

Board of Zoning Appeals

Marini– Conditional Use Permit

Continued from 1/24/2007

February 28, 2007

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Ch. Manley called the hearing back to order at 7:30 pm. It was noted that the hearing had begun on January 24, 2007 and had been continued.

Roll found: Huff, Hoop, Zeleznak, Tamulewicz and Manley present. Mrs. Fox had an excused absence. Mr. Bill Schaffer, assistant zoning inspector, Mr. Pope and Mr. Marini were also present as well as four guests in the audience.

Ch. Manley polled the board as to whether they received the packets containing the information regarding the application.

**Response: Huff – yes Zeleznak – yes Hoop – yes Tamulewicz – yes
Manley – yes**

Ch. Manley polled the Board as to whether they inspected the Marini property.

**Response: Huff – yes Zeleznak – yes Hoop – yes Tamulewicz – yes
Manley – yes**

Ch. Manley asked the applicant if he had anything to add to his application.

Mr. Marini: I would actually like to subtract some things. I am going into partnership with a friend in Richfield, Sal's Landscaping, and we will be running a landscaping business from another location. The only thing I will need is a box truck to get to and from work. As it stands now, I have let go of a couple of vehicles. So, I am down to one truck.

Mr. Tamulewicz: So you have a pick-up truck and a box truck?

Mr. Marini: Well, I have a dump truck and trailer also, but that will be at the other location.

Mr. Tamulewicz: At the house there will just be a pick-up truck and a box truck?

Mr. Marini: Yes.

Mr. Zeleznak: The trucks we saw during inspection.

Mr. Marini: Yes. And I can get rid of all the wood piles because I will not be storing materials at my yard, they will be at his. So basically it will be cleaned up.

Mr. Manley: Is it your testimony that you are giving up this other business and people will not be coming to your house?

Mr. Marini: Yes. No one will be coming to my house. The business will not have an address at my house.

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Mr. Manley stated that the board received two letters, one from Mrs. Ruth Moll and one from Debra Bures. Neither resident was present, therefore, the letters were not read aloud.

Dale A. Rhodes, 1040 Mattingly, was sworn in accordingly: I am the first house to the west of Mr. Marini. At this time, since he is ceasing to do business at his residence, the situation has resolved itself.

Mr. Shaffer, assistant zoning inspector: If Mr. Marini is testifying that he is moving the business to another location outside of this township, then the matter should be closed. Basically, he is ceasing and desisting.

Mr. Marini: I withdraw my application for a conditional zoning permit. Having 2 trucks does not need a permit. I will not be running a business from my home.

Ch. Manley accepted the withdrawal of Mr. Marini's application and stated he would check with the trustees to see if any of the application fees could be refunded.

Mr. Pope, vice chairman of the Zoning Commission, read a letter from the Zoning Board. The letter stated that the Board disapproved of granting a conditional zoning permit to Mr. Marini. (See attached letter)

Mr. Shaffer submitted pictures that he took of the cars and trucks at the Marini property for the record.

There being no further business in front of the Board of Zoning Appeals, Ch. Manley closed the hearing at 7:45 pm.

WORK SESSION:

The minutes of the January 10, 2007 Gacom Hearing and organizational meeting were reviewed.

Mr. Tamulewicz made a motion to accept the minutes as presented.

Mr. Hoop second.

Vote: Huff – yes Zeleznak – yes Hoop – yes Tamulewicz – yes Manley – yes

Mr. Shaffer stated that he spoke to Prosecutor Bennett regarding the proper completion of an application and the effect of an improper or incomplete application. Mr. Shaffer noted that Mr. Bennett said that the newspaper notice was proper and complete to notify neighbors of a request to run a business, and the applicant had properly been cited for running a business. Thus the incompleteness of the application is immaterial as long as

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the applicant testifies that he is running a business. Mr. Marini was present at the public meeting and did not deny any of the facts. Although Mr. Marini did not properly complete the application, its mere incompleteness would have not affected the case.

Discussion of whether or not the Zoning Commission could interview applicants that have applied for conditional use permits to assist in clarifying facts. No decisions were made on this issue.

Minutes of the January 24, 2007 (First part of the Marini Hearing) hearing were reviewed.

Mr. Zeleznak made a motion to accept the minutes as presented.
Mr. Hoop second.

Vote: Huff – yes Zeleznak – yes Hoop – yes

Discussion of various entities that may rent space within a church building and whether they require a conditional use permit. Mr. Manley will continue the discussion with the Zoning Commission.

Mr. Hoop made a motion to adjourn at 8:03 pm.
Mr. Tamulewicz second.

Vote: Huff – yes Zeleznak – yes Hoop – yes Tamulewicz – yes Manley – yes

Patty Garrett, Zoning Clerk

Minutes Approved: _____, 2007

David Manley, Chairman

Tom Tamulewicz, Vice Chairman

Jeff Hoop, Member

David Zeleznak, Member

_____ *absent* _____
Dottie Fox, Member

Melissa Huff, Alternate Member

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