

Zoning Commission

Regular Meeting

September 6, 2012

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Ch. Kamps called the meeting to order at 8:05 p.m.

Roll Found: Kamps, Siarkowski, Walrath, Powell, Kman and Nehrenz present. Also present were Trustee Schulte, Trustee Catherwood, Mr. Conrad Falkenberg and Mr. Bob Falkenberg. Arriving late to the meeting was Zoning Inspector Schaefer.

Ch. Kamps asked everyone to review the minutes from the Work Session Meeting held August 9, 2012. Mr. Kman noted that the adjournment time was incorrect for the work session vs. the start time of the regular meeting. Recording Secretary Gienger reviewed his notes from the previous meeting and noted that the 8:14pm adjournment time for the work session was correct.

Ch. Kamps asked for a motion to approve the minutes of the Work Session Meeting held on July 5, 2012 as noted. Mr. Kman moved and Mr. Walrath seconded.

Vote: Kamps – yes, Siarkowski – yes, Walrath – yes, Powell – yes, Kman – yes

Ch. Kamps asked everyone to review the minutes from the Regular Meeting held on July 5, 2012. Recording Secretary Gienger noted that the start time of the Regular Meeting should read 8:18pm in lieu of 8:10pm.

Ch. Kamps asked for a motion to approve the minutes as noted of the Regular Meeting held on July 5, 2012 as noted. Mr. Kman moved and Mr. Walrath seconded.

Vote: Kamps – yes, Siarkowski – yes, Walrath – yes, Powell – yes, Kman – yes

Ch. Kamps asked Mr. Conrad Falkenberg to have a seat at the table to review his application for a conditional use permit.

Ch. Kamps asked Mr. Falkenberg to state his purpose of applying for the conditional use. Mr. Falkenberg stated that he purchased an additional 3.5 acres of land in September 2008, off of West 130th Street. At that time they applied for a conditional use permit to use an additional acre to store material. As part of the conditional use, it was requested to install a 3' fence to shield the storage material, which they complied with the conditions of the permit. It was requested to have a 6' privacy mound and a 60' buffer, which they complied with the conditions. Since that time, they cleared this land and in doing so realized there was some top soil that they could reclaim to use for their business.

Ch. Kamps clarified that per Mr. Falkenberg's application, the conditional use application is for the two parcels south of Crestview Drive and those are the parcels he is applying for a conditional use for. Mr. Falkenberg stated that was correct.

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Ch. Kamps asked Mr. Falkenberg what he is proposing to use those parcels for. Mr. Falkenberg stated that they are currently storing materials at that location and are also using their screening machine to screen top soil on that parcel.

Ch. Kamps noted that in reading the minutes from the previous hearing, it was noted that the two lots were not going to be used for anything and that they were for sale. He asked Mr. Falkenberg if that was correct. Mr. Falkenberg stated that is correct and that the parcels still are for sale.

Ch. Kamps asked Mr. Falkenberg if he was using those lots for storage of material since that time. Mr. Falkenberg stated that is correct.

Ch. Kamps asked Mr. Falkenberg how he defines his screening machine, if it is for storage of material or for manufacturing. Mr. Falkenberg stated that they are sifting large material out of the soil. Ch. Kamps noted that this process seems it is not for storing material but more for manufacturing material. Ch. Kamps noted he has not found anything in the regulations to date that would allow for manufacturing that could be reviewed for this conditional use.

Ch. Kamps noted that he is concerned at the size and noise of the machine. Ch. Kamps asked Mr. Falkenberg how often he used the machine. Mr. Falkenberg stated he uses it approximately once every two weeks for a few hours and it is seasonal and shut down in the winter.

Ch. Kamps asked Mr. Falkenberg if he was familiar with the Zoning Regulations and if he has reviewed Section 7, Article 18 Outdoor Display and Outdoor Storage. Mr. Falkenberg stated he is somewhat familiar with the regulations and has discussed the issues with Zoning Inspector Schaefer. Ch. Kamps noted that Outdoor Storage is what Mr. Falkenberg is asking for and asked him if he would be willing to accept the terms as written in the regulations to have proper screening around the area in question. Mr. Falkenberg noted that they are prepared to plant proper shrubbery that grows to 20' quickly and are willing to listen to what will be asked of them to do.

Ch. Kamps asked Mr. Falkenberg if he would be open to having restrictive hours on the machine usage. Mr. Falkenberg stated he would be.

Mr. Walrath asked Mr. Falkenberg what he is asking for. Mr. Falkenberg stated that he is currently using the property in violation of the previous conditional use and is now applying to use the property as they currently are using it.

Mr. Walrath asked if there is a report from Zoning Inspector Schaefer. Ch. Kamps stated there is not a report that he is aware of. Mr. Walrath asked to see a report from ZI Schaefer. Trustee

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Schulte noted that ZI Schaefer is stuck in traffic and that the Board can call him to discuss the matter with him. As they were preparing to call, ZI Schaefer arrived at the meeting.

ZI Schaefer noted that after Falkenberg's last conditional use permit approval, they started using the screening machine to remove the soil from that property which was ok that they cleared the land. They are now using the screening machine and making mounds of material, which is in violation of their current conditional use permit that was approved in 2008. ZI Schaefer told Mr. Falkenberg that he will need to apply for another conditional use permit if he would like to continue using the property as he is currently. ZI Schaefer also stated that as long as he is applying for the conditional use permit, he will not make him remove the material they are currently storing on the property, but if the permit is denied, he will be required to remove the material and the screening machine.

Mr. Walrath asked ZI Schaefer if Mr. Falkenberg was currently in violation. ZI Schaefer stated that he is currently in violation in using this property for storage of material and for using the screening machine.

There was no further discussion at this time.

Ch. Kamps asked for a motion to make a recommendation to approve the conditional use permit to the Board of Zoning Appeals with the caveat that the BZA pay attention to Section 7, Article 18 of the Zoning Regulations for screening/fencing and also for restrictions on times permitted for using the machine. Vice Ch. Siarkowski moved the motion. There was no second of the motion. Therefore the motion dies and the recommendation from the Zoning Commission to the BZA will be negative for the conditional use application.

There were no further items to discuss regarding the Falkenberg application. Mr. Falkenberg then left the meeting.

Ch. Kamps noted that Medina County Central Processing will be accepting old appliances for disposal.

Ch. Kamps noted there were no old business items, no new business items and no additional items from the Chairman to discuss.

Ch. Kamps asked for a Board Members Report. No items were reported.

Trustee Catherwood noted that the Board needs to be cognizant of keeping a 5 person board during discussions like the one for the Falkenberg application discussion. She is not sure who

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was the alternate to the Board for this meeting, but with 6 members sitting at the table, it can be perceived as a 6 person board, which is not the case.

Ch. Kamps asked for a motion for adjournment of the Regular Meeting. Mr. Kman moved and Mr. Powell seconded.

Vote: Kamps – yes, Siarkowski – yes, Walrath – yes, Powell – yes, Kman – yes

Meeting was adjourned at 8:49 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2012

Jim Kamps, Chairman

Karen Siarkowski, Vice Chairman

Terry Walrath, Member

Calvin Powell, Member

(Absent)
William Spellman, Member

Mel Kman, Alternate Member

John Nehrenz, Alternate Member