

YORK TOWNSHIP BOARD OF APPEALS
October 18, 2007

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire Station Complex on October 18, 2007 at 7:30pm.

Alverta Moehle called the meeting to order at 7:30pm.

Board Members Present:

Pete Ricci, Roger Mittler, Alverta Moehle, and Eric Squire-alternate were present at the meeting. William Schultz and William Pavlick were unable to attend.

Guests Present:

Jennifer Chidsey, Lyman Chidsey, Trina Devaney-from the Medina County Prosecutor's Office, Jim Mayiras, Colene Conley-Trustee, Kevin Graham, Denise Aungst, Janet Graham, Debi Dangelo, David Hull-Chairperson Zoning Commission, Jane Weiland-Trustee, Dorothy Crouch-Zoning Inspector, Bob Hanwell.

Minutes:

The minutes for today's meeting are being taped for the use of the York Township Board of Appeals.

The board reviewed the minutes for September 20, 2007. Pete Ricci motioned to approve the minutes as written, Roger Mittler seconded the motion. All members voted aye, motion granted.

Public Hearing (Lyman Chidsey, Amendment):

Mary Lenarth read the legal ad as printed in the October 4, 2007 edition of the Medina County Gazette. Lyman Chidsey has filled out an application to obtain an amendment to his existing Conditional Home Occupation Certificate #088-03 to include snowplowing and a bookkeeping employee and parking of work truck at 6735 W Smith Road, Medina, Ohio under York Township Zoning Code Section 506.08.

Alverta Moehle swore in Lyman Chidsey of 6735 W. Smith Road. Lyman Chidsey explained why he is asking for the amendment to his existing Conditional Home Occupation Certificate.

Lyman Chidsey explained his reasons for his application for obtaining an amendment to his existing Conditional Home Occupation Certificate #088-03.

Correspondence:

Dorothy Crouch-Zoning Inspector read the letter addressed to the Appeals Board written by William Schultz (Exhibit A)

Roger Mittler asked Dorothy Crouch how the original Conditional Home Occupation Certificate #088-03 was stated. Dorothy Crouch read Certificate #088-03.

Pete Ricci asked Lyman Chidsey if he feels he has complied with the conditions of his Conditional Home Occupation Certificate #088-03. Dorothy Crouch explained the Certificate regarding the bookkeeper.

Roger Mittler asked Lyman Chidsey how many vehicles were parked on the property; Lyman Chidsey stated that he only parks one work vehicle on his property. Roger Mittler asked if Lyman Chidsey had put the mound like he was asked to do. Lyman Chidsey said he did in 2003.

Dorothy Crouch clarified the purpose for the amendment that Lyman Chidsey is asking for.

Pete Ricci asked Lyman Chidsey how many vehicles would be on the property during the quite time. Lyman Chidsey explained that it would depend on the snow; it may be six (6) to seven (7) vehicles.

Alverta Moehle swore in Kevin Graham of 6721 W Smith Road. Kevin Graham explains that he feels Lyman Chidsey does not comply with the original Conditional Home Occupation Certificate #088-03. Kevin Graham does not mind the bookkeeper coming in to do her work, but would like to see the other part of the amendment denied.

Alverta Moehle swore in Denise Aungst 6761 W Smith Road. Denise Aungst agrees with Kevin Graham.

Dorothy Crouch explained that she had called Bill Thorne from the Prosecutor's office. Bill Thorne explained that as long as Lyman Chidsey cuts and uses wood for his own personal use he can have the wood pile or mulch pile for his own personal use. Lyman Chidsey is permitted to have business equipment and supplies that are being used for his own personal use on his property.

Roger Mittler and Trina Devanney explained that Lyman Chidsey, per the original Conditional Home Occupation Certificate, is allowed to have five (5) commercial vehicles on the property, three (3) have to be in the barn and two (2) can be parked behind the barn. As of this date there is no barn.

Alverta Moehle swore in Janet Graham of 6721 W Smith Road. Janet Graham present pictures and explained her concerns for not granting Lyman Chidsey his application to obtain an amendment to his existing Conditional Home Occupation Certificate #088-03.

Dorothy Crouch explained again why the Board is here for a public hearing.

