

Boston Township Board of Zoning Appeals

Tuesday, July 26, 2022

Board:

Paul Kaczmarski, Chair; Ron Summers, Jay Littler, Jerry Rich,
Dave Calaway

Patricia Ryan, Zoning Inspector

Al Schrader, Counsel

Trustees:

Amy Anderson, Randy Bergdorf

The meeting was called to order at 6:31 pm.

The June Meeting Minutes were moved to the last item on the agenda.

July 2022 meeting is a continuation of the June 2022 public meeting concerning property use, Zoning Variance and Permanent Sign Application, in the Business Corridor, PPN 07-00108, Akron Cleveland Rd, Boston Township, Ohio.

A point of clarification was requested from Mr. Kaczmarski concerning previous business conducted between Mr. Kaczmarski and Legal Counsel for Mr. Senuta. Mr. Schrader determined that he believed no conflict of interest existed, since it concerned a different business matter.

Mr. Vacanti, Legal Counsel for Mr. Senuta, addressed the Board with his interpretation of the ORC 519.20, stating that outdoor advertising is permitted and townships have limited review and or control of said advertising and submitted as evidence blue and black folders.

Mr. Schrader questioned Mr. Vacanti and Mr. Senuta about illumination, size, distance between signs, flashing lights and animation of the signs on the property. Mr. Vacanti indicated all signage would comply with ODOT regulations. Mr. Vacanti restated that Township zoning does not apply in this circumstance. Mr. Schrader disagreed with that interpretation of the law. There was discussion concerning what constitutes a ground mounted sign with back and forth talk between counsel.

Public Testimony

The National Park Service introduced a letter of support for the Township Zoning and the mutual goals of the two entities. The park representative continued with the negative effects that the illumination would have on the "night sky" and the incongruity the business would have with the National Park.

Mr. Kaczmariski introduced ORC 5516, with regard to Local Zoning authority, township zoning and autonomy of the BZA.

Mr. Vacanti in consultation with Mr. Senuta stated that signs are usually for a 15-year lease, with maintenance and upkeep enforced by ODOT with a two-year permit.

Mr. Senuta was asked about a camper on the property and said it could be moved and no one was living in the camper nor on the property.

Mr. Senuta stated that there would be no employee impact at the location and would have no impact on the JEDD.

Mr. Schrader pointed out that the Township Zoning would preclude any other business use at the location and with ODOT surrendering the right-of-way the size and configuration of the property may lend itself to other uses, Mr. Vacanti requested a five-minute recess to discuss this with his client.

The BZA reconvened at 7:52.

A motion was made and seconded to approve the Zoning Variance. By roll-call vote the Board voted unanimously to reject the application.

A second order of business for the BZA was a Conditional Use Application for 5374 Akron Cleveland Rd, PPN 0700459, Boston Township for Mr. Christopher White. Mr. White requested to amend his current Conditionally Permitted Use, issued on June 22, 2021 for outdoor storage. Mr. White asked to reconfigure the storage building's configuration to adjust the structures to accommodate riparian issues and allow for his continued sales until such time the building construction started.

The reconfigured buildings would represent less than a 1% change in total building area.

It was moved and seconded to grant the Conditional Use. By roll call vote the Business Corridor District Zoning Application was approved.

The meeting adjourned at 8:32.

