

Parkman Township Board of Zoning Appeals
Regular Meeting
February 12, 2018

Members present: Betty Jo Lengel (acting chairperson), Cindy Gazley, Rich Hill, Kathy Preston, Nancy Ferguson, and Jan Helt (Secretary)

Also in attendance: John Spelich (Zoning Inspector) Residents as shown on the sign in sheet

Members not present: Dale Komandt absent with apologies

The Chairperson called the meeting to order at 7:10pm.

Ms. Ferguson made a motion, seconded by Ms. Preston, to dispense reading of the minutes until after the variance. Motion passed unanimously.

VARIANCE REQUEST # 2018-15690 - Svitlana Chornomydza 440 Danbury Ln. Apt. B Copley, Ohio is requesting a Conditional Use variance for real property located at 15690 Main Market Road. (IV Section 403.3 E Vehicle repair garage and F Vehicle sales lot)

Ms. Lengel swore in all those in attendance who planned to give testimony individually.

Applicant Explanation for requesting variance to Parkman Township Zoning Resolution:

Applicant was not in attendance, her daughter and husband were sent in her stead, but did not have power of attorney. Therefore, Ms. Lengel asked John Spelich to explain the request for a variance. Mr. Spelich stated that Main Market Auto used to be located on this property. We had a lot of issues with them and eventually they moved out. The new property owners are requesting to open up an auto repair and auto sales lot. They have really been cleaning up the place. Annmarie Stepanovas, the daughter, will be speaking for family. There is a lot better communications and commitment from the new owners. They have been upfront and doing everything asked of them.

Chairperson Ms. Lengel closed that portion of the meeting and opened public discussion.

Open floor to Public.

Ms. Lengel made the motion to open the public portion of the meeting tonight, Ms. Gazley seconded and the motion passed unanimously.

Ms. Stepanovas stated that they have removed all of the trash, car parts, and old tires from inside and outside the house. The inside of the house is almost complete. They plan on moving as soon as possible. She stated they have fixed pipes, repainted floors, installed new gutters on the house and a new roof. Ms. Stepanovas said they have done cement work, patched holes in floors, painted, and planted shrubbery to spruce up the outside building. Also they had the Parkman Fire Department come out and tell them what they needed to do to bring the building up to code. Ms. Stepanovas stated they put new exit signs up and new fire extinguishers, and fixed the heat in the accessory building. They are planning to put up a new front fence and move the old one to the back property, they heard there were some issues with the neighbors. They want to do some landscaping around the house and fix the driveway also. All this will take some time, it all costs money.

Ms. Lengel stated to Ms. Stepanovas there was a previous problem with the neighbors about the property lines, and car parts etc. on the neighbor's back property. She wondered if anything was back there and if everything had been cleared up. Ms. Stepanovas stated they would put up the fence in the back so there should be no issue, and they have cleaned up everything back there.

Jim Soltis (Ms. Stepanovas' neighbor) asked what the problem was with the back property. Ms. Stepanovas stated the old owner told her that there were problems with the neighbor on the back east property. Mr. Soltis said he is that neighbor and he did not have a problem with the back property, it is the front sign, it happens to be on his property line. He stated he is worried about the liability of the situation if someone falls or something. Mr. Soltis stated he has no problem with the back property at all and it is not necessary to put up a fence. Mr. Soltis said he would like Ms. Stepanovas and her family to work with him to solve the sign problem. Maybe get a legal waiver so he is not held responsible for any issues that may occur because the sign is on his property line. Ms. Stepanovas told Mr. Soltis they would work with him.

There being no further comment from the public, Ms. Lengel made the motion to close the public hearing,

Ms. Preston made the motion and Ms. Ferguson seconded to grant the variance. Motion passed unanimously.

Mr. Soltis requested to add one more thing. He stated that the pins that were designating property lines have either been removed or run over by the previous tenant.

Board Members Questions/comments to Applicant:

Mr. Hill suggested that they need to have a surveyor come out and decide exactly where the property lines are located.

Ms. Ferguson asked Ms. Stepanovas if she is willing to work with Mr. Soltis. She stated no problem she will work with Mr. Soltis. Ms. Ferguson asked Ms. Stepanovas if she had any idea when everything will be completed. She stated they hoped to be able to complete everything within the next 5 years. A license to sell cars takes up to 6 weeks and they can't apply for that until they get the variance.

Ms. Preston asked if they plan on having a body shop and sell cars. Ms. Stepanovas stated they are leaning more towards selling cars. They plan to do bodywork on them and then sell them. It will be salvage cars at first, then later just repair and sell.

Ms. Gazley asked Mr. Spelich why they needed to get the variance. Mr. Spelich stated that procedure is that the Fire Department has to make sure the building is up to code. Auto Repair is allowed in our Zoning Book but it still requires a Conditional Use Variance.

Mr. Hill asked Mr. Spelich even though the property is in a commercial area a Conditional Use variance is still required. Mr. Spelich stated that it is a use with conditions attached.

Ms. Lengel asked Ms. Stepanovas if she would be applying for a car dealer's license. Ms. Stepanovas said yes they will be applying for a license to sell cars.

Ms. Gazley stated that there are cars behind the fence, behind the house. Ms. Stepanovas stated that they have no license to sell them yet. She said that about 95% of them are fixed and ready to sell. Ms. Gazley asked what the plan is to get rid of scraps, dented fender, etc. Ms.

