

## **YORK TOWNSHIP BOARD OF APPEALS**

**February 13, 2020**

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire complex on February 13, 2020.

Richard Hill called the meeting to order at 7:00 pm.

The Pledge of allegiance was said.

### **Board Members Present:**

Christine Barnes, Ronald Fabich, Richard Hill, Roger Mittler and Alternate Chris Kosman were present. Todd Supeck was unable to attend.

### **Guests:**

Dorothy Crouch-Zoning Inspector; David Hull- York Township Zoning Commission Board Member; Marlene Coyne; Frank Rain Jr.; John Coyne; Russell Clutter

### **Minutes:**

The Board Members reviewed the proposed minutes from the January 9, 2020 meeting. Roger Mittler made a motion to approve the proposed minutes. Chris Kosman seconded the motion. All members voted aye in a voice vote. Motion approved.

### **Correspondence:**

There is no Correspondence.

### **Public Hearing: Frank Rain – Conditional Home Occupation**

Richard Hill opened the Public Hearing, asking for everyone wishing to speak during the Public Hearing to please stand.

Richard Hill then swore in everyone wishing to speak during the Public Hearing. Richard Hill also stated if anyone in the audience would speak they are to state their name and address.

Mary Lenarth read the legal ad as published in the January 29, 2020 edition of the Medina County Gazette to consider a request for a conditional home occupation from Frank Rain, 7130 Stone Road, Medina, Ohio 44256, Parcel #045-05C-16-011. The request is to operate a home occupation under York Township Zoning Resolution Section #506.08 and Section #301.02.B.8.

Richard Hill asked Frank Rain to explain his plans.

Frank Rain explained he is planning to do landscaping and mowing grass; business located at 7130 Stone Road, Medina. Frank Rain has a trailer, two trucks and a personal car.

Roger Mittler noticed on the application Frank Rain stated he has two trailers and two trucks. Roger Mittler stated Frank Rain just stated he had only one trailer. Frank Rain said the one trailer is of no use, does not even have tires on it.

Roger Mittler asked Frank Rain what other lawn equipment he has. Frank Rain answered a zero-turn mower, a stand on mower, weed whacker and wheelbarrow.

Roger Mittler explains per the York Township Zoning Resolution Frank Rain is allowed five pieces of commercial equipment; as of right now Frank Rain is up to four (4) commercial pieces of equipment.

Roger Mittler asked Frank Rain to explain the property layout. Frank Rain explained the lay-out of the property.

Christine Barnes asked Frank Rain to explain, on the application his address is 7130 Stone Road; is the barn a different address? Frank Rain answered, yes.

Dorothy Crouch stated there are two different parcels of the property.

Roger Mittler asked if Frank Rain owned both pieces of property. Frank Rain answered he does not own the property his Grandfather John Coyne owns the property.

Roger Mittler asked if there are two different parcels. Dorothy Crouch explained the parcels are contiguous; the parcels are side by side.

The Board Members, Dorothy Crouch and Frank Rain reviewed the layout of the parcels.

Roger Mittler asked what would happen if the home occupation was granted and the property was sold. Dorothy Crouch answered if Frank Rain would sell the property the home occupation would be sold also, even if it is on two separate parcels.

Dorothy Crouch explained she has had calls regarding the home occupation. Dorothy Crouch also explained pictures she took of the property.

The Board Members, Dorothy Crouch, and Frank Rain discuss outside storage. Dorothy Crouch explained the property needs to be cleaned up. Dorothy Crouch also explained Frank Rain cannot bring brush back to the property, junk cannot be stored, salt cannot be

stored. Dorothy Crouch went on to explain the drive way is a concern, leaving mud on the road.

Frank Rain explained with the farm they come out of the field in the main drag and sometimes leave mud on the road, the driveway has gravel in it.

Christine Barns stated it sounds as though it is difficult to separate agricultural from home occupation.

Frank Rain explained half of the building is used for hay storage.

Dorothy Crouch suggested for Frank Rain to plant a few trees to block the view from the neighbor across the street from Frank Rain's occupation.

Roger Mittler asked Frank Rain if he spreads salt. Frank Rain answered yes, sometimes. Roger Mittler stated a home occupation is not to store materials; everything is to be done away from the home occupation; you are to have an office and park your equipment. Roger Mittler explained you are not to store fertilizer, salt, etc, and store it. Frank Rain states he understands.

Russ Clutter explains his concern regarding the hilly area of Stone Road with farm equipment or lawn equipment coming in and out of the property at 7130 Stone Road, along with leaving mud on the road.

Russ Clutter feels this is very dangerous with the hills, blind driveways, mud and big equipment going down the road.

