

BOSTON TOWNSHIP ZONING

Board of Zoning Appeals – Tuesday, January 23, 2024

Present: Paul Kaczmarski, Jay Littler, Jerry Ritch, Ron Summers

Absent: Dave Calaway

Also Present: Trustee Randy Bergdorf, Zoning Inspector Mike Anderson, Township Attorney Al Schrader

Kaczmarski called the meeting to order at 6:35pm.

Kaczmarski asked Randy Bergdorf to take the minutes of the meeting.

Minutes from November 28, 2023, meeting were reviewed. **Motion** made by Kaczmarski to approve the minutes. Second by Ritch. All "aye."

Motion by Ritch that Paul Kaczmarski remains as Chair for 2024. Second by Littler. All "aye."

Hearing for 5115 Akron-Cleveland Road—Continuation from November 28, 2023:

The hearing was called to order by Kaczmarski at 6:40pm with the same members as above present.

The hearing is being held for:

Mike Jones

MBWG Landscaping

5115 Akron-Cleveland Road

Parcel numbers 07-00134 and 07-00135

The structure, from A & S Steel buildings, has been built with no approvals or permits.

Zoning Inspector Anderson described the history of the situation. A 1500 square foot metal building was constructed on the rear parcel. There is no access to the rear parcel except to go through the front parcel. Two issues are that the building was constructed in October 2022, prior to any applications, and the building sits 13' 6" from the property line instead of the required 20".

Summers asked if any steps had been taken toward a new survey and a lot consolidation as discussed at the November hearing. Mr. Jones replied that he was waiting for the outcome of the hearing. Kaczmarski asked if the business was registered with the JEDD. Mr. Jones stated that he could not say. Kaczmarski read a letter from Nick Janigian which was submitted as Exhibit B. Ritch asked how much it would cost to move the building to the proper distance. Mr. Jones stated that it would be about \$10,000. Mr. Jones stated that the prior Zoning Inspector told him he only needed 12 feet. Kaczmarski stated that there was still no application turned in. Summers stated that he was "not buying" the story being presented. Anderson stated that he discussed this situation with Pat Ryan. She had conversations with Mr. Jones but had received no application. Kaczmarski asked about the number of employees. Mr. Jones stated that there were between 15 and 18 employees. Kaczmarski asked if anyone in the audience wished to testify. There being no response, **Motion** by Kaczmarski that the variance be approved with the following conditions:

1. The two parcels are to be consolidated/merged together.
2. The property is to be professionally surveyed.
3. The plot plan with buildings and setbacks submitted.
4. The building is to be inspected and approved by Summit County Building Standards.
5. All application fees and fines paid in full.
6. Documentation of all employees participating in the JEDD agreement.

Second by Ritch. Upon a roll call, the vote was as follows: Kaczmarski—Yes, Littler—Yes, Ritch—Yes, and Summers—No.

Kaczmarski closed the public hearing at 7:00 pm.

Zoning Inspector's Report

- 1). Anderson stated that the proposed winery/venue at 4985 Akron-Cleveland would be headed to the BZA.
- 2). The Village Market (5069 Akron-Cleveland) is continuing discussions about adding gas pumps. No application has been submitted.

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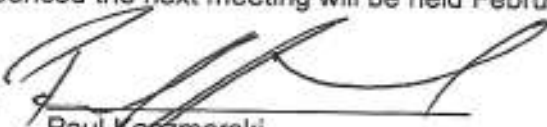
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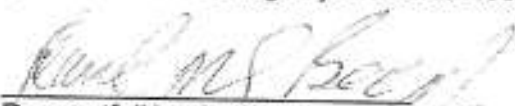
- 3). A lot split is proposed for 200-212 Kendall Park. The existing 200 Kendall Park will be removed for a new home. Anderson is waiting for the county's grading permit.
 - 4). Anderson measured the fence at 1460 Hines Hill and it is the "correct height."
 - 5). Alpine Structures (5730 Akron-Cleveland) has submitted an application.
 - 6). PMC Rocks at 5772 Akron-Cleveland has submitted an application.
- Kaczmariski stated that Alpine and PMC should both go through the hearing process. Anderson asked about the course of action for Permitted Uses versus Conditionally Permitted Uses, specifically a discussion regarding language in 701 and 711.1. Anderson will ask the Zoning Commission for clarification.

New Business: Anderson introduced Matt, a representative from Earth 'n Wood. A public hearing for the already built hoop building at 5341 Akron-Cleveland will be held in February. Anderson has an application for an accessory building and an application for a variance as the building has been placed one foot from the southern property line. Matt stated that Kurtz Brothers, the owners of Earth 'n Wood, have similar hoop buildings in other localities with no permits. They feel that these types of buildings do not meet the definition of a permanent structure. Anderson referred the board to Ohio Administrative Code 1301:7-7-31 regarding temporary structures. The application that has been submitted is for a permanent structure. Kaczmariski stated that he will get the language adopted by the Zoning Commission regarding their recommendations on this matter.

It was announced the next meeting will be held February 27, 2024. The meeting adjourned at 7:38pm.

Approvals:


Paul Kaczmariski
Chairperson


Respectfully submitted by
Randy Bergdorf, acting as Secretary