

BOSTON TOWNSHIP Board of Zoning Appeals Meeting - Tuesday, January 24, 2023

Present: Paul Kaczmarski-Chair, Jay Littler, Jerry Ritch, Ron Summers, and David Calaway

Zoning Administrator: Laura Brock **Zoning Inspector:** Mike Anderson

Trustees: Randy Bergdorf

Legal Counsel: Al Schrader and Court Recorder: Michael Rennillo

Others: Jessica Nagy, Nick Janigian, Candice and Gary Parr

Paul called the regular meeting to order at 6:33pm.

Motion by Paul, seconded by Jerry to approve the minutes from December 27, 2022, with the notation that Laura will fix a word for better context. Voting: all yes.

Motion by Paul to remain the Chairman for 2023, Jerry seconds with all in favor.

Public Meeting called to order 6:36pm

Public Meeting concerning variance request and conditional use by Nick Janigian for property located at 1460 West Hines Hill Road continued from Dec. 27, 2022.

Mr. Paul Kaczmarski began the meeting by reiterating the procedures for a public meeting. He indicated that in this situation there were three requests for Conditional Use and two requests for Variance.

Mike Anderson presents Zoning Inspectors Exhibits: Conditional Use: Tourist related establishment, Residential & Bed and Breakfast, Religious institution. Variances: Residency of owner/operator of B&B and Sign change of two extra feet.

Nick Janigian started off by giving an update on the septic, the Ohio EPA said he could not do an aerator, but a UV Disinfectant system would work.

Guest Comments:

Candice Parr- "Thinks Nick has a great idea, would be low key and he is close enough. Would love to see a coffee house in the area."

Jessica Nagy-Stated "with the sign he is trying to replicate the original one."

Gary Parr-Agrees it would be a great idea. "Will only become an eyesore with age if nothing happens." He also spoke of his current new build in the area and his experience with rentals, as far as not being present with B&Bs should be altered to owner living nearby.

Board Comments:

Dave Calaway struggles with the residence situation and asks about Nick changing locations. Nick replies that he would not be able to access Grant for costly restoration and points out his current proximity to the building.

Paul asks, if this could occur to operate without the B&B? Nick- Would be difficult to get a bank loan.

What about an apartment above? No, not with noise level down below. Nick says he would turn building into a private residence if he cannot do B&B. Next Paul asks about the hours of operation he is proposing, Nick, "I am reasonable, but I have no set determination." Paul then suggests a number (15-20) on guests and asks about occupancy level? Nick said he has trouble with Caps and there is about 1200 square feet that the Fire Department would help determine allowance.

Dave asked about outdoor and tent events with the amount of people for that, "like the Boston Mills Ski Arts and Crafts show" and if he would still allow the traditional Memorial Day Parade to start off in his lot? Nick assured them that the parade could still take place and like that, where Police and Fire assisted, and Zoning Inspector notified he could do similar.

Jerry is still looking for a cap on people permitted.

Parking is addressed by members and with sizing and calculations estimated, could be up to 60+people, with concerns for the Septic System. Members agree that they love the proposed idea Nick has but cannot get around the fact what the Township Resolutions permit.

Paul asks what the Gallery hours would look like, and Nick responds with it would be available a couple times a year with hours posted but doesn't have anything concrete but "there would not be a constant stream of guests at any time. Paul suggests that Nick goes back to the Zoning Commission and asks for an extension on distance, which Nick replies he doesn't have time for that and "this is a unique property, the Park can do whatever they want, not the same rules".

Attorney Al Schrader expressed concerns that Nick Janigian was not directly answering the Board's questions regarding limits on the number of people, limits on the number of vehicles to be parked, and limits on the hours of operation. Schrader suggests that if the landowner doesn't suggest limits, he can live with, the Board of Zoning Appeals may well set limits that he may not like. Still, Nick Janigian declined the invitation to suggest reasonable limits on those items.

Al Schrader further had concerns that Nick may be asking the Board of Zoning Appeals to rezone his property regarding the bed and breakfast issue which only the Zoning Commission has the authority to do. While the BZA can grant a use variance, it is very important that that distinction be preserved. Rezoning requires public hearings before the Zoning Commission as well as the Board of Trustees, require that the County Planning Commission make a recommendation, and allow for a referendum on any rezoning. The Zoning Commission does not have those same requirements. Schrader pointed out that Nick could stay in the property on those nights it is rented out, but Nick Janigian rejected that idea.

