**Parkman Township Board of Zoning Appeals**

**May 29, 2019**

**Members present:** Kathy Preston, Chair; Betty Jo Lengel; Bryan Mullins; Jeff Heavner; Brandon Reed; and Jan Helt, Secretary.

Members absent: Rich Hill; Dale Komandt

Meeting was called to order by Chair Kathy Preston at 7:10 pm.

**Minutes:**

Themotion was made by Ms. Lengel and seconded by Mr. Mullins, to move April 9, 2019 and May 14,2019 minutes until after the appeal.

The BZA Board waited twenty minutes for the appellant to appear before the board, however he never came for his variance hearing. The Board decided to proceed with:

**Old Business**:

**Grove Road Pallet Shop, owner Andy Hostetler:**

**Mr. Spelich** stated that he did an onsite inspection and that there were pallets stacked high everywhere. Mr. Hostetler stated to Mr. Spelich that it is his land and he will do what he wants to do with it. Mr. Hostetler said “No disrespect, Mr. Spelich, but I want you off my land.” Mr. Spelich said it is not a commercial business, it is industrial. Mr. Spelich said he is sending a copy of the whole file to the Prosecutor’s Office.

**Nelson Ledge Road shipping container, owner Scott Simms:**

**Mr. Spelich** said he has already turned everything concerning the shipping container over to the Prosecutor’s Office in August 2018. Copies of the file along with pictures of the shipping container were sent also. Parkman trustee Henry Duchscherer has also called the Prosecutors office on behalf of township.

**Mr. Spelich** stated Mr. John Yoder, owner of the pallet manufacturing business in the center of town, is still working on his expansion to include a retail business. Dave Dietrich is working along with Mr. Yoder’s lawyer to try to come up with a way to address everything. Nothing is definite yet.

**Ms. Preston** discussed the Sunshine Laws and the fact that the new members can go on line and take the class. She may have underestimated the length of the class; it may be more than 3 hours (possibly 13 hours?). However, she recommends it, especially to the many new members.

**New Business:**

Ms. Preston asked Mr. Spelich if he knew about the recent activity at the Buster Miller farm on Newcomb Road and Nash Road; that there have been earth movers and many cement trucks there the past week. Mr. Spelich said that he would look into it.

**Ms. Lengel** moved and seconded by **Ms. Preston** to approve minutes for April 9, 2019as written. Approved by majority.

**Ms. Lengel** moved and seconded by **Mr. Mullins** to approve minutes for May 14, 2019 as written. Approved by majority.

Although Mr. Edward Miller did not show up for his continued appeal from May 14, 2019, the board decided to proceed with the appeal.

**Ms. Preston** stated there is a continued appeal to be addressed by the board at this meeting;

* 2019-17775
* This application, submitted by Edward E. Miller 17775 Reeves Road (Parkman Township), Middlefield Ohio 44062, is requesting a variance from the Parkman Township Zoning Resolution for property located at same address, which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1V Section 402.1 H

**Ms. Lengel** asked Mr. Spelich if the bank had submitted any other information than the letter they had sent preciously. Mr. Spelich stated that the bank would not tell him anything more. Ms. Lengel stated that there is no evidence that Mr. Miller has to build the two houses then do a lot split: “It does not make sense to me to do a variance instead of just doing the lot split now.”

**Ms. Preston** asked for a motion to grant the variance. **Ms. Lengel** so moved and **Mr. Mullins** seconded the motion.

**Board Member Discussion/Deliberation:**

**Ms. Preston** led the Board in considering the following:

**Standards for a “Use” Variance**

a. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district. **There was nothing unique about this property**.

b. The hardship condition is not created by actions of the applicant. **No hardship, the appellant did not show evidence of a hardship.**

c. The granting of the variance will not adversely affect the rights of adjacent owners. **The granting of the variance would be giving rights to the appellant that would not be available to adjacent property owners.**

d. The granting of the variance will not adversely affect the public health, safety and general welfare. **Geauga County has passed regulation not allowing two homes on the same property as a means to protect health, safety and the general welfare**.

e. The variance will be consistent with the general spirit and intent of the zoning resolution. **No, it would be in complete opposition to the Parkman Township resolution**.

f. The variance sought is the minimum which will afford relief to the applicant. **Appellant has not produced evidence that he needs relief.**

g. There is no other economical use which is permitted in the zoning district. **Use is currently R1 and will continue to be R1.**

h. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable. **No other criteria needed**.

**Ms. Preston** asked the Board for any other questions or comments. Since there were none, she closed that portion of the meeting and asked for a roll call on the motion to grant the variance:

**ROLL CALL ON GRANTING VARIANCE APPEAL 2019-17775**

Kathy Preston NO

Betty Jo Lengel NO

Bryan Mullins NO

Brandon Reed Abstain

Jeffery Heavner NO

**Finding of Fact Related to Appeal for Variance 2019-17775**

Kathy Preston YES

Betty Jo Lengel YES

Bryan Mullins YES

Brandon Reed Abstain

Jeff Heavner YES

Secretary Ms. Helt will send a letter of denial of the appeal to Mr. Edward Miller within 10 days.

**Adjournment:**

**Ms. Lengel** moved to adjourn; **Mr. Mullins** seconded the motion, all in favor.

Meeting was adjourned at 8:05 pm.

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Jan Helt, Secretary Kathleen Preston, Chairperson