

**PARKMAN TOWNSHIP BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**Tuesday, March 12, 2024**

Members present: Joe Keough, Dennis Coz, Timothy Musson, Bryon Mullins, Bill Glasgow, Gail Duchscherer, and Jan Helt (Secretary)

Members not present: Rich Hill

Others Present: John Spelich, Mark Strombly and Henry Duchscherer.

The meeting was called to order by **Mr. Keough** at **7:00 PM**.

**Mr. Keough** led the meeting with the Pledge of Allegiance.

**Mr. Keough** 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.

**Mr. Keough** made a motion to dispense with the reading of the minutes of the **last** meeting until after the appeal is heard. **Ms. Duchscherer** seconded the motion. Motion passed (unanimously) .

**Mr. Keough** administered Oath of Truthfulness to all present who wished to speak.

There is a **use** variance permit application to be addressed by the Board at this meeting:

- **NUMBER 2024-18040**

**This application submitted by appellant, Robert Miller and Robert Yoder 17134 Farmington Road Parkman Township, is requesting a Use Variance from the Parkman Township Zoning Resolution for property located at, 18040 Tavern Road Burton, Ohio (property request is being made prior to purchase of property) Parkman Township, Ohio which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1V Section 402.16 (C).**

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

**Mr. Robert Miller** stated The Haven Amish Community Center is committed to Providing a spiritually, educational, recreational, and charitable Anabaptist community. The organization's primary objective is to create a safe and positive environment, particularly for Amish youth. Offering them an alternative to drugs and alcohol and to cultivate a supportive atmosphere where Amish youth can thrive, and grow, and develop.

Some of the activities would be basketball, baseball (in the summer). Inside would be a gym, pool table etc. There would be planned events etc. The hours would be Monday through Thursday 5 to 9 with planned events. Friday and Saturday would be all day until

11:00 pm no events planned, whenever they want to come. He stated there is a lot of great feedback on these Youth Centers located in other counties.

There could be around 150 to 250 youth attending especially on the weekends. There would be an Advisory Board consisting of (5) individuals who are bishops within the Old Order Amish Churches, will provide spiritual and legal oversight of the Amish Auxiliary. There would also be (7) Directors to start but more if necessary more can be elected. We also will have a (3) man support group with others to run the cafeteria.

**Mr. Miller** said he felt that the property is a perfect fit for the youth center. It is secluded and will be back far enough as to not bother anyone. Mr. Miller brought up a map to show everyone exactly where the property is located. He also showed pictures of building in other communities to show how the finished product would look. This would be built on 27 acres. The building and activities will have plenty of room. He also showed everyone a map to show where everything will be located on the property. He stated he also has the blue prints if anyone wants to see them.

**Ms. Duchscherer** asked if the property was located across from the park.

**Mr. Miller** said it was closer to Newcomb road.

**Mr. Strombly** asked what the square footage of the building would be.

**Mr. Miller** said the building will be 20,000 square feet.

**Mr. Glasgow** asked if it is one lot or two.

**Mr. Miller** stated it is one lot they will be purchasing. It is 27 acres. There is an archway leading up to the property.

### **Open Floor to Public.**

**Mr. Keough** asked for any other questions. There were none. **Mr. Keough** closed that portion of the meeting.

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

**Mr. Glasgow** asked what the target start date is for this project.

**Mr. Miller** stated that he did not have a start date at this time, depending on the builders and permits and everything that needs done ahead of building. It usually takes at least 6 months to get everything together.

**Mr. Glasgow** asked if any of the neighbors objected to the building of the Haven Youth Center.

**Mr. Miller** stated that some of them are very supportive and there are some who object.

**Mr. Keough** said that is important to know if neighbors support the project.

**Mr. Coz** asked if there was a sufficient amount of parking for the Haven Youth Center.

**Mr. Keough** stated that is an important question.

**Mr. Miller** said there would be plenty of parking for cars and horse and buggy too. There will also be a barn for horses.

**Mr. Keough** stated that he has done some research on use variance and felt that our standards are outdated. For instance, an individual seeking a variance satisfies the positive criteria by showing the use is particularly suited for the property.

However, there are some uses that have been deemed “inherently beneficial” which means they are universally considered to be of such value that they fundamentally serve the public good and promote the general welfare of all which applied to variances nationwide. Such uses include schools, hospitals, group homes, and renewable energy. He got this information out of Coates Cannon.

**Mr. Keough** stated in 1982 a landmark court case established the Duncan Factor standards which were implemented after the Duncan issue took place in Middlefield. It was a landmark court case. There are 8 standards that need to apply.

**Mr. Keough** asked for any other questions. There were none. **Mr. Keough** closed that portion of the meeting.

**Mr. Keough** asked if there was a motion to grant the variance. Mr. Glasgow moved, and **Ms. Duchscherer** seconded the motion to grant the variance.

**Mr. Keough** stated that the Duncan Factor Standards are similar to the Parkman Standards for a “USE” variance. He also went over both in the deliberation/discussion by the board members.

