

YORK TOWNSHIP BOARD OF APPEALS
November 27, 2007

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire Station Complex on November 27, 2007 at 7:30pm.

William Schultz called the meeting to order at 7:30pm.

Board Members Present:

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

Guests Present:

Jennifer Chidsey, Lyman Chidsey, Colene Conley-Trustee, Kevin Graham, Denise Aungst, Janet Graham, Jane Weiland-Trustee, Richard Monroe-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.

Public Hearing (Chidsey Amendment reconvened)

William Schultz stated that there is a quorum present and this will be a continuance of the November 8, 2007 meeting, regarding the Chidsey Amendment.

William Schultz asked William Pavlick if he reviewed the tapes and minutes of the October 18, 2007 meeting and viewed the pictures that were presented at the October 18, 2007 meeting. William Pavlick said he did. William Schultz stated that he also reviewed them.

William Schultz stated that the Board is to hear Lyman Chidsey Amendment for two motions. One is for the snow plowing amendment. Second is for the quiet time Amendment, quiet time is from 9pm until 7am.

William Schultz asked Lyman Chidsey to come forward to ask Lyman Chidsey questions. William Schultz stated that he had review the original hearing of the Home Occupation in October of 2003. William Schultz stated at that in 2003 Lyman Chidsey had been leasing property in Montville Township. Lyman Chidsey agreed that he did. William Schultz stated that at that time Lyman Chidsey knew that the property was up for sale and Lyman Chidsey would need to move his equipment out.

William Schultz asked Lyman Chidsey if he was leasing other property. Lyman Chidsey stated that the land around the building he was leasing had sold, but the land with the buildings on had not sold yet.

William Schultz was wondering where Lyman Chidsey had been keeping his equipment. Lyman Chidsey stated that it was still in Montville Township.

William Schultz asked the Board if there were any questions.

William Schultz mentioned that if Lyman Chidsey put a salt spreader on the back of his truck and spread the salt on his drive that would be okay. William Schultz also stated that Lyman Chidsey was not to use that same salt for his business. That would be a violation York Township Zoning Codes.

William Schultz asked Dorothy Crouch if she had any correspondence, Dorothy Crouch had none.

Roger Mittler made a motion to grant the request by Lyman Chidsey to obtain an amendment to his existing Conditional Home Occupation Certificate #088-03 to allow snowplowing. William Pavlick asked Roger Mittler if this would be allowing Lyman Chidsey to bring his eight (8) trucks on to Lyman Chidsey's property. Roger Mittler said no, that Lyman Chidsey would still have to abide by the five (5) commercial vehicles that are allowed on his property. William Schultz stated that Lyman Chidsey could only bring five (5) on his property if he had a barn to house three (3) of the vehicles.

Alverta Moehle asked how many vehicles Lyman Chidsey could bring on to his property without the barn. William Schultz said that Lyman Chidsey could bring two (2) vehicles.

Pete Ricci read the original Conditional Home Occupation Certificate #088-03, from the minutes of October, 2003. Pete Ricci stated that his interpretation is that no vehicles or employees are to be on his property. Roger Mittler stated that in the meeting of October 18, 2007 the Board did grant Lyman Chidsey the permission to have one (1) Bookkeeper and one (1) commercial vehicle on his property.

William Schultz mentioned that what Pete Ricci was reading was from the October, 2003 minutes, number five (5) regarding commercial vehicles and six (6) regarding the number of employees.

William Schultz stated that since this Public Hearing is a continuance of the October 18 2007 meeting and the November 8, 2007 meeting, anyone that had been sworn in during the previous meetings will still be under oath and would not need to be sworn in again.

Pete Ricci seconded Roger Mittler's motion.

Dorothy Crouch stated that she would like to mention that Bob Kiley of 6148 Norwalk Road, who owns the old Fetcko Building at the present time, is going to lease the building to Lyman Chidsey. Lyman Chidsey had filed an application with the York Township Board of Commission and if approved will be operating his snowplowing out of the building at 6148 Norwalk Road. This will go before the York Township Board of Commission on December 6, 2007. Dorothy Crouch also stated that Lyman Chidsey would still like to bring one commercial vehicle home.

Dorothy Crouch talked to Trina Devanney -from the Medina County Prosecutor's Office. Dorothy Crouch asked Trina Devanney if the Board could amend the Conditional Home Occupation Certificate to allow one commercial vehicle home and use the building on Norwalk Road for his other vehicles. Trina Devanney said yes it could be done.

