

## **Board of Zoning Appeals**

S-N-S Landscaping - Conditional Use Request

April 25, 2007

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Ch. Manley called the hearing to order at 7:30 pm.

Roll found: Fox, Huff, Hoop, Zeleznak, Tamulewicz and Manley present. Mr. Pope of the Zoning Commission and Zoning Inspector Bill Schaefer were also present.

Ch. Manley announced that Steve W. Sochacki of S-N-S Grounds Maintenance Inc., 5901 Ely Vista Drive, Parma, Ohio has submitted a request for a Conditional Zoning Permit to operate a landscape business at 2714 Warner Rd., Hinckley Township. Zoning Reference: Section 6B1.B4 and Section 7 and 7.4, Articles 7 and 18 of the Zoning Regulations of Hinckley Township.

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

**Response: Fox – yes Huff – yes Zeleznak – yes Hoop – no  
Tamulewicz – yes Manley – yes**

Ch. Manley polled the Board as to whether they inspected the property at 2714 Warner Road, the proposed location of S-N-S Landscaping.

**Response: Fox – yes Huff – yes Zeleznak – yes Hoop – no  
Tamulewicz – yes Manley – yes**

Ch. Manley stated that the Hinckley Township Board of Zoning Appeals acts within the regulation of Section 519 of The Ohio Revised Code and exercises its powers as provided under Section 7 & 13 of The Hinckley Township Zoning Regulations. All hearings are open to the public and any person may request a schedule or agenda be mailed to them by providing a self addressed stamped envelope in advance.

Ch. Manley inquired if the zoning office had received any written or verbal communication pertaining to this hearing. Ms. Garrett reported that there was an anonymous phone call requesting information regarding this hearing. The caller refused to leave a statement. Ms. Garrett invited the caller to attend this hearing, no additional correspondence was received.

Ch. Manley noted for the record that the Board of Appeals as testimony does not accept non-written communication made by known or unknown persons, not under oath at a properly noticed hearing. He explained to those present that the meeting is being taped for the record. In addition he noted for the record that the documents that relate to this application might include written communications from persons who are not present this evening.

Ch. Manley announced that written communications from persons not present this evening include communications that are not made by affidavit. Because persons not under oath make these communications, this Board does not accept them. He also noted that written communications might include some writing by affidavit, by persons that are not present this evening and, therefore cannot be subjected to cross-

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examination. These affidavits, therefore, will not be given much weight, if any, in the decision of the Board on this matter. In addition, the audience was informed that they must state their name, address, and be sworn in. All testimony will be given from the podium.

Clerk Garrett read the legal notice.

Mr. Steve Sochacki, 5901 Ely Vista Drive, Parma, Ohio was sworn in accordingly: We are in and out in the morning, in the evening we come back, park the vehicles and leave. Everything is in my application.

Mr. Tamulewicz: Is any part of this property in the residential district?

Ch. Manley: No, it is all in the business district.

Mr. Tamulewicz: So why does he need a conditional?

Ch. Manley: In this district, a conditional is required for this type of business. As far as lighting, if you choose to light it, the lighting may not be directed toward any houses, especially in the back of the building.

Mr. Sochacki stated that he will be responsible for the maintenance of the building and the yard. The hours of operation will vary. In the spring the hours will be a little longer. Usually until about 5 or 6 o'clock. In the summer, it can be anywhere from 2:00 to 4:00 pm when they finish. Mulch will be delivered on site from 8:00 am to 5:00 pm.

Ch. Manley: Would you have a problem with a restriction that the premises be vacated by 9:30 pm?

Mr. Sochacki: No, that would not be a problem. Usually all workers are gone by 6:00 pm. On rare occasions in the winter we will go pick up the trucks and leave. That schedule depends on the weather. At those times, we go start the trucks, check the fluids and get on the roads.

Mr. Zeleznak: So, you do not work until 9:00 pm no matter the season?

Mr. Sochacki: In the winter it could be later just to get the trucks. For landscaping, we would not be there that late. I like to keep a regular forty-hour work week, 8 hours a day.

Mr. Zeleznak: Is there anything that will be stored outside other than the plows and mulch?

Mr. Sochacki: That is it plus maybe a trailer.

Ch. Manley: What about decorative stone?

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Mr. Sochacki: On rare occasions if a job has some left over, I may keep it there until the next job starts. I will not be stockpiling products such as stone, pavers or retaining wall pavers.

Mr. Zeleznak: Will your mulch be stored in a bin?

Mr. Sochacki: It may be a small bin, 10 x 15 feet. Just enough so I can operate, load the trucks and leave. That would be for my personal use, no retail sales.

Mrs. Fox: Who will be responsible for maintaining the yard?

Mr. Sochacki: I believe that I am responsible for the yard, parking, the stones, making sure it is not all rutted up.