Motions:

- a. **Paul Motions to approve the Request for Conditional use** to see building as a Religious Institution, **Dave Calaway seconded**, All in favor. Stipulation: Occupancy 30 and Capp of 75 (for tent 20'x30' gatherings); which Zoning Inspector Approves 2 weeks in advance. Timing of operations 8am-9pm. **Motion Approved.**
- b. **Paul Motions to approve the Request for Conditional use** to see building second floor as a 2-bedroom Bed and Breakfast facility, **Dave Calaway seconded**, All No's. **Motion Denied.**
- c. **Paul Motions to approve the Request for Conditional use** to see building first floor to be used as museum space/art gallery **to approve the**, **Dave Calaway seconded**, All in favor. Stipulation: Occupancy 30 and Capp of 75 (for tent 20'x30' gatherings); which Zoning Inspector Approves 2 weeks in advance. Timing of operations 8am-9pm. **Motion Approved.**
- d. **Paul Motions to approve the Request for Variance** of owner/operator to live off property of Bed and Breakfast, **Dave Calaway seconded**, All No's. **Motion Denied.**
- e. **Paul Motions to approve the Request for Variance** to reinstall historic sign with a 2' expansion to height, **Dave Calaway seconded**: Paul Yes, Dave Yes, Jerry No, Jay No, Ron No. **Motion Denied.**

Public Meeting Concluded: 7:54pm.

Zoning Inspector, Mike Anderson speaks on his report (see attached): stating issues with All In One Landscaping looking to build on a 95' lot. A proposal on Akron Cleveland Rd. looking to build a Banquet Hall with housing above, would need water and sewer to make possible, Dan Gutschmidt is currently contacting neighbors. Jerry adds sewer is about 18-24 months away.

Paul says we need to look at Zoning rules and regulations. Mike mentions looking at a case study.

Randy reminds everyone that there is a calendar for things and time is needed for appropriate decisions. 2023 Calendar will need to be looked at soon for the future of our meetings, so we are not celebrating Christmas at the Township Hall. Brief discussion on the Home Occupation, which Mike Anderson will be writing and timing of Zoning Resolutions can be changed by Dave which can be anywhere 60-120 days Al and Randy conclude.

Motion by Paul, seconded by Jerry to adjourn at 8:13pm, all in favor.

Minutes taken and prepared by Laura Brock

Approvals: _____
Paul Kaczmariski

Laura Brock

BOSTON TOWNSHIP

Zoning Inspector's Report

January 2023

Activities:

- 12/19 Inspected Pruitt property 5086 Akron Cleve. Followed up with a long phone conversation on 12/22
- 12/19 Drove by Lease for Less, 5649 Akron Cleve.
- 12/20 Worked with Baypointe on Computers
- 12/20 4th quarter Cell Tower Inspections completed.
- 12/20 Inspected 105 Kendall, new addition not started
- 12/20 Inspected 212 Kendall, new construction underway
- 12/20 Inspected 2350 Boston Mills, new construction underway
- 12/22 More computer/printer work with Baypointe
- 12/22 Long conversation with Bob Pruitt "He is doing what he can, but is short on money"
- 12/27 Long BZA meeting, Earth and wood variance denied, Church on Hines Hill continued to January meeting.
- 12/28 Spoke with Brilliant Electric about the Earth and Wood Sign, back to the drawing board
- Emails about the Hines Hill Church proposal concern
- 1/3 Earth and Wood Sign conversation possible 2nd variance
- 1/6 Email about Earth and wood sign
- 1/6 Senuta prep and Lease 4 Less sign
- 1/9 Met with Mike Nigrelli All in one landscaping Akron Cleveland Rd.
- 1/12 Called Dan, 5130 Akron Cleveland Rd. he wants a mixed use residential retail development.
- 1/12 another long conversation with Bob Pruitt/ he will try to move something by next week.
- 1/12 Call to Gabe H. at Lease for Less. He will take the sign down. Made an appointment for inspection next week. Followed up on 1/19, The signs are all down, area is cleaned up in front and around building and the equipment is off the right of ways. There is some scrap metal that needs to be taken to the scrap yard.
- Pruitt "trying to do something"
- Marc Benedict 105 Kendall Park dr. moving forward
- Many phone calls about business proposals on Akron Cleveland Rd. A banquet hall/residential building in SRB. Retail/residential in the BC and Used car sale business in the BC. Signs and more signs.

Permits:

- 212 Kendal new house permit was issued
- 2350 Boston Mills Rd. new house permit was issued
- 1455 W. Hines Hill Rd. porch permit issued

Pending Issues:

- Brown-Pruitt property
- All in One Landscaping looking to build on 95 ft wide lot

Zoning Commission:

Questions for Zoning Commission:

Is a shed an accessory building for purposes of a zoning permit?

What would be the minimum size for a zoning permit?

If you move the shed from one side of your yard to the other, would you need a demolition permit and then a new permit for the new location?

What about a dog or play house? Define Temporary building?

Summit county does not require a permit for less than 200 sq. Ft.

A few minor type errors in the book.

#405.02 pg 20 "shall not by encroached", #508 pg 27 About 30 ft? Need clarification, #802 (#4) format.

Board of Zoning Appeals:

Continued to 1/24 meeting Nick Janigian at 1460 Hines Hill