Roger Mittler asked if this was a township road. Chris Kosman stated Stone Rd. is a township road.

Chris Kosman explained he also went out to see the property at 7130 Stone Road. Chris Kosman agreed the driveway could use more gravel so there is not as much mud being left on the road.

Chris Kosman agreed this is it difficult to separate agricultural from home occupation.

Chris Kosman stated with a home occupation the equipment needs to be in a structure of some sort. Chris Kosman also explained the equipment needs to be undercover better than what it currently is, no storage is allowed for the home occupation, and everything is to be done away from the home occupation. Chris Kosman went on to explain storing yard waste and some materials combining with agriculture could possibly be contaminating the land.

Frank Rain understands and did not know that he could not bring brush and grass back to the property.

Roger Mittler asked Frank Rain if he would be willing to gravel the driveway from the road up to the top of the hill to cut down on the mud being left on the roadway. Roger Mittler explained he understands it is difficult to mix the agriculture and the occupational use together.

Frank Rain explained some of the mud is coming out of the cornfields too.

Roger Mittler asked Frank Rain how many feet of gravel would he need to put down to get up to the buildings. Frank Rain answered maybe two-hundred (200) feet of gravel to the top of the hill. Frank Rain stated where the vehicles are parked there is gravel, he can put a little more down. Dorothy Crouch stated the driveway could use a little more gravel. Frank Rain stated the mud works its way up through the gravel.

Roger Mittler mentioned he feels if the home occupation is permitted and Frank Rain puts the gravel down, it is not the mud coming off of Frank Rain's equipment that is the issue.

Chris Barnes asked if there is any time Frank Rain would back into the property off of Stone Road, is there enough room at the top of the hill. Frank Rain answered there is enough room on the top of the hill Chris Barnes said that is a bad hill.

Frank Rain stated he does not plan on his business getting any bigger; it is only himself and a cousin.

Ronald Fabich asked if the driveway could be re-positioned to make it safer coming in and out of the poverty. Frank Rain explained the road in that area. Russ Clutter agreed site distance in that area of the road is very bad.

Dorothy Crouch confirmed the address for Frank Rain's business. Frank Rain stated the business is located at 7130 Stone Road. Frank Rain explained he lives with his Grandpa now. Frank Rain stated the old address on Lester Road was his Mom's address; everything is now at 7130 Stone Road.

Roger Mittler explained you do know that you are not to store anything on the property because the pictures of the property show some concrete blocks, river gravel stored. Frank Rain explained he understands, did not know all the rules until now.

Roger Mittler made a motion approve the request for a conditional home occupation from Frank Rain, 7130 Stone Road, Medina, Ohio 44256, Parcel #045-05C-16-011. The equipment will be stored at 7186 Stone Road, Parcel # 045-05C-15-008; which is the

adjacent parcel. The request is to operate a home occupation under York Township Zoning Resolution Section #506.08 and Section #301.02.B.8; with the stipulation that the driveway will be stone to the parking area from the road. Chris Kosman seconded the motion.

Dorothy Crouch suggested for Frank Rain to plant a few arborvitaes to block the view from the neighbor across the street from Frank Rain's occupation.

Chris Kosman mentioned he could see some of the equipment for Frank Rain's occupation, suggested the equipment be parked behind the structure.

Frank Rain stated he would park his equipment behind the red barn.

Chris Kosman, Dorothy Crouch and Frank Rain discussed parking the equipment behind the barn, out of site of the neighbor.

Roll vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Roger Mittler-aye; and Chris Kosman-aye. Motion approved.

**Organizational Meeting:**

Roger Mittler made a motion to nominate Ronald Fabich for Chairperson, Christine Barnes seconded the motion. All members voted aye in a voice vote. Motion approved, Ronald Fabich is Chairperson for 2020.

Roger Mittler made a motion to nominate Christine Barnes for Vice Chairperson. Chris Kosman seconded the motion. All members voted aye in a voice vote. Motion approved, Christine Barnes Vice Chairperson.

**Correspondence:**

The Board Members discussed the order of the Agenda. The Board Members decided the Correspondence will be after the Public Hearing.

**Old Business:**

None

**New Business:**

Board Members, Dorothy Crouch and David Hull discussed the York Township Resolutions regarding natural screening or fencing.

Board Members, Dorothy Crouch, and Mary Lenarth discussed why during a Public Hearing the Board will disregard the correspondence.

Roger Mittler noticed the Home Occupation Application needs to be updated. The Board Members, Dorothy Crouch, and David Hull reviewed the Home Occupation Application and the York Township Zoning Resolution.

**Adjourn:**

Richard Hill adjourned the meeting at 8:10pm.

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Richard Hill, Chairperson

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Mary Lenarth, Secretary