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

**Mr. Keough** led the Board in considering the following issues.

**Mr. Glasgow** asked if there were any wetlands on the property.

**Mr. Miller** stated that there was a creek behind the property(a manmade creek) but once the sun hits it dries up.

**Mr. Keough** led the board in considering the following issues:

*Use for a use variance-insert answers after each question:*

- a. Why will the variance from the terms of the zoning resolution not be contrary to the public interest: NO
- b. Because of what special conditions will an unnecessary hardship result from a literal enforcement of the zoning resolution: NO
- c. What is the unnecessary hardship which will result from a literal enforcement of the zoning resolution owing to the special conditions set forth in paragraph (b) above: NO
- d. How will the spirit of the zoning resolution be observed if the variance is granted: YES
- e. Will substantial justice be done if the variance is granted: YES
- f. The variance sought is the minimum which will afford relief to the applicant. YES
- g. There is no other economic use which is permitted in the zoning district. NO
- h. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable. Does not apply, so the answer is NO

**Mr. Keough** asked if there were any other questions or discussions.

**Mr. Coz** asked about the driveway on 168 worried that might be a problem with horse and buggy pulling out on to the road.

**Mr. Miller** stated that it is not on a hill, so he doesn't see a problem with it. The buggy does have flashing lights so it should not be so bad. The archway is the driveway, I really don't see an issue, no different than other roads a buggy has to pull out on.

**Mr. Keough** asked for any other questions or comments from the board members, closed that portion of the meeting and asked for a roll call on the motion to grant the variance.

#### ROLL CALL

<b>Joe Kough</b>	Yes
<b>Rich Hill</b>	not present
<b>Dennis Coz</b>	Yes
<b>Timothy Musson</b>	obtain
<b>Bryan Mullins</b>	Yes
<b>Bill Glasgow</b>	Yes
<b>Gail Duchscherer</b>	Yes

**Mr. Jake Byler**(after the roll call) stated that they could not hear what was going on there were several neighbors who wanted to speak.

**Mr. Keough** said of course I did ask if there were any other questions before we voted and no one spoke up. You are welcome to speak now.

**Mr. Byler** stated he is an adjoining landowner of the property and I do not approve of having it located there. We have property that backs up to the river I live on the other side we spend a lot of time in the back of my property. We have a picnic area back there and it is very nice back there. We would like to keep it that way. I feel there would be lot of noise coming from the Youth Center, with baseball and other outside activities.

**Eli Miller** I'm also an adjoining landowner and I have the same concerns as Mr. Byler. I live right next door to Jake Byler. We all are concerned about the noise coming from the Youth Center and their activities causing noise. I'm not here to make enemies, but I'm opposed to the Youth Center.

**Mr. Glasgow** asked Eli Byler what is the main reason you oppose the youth center?

**Mr. Eli Miller** stated it is mainly peace and quiet, he likes things the way they are.

**Marvin Byler** stated that he is on the back end of the property, I appreciated that they stopped by ,but I really don't want this Youth Center. We spent a lot of time back there. We like peace and quiet. I made it quite clear that I oppose the Youth Center, I feel like they are invading my privacy.

**Mr. Robert Miller** stated that our property is on the very west corner. There are no homes within 1500 to 2000 feet. The property will be isolated from any homes. This property is separate. We don't feel it will cause any problems.

**Mr. Mel Miller** stated he lives in the neighborhood, and he is also opposed to it. Only youth will play ball there, are will there be adults married men also Monday through Friday. He stated he lives on Nash Road. We have the building on the corner do we need more.

Mr. Robert Miller stated it will be youth only.

**Mr. Ben Miller** I live there with my Dad and we hear all the noise from events they have there now. We here screaming and yelling when they have these horse events. We also like peace and quiet.

Mr. Robert Miller stated that really there is a property between us and anyone else. Where these Amish are located are not near to our property. There is not another home within 1500 to 2000 feet. These houses are not next door.

**Mr. Rob Yoder** I understand the privacy issue, I can hear my neighbors snoring where I live in my neighborhood. There are many other communities who build these Youth Center all over in their areas and it is working out for everyone. I needed to move out of the state for a while, but I moved back because I missed the close community. We live in Geauga County a very popular community. We need to work these out peacefully because we to do something for our youth. Sometimes we have to give up some things to accomplish others. When we started our own schools some said it would not work. But it does work.

**Mr. Mullins** asked if some events will be inside?

**Mr. Robert Miller** stated summer some things will be outside, winter will be inside. He said all events will be well supervised.

**Mr. John Lesline** said he lives od 528, he wasn't at any of the meetings but he feels that it will be noisy and alot of traffic. I'm not saying that don't have some good points. How many are going to drive horse and buggy, scooters, or drivers. It will still be noisy.

**Mr. Glasgow** said from what he hears most of the concerns are peace and quiet. Does anyone have an issue with the idea or is it only peace and quiet. Someone answered both.

**Mr. Chester** Hershburger stated he lives on Nash Road; he doesn't have anything against having the Youth center. My boys did stuff they shouldn't have if they could have had a place to go it may have made a difference. I have no problem with it. The young people need something.