Roger Mittler asked why we are having this meeting then. Dorothy Crouch stated that the leasing of the building at 6148 Norwalk Road has just taken place within the last week.

Roger Mittler asked Lyman Chidsey what his plans are now at his home. Lyman Chidsey would like to some day still build a building there. Roger Mittler asked Lyman Chidsey if he understands that his business as of today with the number of trucks that Lyman Chidsey has is too large for your home occupation. Lyman Chidsey agrees.

Lyman Chidsey explains that the reason he is here because this meeting was scheduled he did not want to not show up. Roger Mittler suggested that we could pull the last to motions off.

Roger Mittler rescinded his motion to grant the request by Lyman Chidsey to obtain an amendment to his existing Conditional Home Occupation Certificate #088-03 to allow snowplowing.

Roger Mittler made a motion to not grant the request by Lyman Chidsey to obtain an amendment to his existing Conditional Home Occupation Certificate #088-03 to allow his business to operate twenty-four (24) hours per day (out side of the original quite time 9pm to 7am agreed to in the original Home Occupation Certificate). William Schultz seconded the motion.

Pete Ricci asked for clarification of Roger Mittler's motion. Roger Mittler explained that he does not have a problem of the snowplowing business. Roger Mittler has a problem with starting the snowplowing trucks during the quite time. This would disturb the peace of the neighborhood. Roger Mittler stated that he does not want to stymie the business. Lyman Chidsey would have the right to operate the business from 7am to 9pm.

William Schultz asked Lyman Chidsey clarifies how Lyman Chidsey's employees would leave the building on Norwalk Road. Lyman Chidsey clarifies that the employees could leave without Lyman Chidsey being there.

Roger Mittler congratulated Lyman Chidsey with being successful with his business and out growing his home occupation and suggested Lyman Chidsey to move his business to Norwalk Road. Lyman Chidsey explained that he does not own the property at 6148 Norwalk Road. Pete Ricci explained that Lyman Chidsey could not operation 8 vehicles out of his home. Roger Mittler asked Lyman Chidsey if he was willing to operate his snowplowing business with one (1) commercial vehicle and not bring any other vehicles on your property. Lyman Chidsey said no.

Pete Ricci explained that if the building for the business of lawn service would be built then Lyman Chidsey would need to come back to the Board again for snowplowing.

Pete Ricci explained that per the previous meeting he did not feel that snowplowing out of the Home Occupation would not be allow out side of the quite time. Pete Ricci feels that the only thing on the table is the one (1) commercial vehicle that is allowed to be taken home, be allowed the flexibility to come and go during the quite time. Roger Mittler asked about the approval for the number of vehicles.

Kevin Graham expressed his concern for his residential quite time.

There was much discussion with the Board and Guests present.

Roger Mittler rescinded his motion to not grant the request by Lyman Chidsey to obtain an amendment to his existing Conditional Home Occupation Certificate #088-03 to allow his

business to operate twenty-four (24) hours per day (out side of the original quite time 9pm to 7am agreed to in the original Home Occupation Certificate).

William Pavlick made a motion to exempt one commercial vehicle (refer to the commercial vehicle motion granted October 18, 2007) from the quite time restrictions. Pete Ricci seconded the motion. Role vote: William Pavlick-yes, William Schultz-yes, Roger Mittler-no Alverta Moehle-yes, and Pete Ricci-yes. Motion granted.

Pete Ricci made a motion to deny the application by Lyman Chidsey to obtain an amendment to his existing Conditional Home Occupation Certificate #088-03 to include snowplowing with the exception of the one commercial vehicle described in the two (2) previous motions. William Pavlick seconded the motion. Role vote: William Pavlick-yes, William Schultz-yes, Roger Mittler-no Alverta Moehle-yes, and Pete Ricci-yes. Motion granted.

Dorothy Crouch stated that Lyman Chidsey is trying to clean up his property.

New Business:

Pete Ricci presented suggested guidelines for the York Township Board of Appeals. The Board discussed the guidelines. It was suggested to review the guidelines and discuss at the January 2008 meeting. If anyone has any suggestions drop them off at the Township office by December 15, 2007 so they can be copied and sent to board members.

Next meeting is to be on December 13, 2007 instead of December 20, 2007.

Old Business:

None

Adjourn:

Alverta Moehle made a motion to adjourn the meeting at 9:15pm. Pete Ricci seconded the motion. All members voted aye in a voice vote. The Meeting was adjourned.

William Schultz, Chairperson

Mary Lenarth, Secretary