

PARKMAN TOWNSHIP BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, April 9th. 2024

Members present: Joe Keough, Rich Hill, Timothy Musson, Bryon Mullins, Gail Duchscherer, and Jan Helt (Secretary)

Members not present: Rich Hill

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

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

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 asked for a motion to dispense with the reading of the minutes of the **last** meeting until after the appeal is heard. **Mr. Hill** motioned, and **Ms. Duchscherer** seconded the motion. Motion passed (unanimously).

Mr. Keough administered Oath of Truthfulness to all present. Sworn in all witnesses who wished to speak at the hearing.

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

- **NUMBER 2024-17500 parcel #25-000310 and 25-112511**

Appeal **2024-17400** was recalled:

This application submitted by, Mr. James Mudri appellant, 15358 Kinsman Road Middlefield, Ohio is requesting a Variance from the Parkman Township Zoning Resolution for property located at, 17400 Reynolds Road Parkman Township (Parcel # 25-000310 and Parcel # 25-112511). Ohio which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1V Section 402.1 Permitted Principal Buildings, structures, and Uses.

Mr. Keough asked **Mr. Spelich** (Zoning Inspector) to give us an overview of variances being requested by Mr. Mudri.

Mr. Spelich stated that the variance request is for a change of **USE** from residential to allow a landscaping business (is located in Middlefield), to move to Parkman Township. Landscaping is not an allowable business in a residential area (402.3) (C). there was some talk about a home occupation, but you must have a home on the property and only 2 workers who live on the property are allowed. This business does not meet the criteria as a home occupation.

Mr. Mudri's explanation of for requestion a variance from Parkman Township Zoning Resolution:

We would like to move our Company to Parkman Township because it is quiet and a lot more room. We do have a lot of trucks. We intend to make it look good. We intend to tear down the existing barn and replace it with a new building. Everything will be stored in that building nothing outside. It will be a dome storage building. At some later date we will build a house on the property.

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

Open Floor to Public.

Kristin Maxey stated she lives across the street from property (which is Nelson Township) I would like to keep this as a quiet residential area that we are used to. We have new families moving to our neighborhood every day. They are amazing and I have a beautiful house and I don't want to look out my window and see a business across the street.

Geoffrey Mcquire stated his question is without a home on the property the owner will not be living there why he would take care of the property if his home is not there.

Ralph Kumher said that everything runs downhill from that property. I feel everything will mediate down hill and cause issues. I also believe it is a quiet residential area and we want to keep it that way.

Jacqui Nimietz stated she worries about the chemicals and pesticides from the landscaping business. I want to look out my window and see nature.

Daniel Nimietz stated that his property borders the back of this property. I don't want to see buildings or the noise that will come with it, It is quiet, and we want to keep it that way. I don't want trucks running up and down our road. It is residential and we want to keep it that way.

Daniel Nimiets also presented two letters from neighbors Gayle Gable and Jared and Amanda Henderson. (see attached).

Bob Linn stated he lives on Hobart Road and asked Mr. Mudri what kind of trucks are involved and what are your plans. What does your future look like?

Mr. Mudri stated that if course we plan on growing and get bigger. As far as chemical we do not deal with any chemicals at all nothing like that. I don't see in the next 10 years us having axel trucks. We have medium size less than 5-ton trucks we use for our deliveries. We will have semi's delivering our supplies for our business. He stated that the new building would be 85 square feet. We will tear down the existing building and house that is on the property now. There would also be a general test check of the EPA. Breaking ground would not be until at least winter. That would be the earliest.

As far as a permit **Mr. Spelich** stated he would need a permit from Parkman Zoning first, of all then the county building permits. The size of the building would depend on the number of acres he has.

Bob Linn stated that even now we can't have 2 cars on the road without issues imagine a big truck and a car. The road is just not wide enough for even 2 cars.

Wendy Anderson stated she believes it should stay residential we do not need any more traffic on our road. If you approve and change the use of the land to commercial what happens if they leave?

Mr. Spelich stated that this is just a change of USE of the property and not changing it to commercial. The USE change would not follow a new owner it remains residential.

Richard Karasek said he agrees with everyone, I don't want a business on our road. My son's car got hit on this road twice. This road is not wide enough for cars and definitely not trucks. We do not want this business on our road.

John Sabo stated he purchased his property in a residential area and wants it to stay residential.

Jason Miller stated agrees with everything that has been said against having this landscaping business on our road.

Erin Detweilder stated he also agrees with everyone else tonight.

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. Mullins asked if the Carmal Landscaping was open to the public. Mr. Mudri said no he is not. This is not a commercial business.

Mr. Keough he spoke to our County Prosecutor, and she stated that you can't change the USE of a property it can't be used for anything else other than what it is zoned. The only exception would be if it is deemed "inherently beneficial" which means they fundamentally serve the public good and promote general welfare of all. Such uses include schools, hospitals, and group homes etc.

Mr. Hill stated we can't change a property from residential to commercial we can only change the USE for said property. If that property vacates the USE does not follow it would revert back to what it was originally zoned.

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

Board Members Discussion/Deliberation.

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: **YES, it definitely would have an adverse effect on the rights of adjacent owners,**
- d. How will the spirit of the zoning resolution be observed if the variance is granted: **No it would not.**
- e. Why will substantial justice be done if the variance is granted: **No, it would not.**
- 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. **YES, a house can be built on the property.**

ROLL CALL

Joe Kough	No
Rich Hill	No
Timothy Musson	No
Bryan Mullins	No
Gail Duchscherer	No

Mr. Keough 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.

Mr. Keough made a motion to approve the finding of facts for the appeal, and **Mr. Hill** seconded the motion.

ROLL CALL

Joe Keough	Yes
Rich Hill	Yes
Timothy Musson	Yes
Bryan Mullins	Yes
Gail Duchscherer	Yes

Old Business

Mr. Hill made a motion to approve the minutes of the meeting. The motion was seconded by **Ms. Gail Duchscherer**. The motion passed unanimously.

New Business There was none.

There was a motion to adjourn the meeting by **Mr. Hilland** seconded by **MS. Duchscherer**. The meeting was adjourned at **8 PM**.

Secretary

Chairperson