Mrs. Fox: What about the weeds?

Mr. Sochacki: I will do that. I have already sprayed, they are already dying.

Ch. Manley: What about vehicle maintenance?

Mr. Sochacki: It will be done inside, mowers and trucks. The grass and debris will be hauled right to the dump. There will be no yard waster on the premise.

Mr. Tamulewicz: Are you a licensed chemical applicator?

Mr. Sochacki: Yes, I am. Fertilizer will be stored inside, no pesticides.

Ch. Manley informed Mr. Sochacki that he will be required to register his business with the Township Zoning Department.

Clerk Garrett gave Mr. Sochacki a business registration form.

Mr. Chuck Pope, vice chairman of the zoning commission read a letter from the commission stating their recommendation of approval of the conditional permit with any conditions being set as recommended by the Board of Zoning Appeals. (See attached letter)

Mr. Bill Mastronicolas, owner of the subject property, was sworn in accordingly.

Mr. Tamulewicz: Is this house in the B1 district?

Mr. Mastronicolas: This whole parcel is commercial. I own the house next door also. The next door property is split half commercial and residential. Five hundred feet from the centerline of W. 130<sup>th</sup> Street is commercial. This parcel is all commercial. The house and garage are on the same parcel.

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Mr. Zeleznak: So the house, shed and garage are all on one parcel and it is within the 500 feet?

Mr. Mastronicolas: Yes. It is five hundred feet from the centerline of W. 130<sup>th</sup> St. When I bought this parcel, I understood that the whole lot is considered B1 District. The zoning changed on this about 4 years ago just when I was buying that parcel, I also own 2706 Warner Rd., right next door.

Mr. Tamulewicz: Was there a landscaping business in there before?

Mr. Mastronicolas: Not since I have owned it. I have my own business power-sweeping parking lots and snow plowing. I have a place in North Royalton and that is where I keep everything.

Mr. Tamulewicz: Mr. Sochacki, where was your business before?

Mr. Sochacki: It was at 9552 York Alpha Drive. I moved out because the landlord and I did not see eye to eye. I had no zoning issues, no citations in North Royalton.

Ch. Manley stated for the record that a conditional use permit would be exclusively for Mr. Sochacki for this particular business, landscaping. If the business is sold, the permit does not go to the next owner. It is for this location only.

Mr. Mastronicolas: What type of lighting does he need?

Ch. Manley: Lights are not needed but if you do install them, they must not point into neighbor's yards.

Ch. Manley stated that fencing is not an issue at this time.

Mr. Tamulewicz made a motion to grant a conditional zoning permit to Steve Sochacki to operate a landscaping business at 2714 Warner Road, Hinckley Township for the period of one year, at the end of one year the applicant must reapply for another conditional zoning certificate.

Mr. Zeleznak second.

No further discussion.

Ch. Manley stated that any person affected by this decision of the board of Zoning Appeals may appeal the Court of Common Pleas of Medina County because such decision was unreasonable or unlawful. They have 30 (thirty) days from the date the minutes of this hearing are journalized.

**Vote: Zeleznak – yes Fox – yes Hoop – yes Tamulewicz – yes  
Manley – yes**

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The hearing was adjourned at 8:09 pm.

**Work Session:**

The work session was called to order at 8:12 pm.

Roll found: Fox, Huff, Hoop, Zeleznak, Tamulewicz and Manley present. Mr. Pope of the Zoning Commission and Zoning Inspector Bill Schaefer were also present.

Mr. Schaefer brought the board up to date on the case of George Madej who has been ordered to remove a building that illegally constructed at his residence on Boston Road. This case went to the Medina County Court and the decision of this board was upheld.

Discussion of allowing 2 homes on one parcel. Mr. Schaefer reported that assistant prosecutor Bennett recommends obtaining a performance bond to insure that one home will be torn down when the second home is complete. The bond should include the cost of removal of the home as well as the septic system.

Mr. Schaefer discussed the Marini case. Mr. Marini withdrew his conditional use permit request several months ago but is once again conducting a business at his residentially zoned home on Mattingly Rd.

Minutes of the March 28, 2007 Terry Building Ltd., variance hearing were reviewed,

Mrs. Fox made a motion to accept the minutes as corrected.

Mr. Zeleznak second.

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

Mrs. Huff made a motion to adjourn at 8:37 pm.

Mr. Tamulewicz second.

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

*Signatures on following page*

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Patty Garrett, Zoning Clerk

Minutes Approved: \_\_\_\_\_, 2007

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David Manley, Chairman

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Tom Tamulewicz, Vice Chairman

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Jeff Hoop, Member

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David Zeleznak, Member

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Dottie Fox, Member

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Melissa Huff, Alternate Member