Stepanovas stated everything would be taken to the scrap yard that they are not able to salvage. She said they have a dumpster that they put everything in and then it is picked up. Ms. Gazley asked about tire disposal we have had some thrown in the river behind the property. Ms. Gazley stated there is no evidence that the previous owner did that. Ms. Stepanovas said they would dispose of the tires properly. They will take them to the scrap yard also.

Ms. Gazley asked Mr. Spelich if he has been able to access the property. He said yes he has had access to the property along with the Fire Department. The Fire Department will be doing their final inspection as soon as all work is completed.

Mr. Hill stated that the lot lines need to be settled; it is a critical issue. It is not a good idea to be using the neighbor's property.

Ms. Lengel asked if it were possible to move the sign. Mr. Soltis said no because the fence is right there. Ms. Lengel stated she prefers the sign and the fence be moved or they can lease the property that the sign and fence sit on.

Ms. Ferguson stated that she appreciates Mr. Soltis and Ms. Stepanovas working together on the property issue. Ms. Stepanovas stated that they intend to put up a fence because they have had parts stolen off of cars in the lot. Mr. Soltis agreed. He said he has had things stolen from his property also.

Ms. Gazley asked Mr. Spelich when the property was abandoned. The Zoning Book says it should be a least 2 years. Rich Hill stated because of a change in ownership it wouldn't matter. Mr. Spelich stated it doesn't matter a new business has to get a new Conditional Use, you can't transfer it, no matter how long it is. Change of ownership or business you need a new Conditional Use. A conditional Use expires in 5 years then it has to be renewed. Ms. Stepanovas stated that the previous owner has been gone at least since last spring. Ms. Stepanovas stated she can't get a license to sell vehicles until she gets a variance.

Ms. Lengel read aloud that according to the Ohio Rural Zoning Handbook (fourth Edition 1991) pages 29, 30, and 31 address **Action on Conditional Uses.** Page 30 paragraph 1 states "A given conditional use is permitted only in those districts so specified. The board of zoning appeals is responsible only for judging compliance with conditions established by the Township Trustees or County Commissioners. The board of zoning appeals does not determine what conditions must be met. "If all conditions are met by the applicant, the board of zoning appeals must issue a permit." Ms. Gazley thanked Ms. Lengel for bringing that to everyone's attention.

Rich Hill stated that our zoning book states that Auto Repair allows 10 cars and Auto Sales allows 25 cars, so does that mean a total of 35 cars or 25 cars. The consensus varied so Mr. Spelich stated he would check with Dave Dietrich to be sure.

Ms. Lengel asked the board members if there were any more questions, there were none, closed that portion of the meeting.

Ms. Lengel went over the following:

General Standards for Conditional Uses

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site. **Meets criteria.**
- B. The proposed roads and other means of in and ingress and egress Are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by firefighting, police, and ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares. A traffic impact study by qualified traffic engineer may be required. **No**

- C. The size and number of proposed off street parking spaces and loading/unloading spaces are adequate and are in accordance with the provisions of article V1 of this resolution. **No**
- D. The type size, location and number of proposed signs are in accordance with the provisions of article V11 of this resolution. Type size location discussed. Yes
- E. Proposed use will be compatible with the township land use plan. **Meets criteria.**
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. **No**
- G. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services. Proof of compliance with applicable codes and regulations pertaining to the protection of public health and safety including fire, sanitary sewage, water supply, erosion control, and storm water runoff may be required. **Meets criteria.**

Ms. Lengel stated there is a motion and second on the floor to grant the variance: Roll Call:

Jo Lengel	YES	Nancy Ferguson	YES
Rich Hill	YES	Cindy Gazley	YES
Kathy Preston	YES		

Explanation of vote:

Ms. Lengel stated that the appeal has been granted. Ms. Stepanovas can expect to receive in the mail within 10 days a copy of the Fact-finding Sheet and Decision Form from the board secretary. Ms. Lengel advised to wait 30 days before proceeding because an appeal may be filed within that given time.

Minutes December 12, 2017-Ms. Preston motioned and so moved to approve the minutes. Ms. Ferguson seconded and the motion passed unanimously.

Elections:

Ms. Lengel stated we need to elect a new chairperson. Ms. Lengel motioned to nominate Kathy Preston seconded by Ms. Ferguson and the motion passed unanimously. Ms. Preston accepted graciously. In case of absence Ms. Lengel will be the back-up chairperson. We had a discussion on whether the board should meet every month to see what is going on in Parkman Township.

Mr. Hill stated that it is not necessary we can go to the Trustee meeting and get that information. Ms. Helt stated that she had Mr. Spelich's report if everyone wanted to know what is going on. **Ms. Lengel** read Mr. Spelich's report about what is going on in Parkman Township. Mr. Hill asked if maybe it could be e-mailed to everyone. Ms. Helt stated she would check with Mr. Spelich to see if he was ok with that.

Adjournment:

Ms. Preston motioned to adjourn, Ms. Ferguson seconded, the motion passed unanimously. The meeting adjourned at 8:30 p.m.

Respectfully Submitted by Jan Helt BZA Secretary, _____ Date_____

Acting Chair, Betty Jo Lengel _____ Date_____