Alverta Moehle swore in Jim Mayiras of 6740 W Smith Road. Jim Mayiras feels that Lyman Chidsey tries to keep his property maintained and does not have any problem with Lyman Chidsey.

There was much discussion with the Board and the neighbors of Lyman Chidsey. There seems to be much discontent.

Pete Ricci explained that Lyman Chidsey can use his own commercial equipment for his own personal use.

Jennifer Chidsey explained that all of the materials and equipment that are on their property are being used for a project that is being done on their own property.

Alverta Moehle swore in Colene Conley-Trustee. Colene Conley asked Lyman & Jennifer Chidsey if they had prints of the project that they are doing on their property. Jennifer Chidsey said they did. Colene Conley suggested that they bring the plans in so that the neighbors could see them and understand what is going on.

Roger Mittler reviewed why the public hearing was being held. Roger Mittler explained that the quiet time he felt was the issue. Quiet time is between 9pm and 7am.

Roger Mittler asked Lyman Chidsey what kind of vehicles he had. Lyman Chidsey stated that he had nothing over a one (1) ton truck. Lyman Chidsey stated that some of the vehicles are diesel and do make more noise than a regular pick-up truck.

Roger Mittler explained that he gets up very early and would not want a loud truck waking him up in the middle of the night, the bookkeeper would not bother anyone.

Roger Mittler suggested that if he was in Lyman Chidsey position he would ask to have the bookkeeper at the house and pull the snow plowing off of the table. Show the neighbors that you can work with them. Build the building for the vehicles. Then come back for the snowplowing.

Pete Ricci also explained that the snow plowing may cause some problems among the neighbors and did not have a problem with the bookkeeper.

Dorothy Crouch stated that she asked the Prosecutor's office a definition of commercial vehicles. Dorothy Crouch read a letter from the Prosecutor's office and the definition of commercial vehicles that is in the York Township Resolutions.

Trina Devanney gave the Board suggestions on the wordage for the amendment to Lyman Chidsey's Conditional Home Occupation Certificate #088-03.

#1 Roger Mittler made the motion to grant an amendment requested by Lyman Chidsey to his existing Conditional Home Occupation Certificate #088-03 to include a bookkeeping employee, on the premise. Pete Ricci seconded the motion. Roll vote: Pete Ricci-yes, Roger Mittler-yes, Alverta Moehle-yes, Eric Squire-yes. Motion granted.

#2 Roger Mittler made a motion to grant an amendment requested by Lyman Chidsey to his existing Conditional Home Occupation Certificate # 088-03 to allow one (1) ton or

smaller of the five commercial vehicles (that would be allowed after the building is put up). The vehicle is to be parked behind the start of the existing privacy mound as shown on the drawing that is on file with the York Township (drawing is marked as to where the truck is to be parked) (Exhibit B). Pete Ricci seconded the motion. Role vote: Pete Ricci-yes, Roger Mittler-yes, Alverta Moehle-yes, Eric Squire-yes. Motion granted.

The Board, Trina Devanney and all present discussed to great length the possibility of allowing Lyman Chidsey the use of snowplowing from his property. Trina Devanney advised to be very careful on the wordage for the motion.

All present are concerned that the snowplowing vehicle will cause too much noise during quite time.

The Board and parties involved could not come to an agreement regarding the snowplowing.

Roger Mittler stated that he would like to reconvene in two weeks. Give the Lyman & Jennifer Chidsey and the neighbor's time to work out an agreement that would work for all parties concerned and come back with a recommendation.

Dorothy Crouch stated that on June 4, 2007 there was a meeting as recommended by Roger Mittler. Dorothy Crouch feels that this will not work.

Kevin Graham, neighbor, also stated that he felt this would not work either.

#3 Roger Mittler made a motion to table Lyman Chidsey's request for snowplowing until the special meeting to be held on November 8, 2007. Eric Squire seconded the motion. All members voted aye, motion granted.

New Business:

None.

Old Business:

None.

Adjourn:

Roger Mittler made a motion to adjourn the meeting at 10:10pm. Eric Squire seconded the motion. All members voted aye in a voice vote. The meeting was adjourned.

Alverta Moehle, Vice Chairperson

Mary Lenarth, Secretary