**Mr. Bill Miller** stated he feels the same as Chester Hershburger. He said his boys are teenagers and in their early 20's and he wishes they had somewhere else to put the youth center, but he has no objection to it.

**Mr. Keough** asked if there were any other questions or comments from the board members, closed that portion of the meeting and asked for a roll call on the motion to grant the variance.

**Mr. Musson** came late so Mr. Glasgow showed him the map and answered some of his questions himself.

**Mr. Musson** stated he still has issues and concerns because of the state of the par.

**Mr. Keough** stated that the park did not have the level of supervision that the Youth Center will have.

**Mr. Musson** said he lives on 422 and he still hears the auction all the way on 422.

**Mr. Keough** asked for any other questions or comments from the board members, closed that portion of the meeting and asked for a roll call on the motion to grant the variance.

ROLL Call

<b>Joe Kough</b>	Yes
<b>Rich Hill</b>	not present
<b>Dennis Coz</b>	Yes
<b>Timothy Musson</b>	No
<b>Bryan Mullins</b>	Yes
<b>Bill Glasgow</b>	Yes
<b>Gail Duchscherer</b>	Yes

Mr. Keough stated he needs to remain impartial, he has to follow case law. He is willing to talk after the meeting if anyone wants too.

**Mr. Keough** advised Mr. Robert Miller that the variance has passed. He stated that a letter will be mailed to the applicant within 10 days with the decision results of the appeal. This decision may be appealed with the Geauga County Court of Common Pleas within 30 days.

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

- **NUMBER 2024-17171**
- **Parcel 25-190841**

**This second application submitted by appellant, Mark and Ruby Byler 18040 Tavern Road, Burton, Ohio Parkman Township, is requesting an Area Variance from the Parkman Township Zoning Resolution for property located at 18040 Tavern Road Burton, Ohio (Property request is being made prior to purchase of property) Parkman Township, Ohio which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1V Section 401.0 (A) 402.**

**Mr. Glasgow stated that he was not sure exactly what the appellant is asking for.**

**Mr. Byler** stated he has a flag lot that the driveway is 60 feet at the bottom and narrows to 50 feet at the top (preexisting) he needs a variance for the top this is 50 feet instead of 60 feet. He stated that way each driveway will be a stand alone driveway leading back to the property.

Open Floor to Public.

**Mr. Keough** asked if there were any questions there were none closed that portion of the meeting.

**Mr. Keough** asked for a motion to grant the variance. Mr. Glasgow motioned Ms. Duchscherer seconded.

**Board Members Discussion/Deliberation:**

**Mr. Musson** stated that the way he was reading it 402.16 (B) stated that there shall be no more than (1) rear lot behind a front lot.

Mr. Byler stated that he spoke to David Dietrich said as long as the flag lot is not behind the other flag lot. The property has been split once already and it will be split again to accommodate the Youth Center.

**Mr. Byler** said there is only one flag lot driveway the other driveway has required frontage.

**Mr. Spelich** stated that you can't put two flag lots on the same property. He also said flag lots are permitted in Parkman zoning you just need a permit.

**Mr. Byler** showed everyone on the map exactly where the flag lot is located and where it narrows to 50 feet instead of 60 feet for about 4 ½ feet. It meets where the property comes together.

**Mr. Musson** asked Mr. Byler if he was planning on building a house or selling the property.

**Mr. Byler** said no at this time he has no plans to do anything yet, but he said he will have to get the variance at some point otherwise the property would be useless.

**Mr. Musson** stated maybe he should wait until he has a plan for the property.

**Mr. Byler** stated he decided to get it now rather than later that way he doesn't have to worry about it in the future. It will be all set when he is ready to do something with the property.

Mr. Glasgow asked if any of the neighbors had an issue with the flag lot.

Mr. Byler stated that it was in the letter that everyone received prior to the scheduled variance.

**Mr. Keough** asked for any other questions or comments from the board members, closed that portion of the meeting and asked for a roll call on the motion to grant the variance.

Mr. Keough led the board in considering the following issues:

*Use for an area variance:*

- 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: NO.
- b. Whether the variance is substantial: NO.
- 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: NO.
- d. Whether the variance would adversely affect the delivery of governmental services: NO, it will not.
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction: NO.
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance: NO.
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: YES.

ROLL Call

<b>Joe Kough</b>	Yes
<b>Rich Hill</b>	not present
<b>Dennis Coz</b>	not present
<b>Timothy Musson</b>	No
<b>Bryan Mullins</b>	Yes
<b>Bill Glasgow</b>	Yes
<b>Gail Duchscherer</b>	Yes

Mr. Keough advised Mr. Byler that the variance has been granted a letter will be mailed to the him within 10 days with the decision results of the appeal. This decision may be appealed with the Geauga County Court of Common Pleas within 30 days.

Old Business:

**Mr. Keough** Motioned to un-table Mr. Michael Deirfield variance #2023-16167 from June 13<sup>th</sup> and dismiss the variance. Mr. Deirfieldt has decided he doesn't want the variance.

**Mr. Keough** made a motion to approve the minutes of the **February 13<sup>th</sup>** meeting. The motion was seconded by **Mr. Glasgow**. The motion passed unanimously.

