazley proposed that the zoning may have been different at the time these homes were built. Ms. Preston suggested we research it to find out if that was the case. Mr. Weaver said that former Zoning Inspector John Hasman assured him years ago that everything was in compliance with the property. One home was built in 1800's and one was built in 1980. Mr. Spelich and Ms. Helt will research the previous zoning regulations for the next meeting.

Ms. Lengel moved to table the Weaver appeal until next meeting on May 13, 2014, Ms. Sharp-Gates seconded the motion.

Old Business:

Ms. Gazley received a memo from Ms. Peters about OPERS contributions for persons paid on a “per meeting basis.” She distributed a copy to everyone. If BZA members have any questions there is a telephone # listed on the memo.

Ms. Gazley went over the proposed agenda for the combined meeting of all the boards scheduled on April 22, 2014 at the community house. She asked if anyone had anything to add to the agenda.

Ms. Gazley informed everyone that there will be a Training Class in Geneva on Friday June 6, 2014. Jon Ferguson will let everyone know when they can register.

Ms. Gazley asked if there was any more old or new business.

Minutes were discussed and it was decided that Ms. Helt would do a draft every month of the minutes and send it to Ms. Gazley. After she has had a chance to review, the draft will be given to BZA members to approve or change.

The BZA reviewed and suggested changes to the minutes of February 11, 2014. Ms. Lengel motioned to approve the minutes of February 11, 2014 as amended, Ms. Preston seconded. All voted aye.

Adjournment

A motion was made by Lucinda Sharp-Gates and seconded by Jo Lengel to adjourn the meeting at 9:30 p.m. Motion carried unanimously.

Respectfully Submitted,

Approved,

Jan Helt

Cindy Gazley

Secretary

Chair, BZA

