

BOSTON TOWNSHIP ZONING

Board of Zoning Appeals – Tuesday March 26, 2024

Members Present: Paul Kaczmarek, Dave Calaway, Ron Summers, Jerry Ritch
Jay Littler – absent

Also present:

Trustee: Randy Bergdorf

Zoning Secretary: Jerilyn McGuire

Zoning Inspector: Mike Anderson

Legal Counsel: Al Schrader

Also in attendance were Paul Baker from Kamper City and Matt Malone from Earth and Wood/ Kurtz Brothers.

Paul Kaczmarek called the meeting to order at 6:33pm

Paul welcomed new secretary – Jerilyn McGuire

Minutes from Feb 27, 2024 meeting were reviewed. Motion to approve the minutes by Dave Calaway and seconded by Ron Summers. All voting "aye."

Public Hearing for 5347 Akron Cleveland Road – was held. Hearing was a continuation from the previous month regarding accessory building located at 5347 Akron Cleveland Road. Parcel # 070048.

Matt Malone from Kurtz Brothers announced himself. Kurtz Brothers address is 6145 Granger Rd.

A court reporter was also in attendance recording notes from the Public Hearing

Accessory building in question was built without approvals or permits.

Per Zoning Inspector Mike Anderson: Building in question is a "hoop" style building located at 5347 AC Road and is built on the property line. It needs a building permit through Summit County.

Matt Malone, VP of operations of Kurtz Brothers Peninsula location, Earth and Wood, said they expanded to land next door to manufacture on site. They were not aware a permit was needed for a hoop building and have since applied for the permit. Purpose of building is to store topsoil. Building is located close to property line for easy customer pick up.

No comments from Zoning Commission or Public.

Kaczmarski addressed following items:

- Do they plan to combine the parcels. Per Matt No.
- With two separate parcels – could one be leased out. Matt doesn't think so since purpose for 2nd parcel is to manufacture product
- Are they processing top soil and mulch? Matt said Yes
- Kaczmarski to Mike Anderson – any complaints about mulching? None that Mike has heard of.
- Are dyes on their products? Matt said they do dye but not unsafe. Not problematic.

Ritch inquired about # number employees. Per Matt: 3 FT; possibly 12 FT during season

Calaway expressed concern about Kurtz Bros hauling sludge in the past. Per Matt, this is not occurring at this location.

Kaczmarski asked if an anchor was necessary. Per Matt, based on weight, it does not need an anchor. Will not move. It's also built to handle a snow load.

Kaczmarski indicated copies of all information might be needed.

Kaczmarski made a motion to approve installation of hoop and variance with two conditions:

- a) The proper building permits be issued and provided to the zoning inspector.
- b) Both parcels, 0700048 and 0700006 are owned and operated by Earth and Wood, EW RE Holdings LLC. If the south parcel, #0700006 is to be sold, rented, or leased for another business or use, the "hoop" accessory building will need to be moved back to the legal 20-foot set-backs.

Jerry Ritch seconded the motion.

Dave Calaway, Ron Summers, Jerry Ritch, Paul Kaczmarski vote to approve.

Kaczmarski motioned to adjourn the public hearing.

Next order of business:

Paul Baker from Kamper City was in attendance.

Mike Anderson indicated an application for Kamper City was submitted to replace the building that burnt down. 4,608 sq feet. To be built on existing slab. Zoning permit was previously approved. It's been determined that the previous zoning inspector approved the permit without going through the proper process.

Paul Kaczmarski said the permit should go through the proper process this time.

Discussion regarding permit for Kamper City:

- Paul Baker questioned Kaczmarski's decision since nothing is changing.
- Dave Calaway noted that he recognized the original permit was issued in error but nothing has changed – can we "grandfather" it in?
- Paul Baker said permit was filed last week. If we have to wait there could be hardship.
- Summers' opinion – if John issued the permit – we should give them leeway.
- Paul Baker – it was John's error. Shouldn't be on Kamper City.
- Al Schrader said we have discretion on how to go.
- Jerry Ritch said – we have an obligation to let them build

Dave Calaway – motioned to issue permit to Kamper city to rebuild burnt building.

Jerry Ritch, Ron Summers and Dave Calaway voted yes to approve the motion

Paul Kaczmarski voted No.

The motion passed three to one.

Paul Kaczmarski – OK to issue zoning certificate.

Zoning Inspector Report

- 1) Robert Jenkins on Oakhill demolished existing house. Split lots – no application yet.
- 2) Cannabis requirements – moratorium until state figures things out.
- 3) 5130 AC – Dollar General. At engineers office. No zoning app yet
- 4) 5730 AC – app for use and permit. At BZA
- 5) PMC Rocks – new plans – app withdrawn
- 6) Kendall Road. Demo permit for old existing house. Building a new house.
- 7) 5650 AC Rd – Direct Air. Plans at SC Engineers office. BZA approved accessory building.
- 8) Commission working on new zoning regs
- 9) 5352 AC – New plans possible
- 10) Alpine Structures moving to 5730 – BZA to hold hearing
- 11) Fence at 5374 AC

New Business: A Public Hearing for use will be held next month for Alpine Structures at 5730 Akron Cleveland Road.

It was announced that the next meeting would be held April 23, 2024. Kaczmarski motioned to adjourn the meeting at 7:39. All were in favor.

Approvals:


Paul Kaczmarski, Chairperson


Jerilyn McGuire, Secretary