

BOSTON TOWNSHIP ZONING

Board of Zoning Appeals – Tuesday, April 27, 2021

Present: Paul Kaczmarski Jerry Ritch
 Ron Summers Ray Hach
 Jay Littler

Secretary: Pamela Schneider
Trustees: Randy Bergdorf
Legal Counsel: Al Schrader

Paul Kaczmarski called meeting to order at 6:33pm.

MOTION by Kaczmarski, seconded Littler to approve the minutes for the March 23, 2021 meeting.
Voting: All yes.

Kaczmarski stated that would start the Public Hearing.

Tonight, the Boston Township Board of Appeals will conduct a public hearing in regard to the Business Corridor District Zoning Application filed by Nicholas Skonieczny, American Lawn & Landscaping, the applicant, whose address is 2614 Graham Rd., Stow, OH 44224.

The property in Boston Township as set forth in the application is located at 5115 Akron Cleveland Road, Peninsula, OH 44264. According to the zoning application, the property is owned by Nicholas Skonieczny.

Mr. Skonieczny's application, sets forth that the owner is "Seeking to store nursery and garden supplies; and landscape supplies and garden equipment".

The Applicant is requesting a zoning certificate allowing the storage of nursery and garden supplies – a conditionally permitted use as set forth in Section 702(J) and Section 802(J), respectively, of the Boston Township Zoning Resolution.

Kaczmarski stated – The Board of Zoning Appeals has been vested with the power to hear and to authorize an application for a conditional use permit as delineated in Sections 800 through 807 of the Boston Township Zoning Resolution. All Conditional use requests shall conform to the procedures and requirements of Section 702(J) and 802(J) inclusively.

Only upon conclusion of the public hearing procedures relative to the application filed may the Board of Zoning Appeals consider the conditional zoning certificate. Within thirty (30) days after the public hearing required by the zoning resolution, the Board of Zoning appeals shall approve, approve with supplementary conditions, or disapprove the conditional use application. If approved, the applicant shall sign the conditional zoning certificate, thereby acknowledging the conditions and requirements specified thereon. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of zoning code. (Section 800.6).

No application for a conditional zoning certificate, which has been denied wholly or in part by the Board of Zoning Appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

Notice of tonight's meeting was given by ordinary US mail as required. Further, notice of the hearing was published in the Westside Leader, a newspaper of general circulation in the community on April 16, 2021.

For the record the entire hearing will be transcribed by the Court Reporter.

All persons wishing to speak tonight, in regard to the conditional use zoning request for the property located at 5115 Akron Cleveland Road, Peninsula, OH should sign the witness sheet if they have not done so yet and the Court Reporter will administer the oath and/or affirmation to each witness prior to the witness giving his/her testimony.

In absence of the zoning inspector the Clerk introduced the following exhibits:

Exhibit A – Application

Exhibit B – Site Plot

Exhibit C – Email received from Warren and Sherry Brown

Exhibit D – Copy of the ad placed in the Westside Leader

Kaczmarski added the following exhibit

Exhibit E – Google Map aerial view of property

Recommendations from the zoning commission:

1. Signage for the business must adhere to the current zoning

Property owner Nicholas Skonieczny was sworn in by the Court Reporter. Mr. Skonieczny stated that he planned to operate his landscaping company from the property. He was using the property at this time mostly to store equipment.

Kaczmarski stated that the BZA had requested to know where equipment would be located, where the septic tank is located and fuel tanks.

The revised site plan was personally delivered by the zoning inspector to each Board member to review before the hearing.

Kaczmarski asked Mr. Skonieczny how many vehicles would be stored there. Mr. Skonieczny stated he has six trucks, five trailers, and seven mowers. He also has trimmers, blowers and small hand tools that he stores in the garage. The employee vehicles would be there while they are working. Mr. Skonieczny has a 20 x 30 hoop hut for mower storage.

Kaczmarski asked about fuel storage on the property. Mr. Skonieczny stated he only has gas cans with gasoline and that is minimal. Probably about ten gallons.

Kaczmarski asked about the septic tank on the site plan that said septic removed. Mr. Skonieczny stated that was where the previous owner had a septic tank for the trailers when it was a trailer park. The septic tank for the house is located next to the house. He does have an office in the house and the employees do use the restroom in the house.

Mr. Skonieczny was asked about chemicals and fertilizer on the property. He does mostly commercial lawn service where they do the mowing, mulch, bed maintenance and snowplow in the winter. They pick up salt off site as they need it.

MOTION by Kaczmariski, seconded by Ritch to approve the conditional use permit for Mr. Skonieczny, American Lawn at 5155 Akron Cleveland Road. With the following conditions:

- 1.) Any further grading for storage or additional parking area to be reviewed by the zoning inspector.
- 2.) Signage must go through the zoning inspector for approval.
- 3.) Any additional salt sheds or buildings come through the Boards if necessary.
- 4.) Any parking areas are to be hard surface such as gravel
- 5.) Operation of business to conform to our zoning for the Business Corridor District.

Kaczmariski entered received comment from zoning inspector. Comments read by Clerk.

Legal Counsel Schrader and Kaczmariski asked anyone attending remotely to unmute their microphones and speak or testify if they wanted to do so. No one did.

Summers – Yes; Kaczmariski – Yes; Hach – Yes; Ritch– Yes; Littler – Yes
Motion passed 5-0.

Kaczmariski advised Mr. Skonieczny that zoning inspector John Schneider would get him conditions once they have been typed up for him to sign.

Kaczmariski closed the public hearing portion of hearing at 7:07pm.

Regular meeting continued at 7:09pm

Zoning inspector John Schneider had a scheduling conflict and unable to attend. Kaczmariski reviewed the notes submitted

Schneider met with Lisa Frazier and gave her two permits for campers at 1455 W. Hines Hill Rd. The first for two days this past weekend and the second was for two months starting April 25 through June 24.

Met with Chris White and went over his site plan and what applications he would have to have to apply for his project at 5374 Akron Cleveland Road.

The Board reviewed the Rules of Procedure. Legal Counsel Schrader to make some corrections and additions and submit to the Board for review. Then they will be able to vote on the final Rules of Procedure.

Bergdorf stated that the Zoning Commission had received the Case Study that Kaczmariski had submitted at last months meeting. Zoning Commission was going to review and discuss at their meeting next month.

Motion by Kaczmariski to adjourn at 7:52pm.

Minutes taken and prepared by Pamela Schneider.

Approvals: _____
Paul Kaczmariski
BZA Chairperson

Pamela Schneider
Zoning Secretary