

# SEVILLE ZONING & PLANNING COMMISSION

OCTOBER 26, 2009

Chairman Dennis Gordon called the meeting to order at 7:20 p.m.

**PRESENT:** Rich Demastes, Ralph Smith, Mayor Larry Landis, Mayors Office Manager Nancy Leonard, and Zoning Inspector Keki Vania.

**ABSENT:** Pete Fontana

Mayor Landis made a motion to approve the September 21, 2009 meeting minutes. Demastes seconded. The motion passed with aye votes by all except Smith who abstained due to absence.

## ZONING INSPECTOR'S REPORT:

Permit number 947 was issued to James & Rhea Yannayon for a deck at 4833 Mandarin Drive.

Permit number 1182 was issued to Scott Bannerman for a porch at 89 Center Street.

Permit number 1184 was issued to David Beursken for a new home at 4961 Mandarin Drive.

Permit number 1185 was issued to Jack Harig for a sign at 123 Greenwich Road for Remington Bell.

Permit number 1186 was issued to Jack Harig for a sign at 123 Greenwich Road for Gracewood Boutique.

Permit number 1187 was issued to the Village of Seville for a crows nest at Memorial Park that was installed by Cloverleaf Colts youth football.

Vania suggested that Zoning & Planning Commission members recommend that the permit fee for the crows nest at Memorial Park be waived. Commission members agreed.

**83 West Main:** The cages have been disassembled and are leaning against trees. Gordon asked whether the citation for Jones is moving forward. Vania said Assistant Solicitor Alicia Hathcock had prepared a citation for the grass not being mown, and that has been done. Jones has until November 9<sup>th</sup> to complete the cleanup of the unused items (cat cages) in the yard.

A letter was sent to Jason Sulzener on October 9<sup>th</sup> advising him to obtain an ODOT permit for his sign or remove the sign within 30 days from the date of the letter.

Vania reminded those in attendance that since the Zoning & Planning Commission meets once a month, the minutes aren't approved until four weeks after the meeting and are posted a week or two after approved. The Board of Public Affairs minutes are posted

## SEVILLE ZONING & PLANNING COMMISSION

OCTOBER 26, 2009

more often since they meet twice each month. Vania posts all of the minutes for village meetings.

Gordon said Robert Yanke's conditional use needs to be revisited because Yanke is not complying with the conditions set for the auto repair business. There are several vehicles parked in Yanke's back yard including a semi-tractor. He said if Yanke is going to do that he will have to present plans for screening or remove the vehicles. Vania said Yanke agreed to install a concrete driveway addition, but has installed gravel instead. Gordon suggested sending Yanke a letter to remind him of the conditions he agreed to.

### **NEW BUSINESS:**

None

### **OLD BUSINESS:**

Ron Giauque's 35 Spring Street auto repair business is a grandfathered use. It's a matter of addressing a few of the house keeping issues. Determining whether the vehicles are "junk vehicles" is a police issue and Vania will provide Police Chief Don Burson with the opinion letter from Solicitor Ted Lesiak.

### **Sulzener's Sign & Business:**

Gordon commented that the sign on Route 3 needs ODOT approval, and if not obtained, will need to be removed.

The other issue was the agricultural use of property located within a residential zoning district. Gordon read the opinion letter from Solicitor Ted Lesiak which indicates that he found no distinction between agricultural products sold that are grown on the property and products brought in from other farms. If the property was consistently farmed before enactment of the zoning code the use is non-conforming.

### **PRIVILEGE OF THE FLOOR:**

Resident Bill Carter asked when the Sulzener property was a farm. Gordon said he has lived here for 31 years and doesn't know how long it has been farmed. Smith said it was vacant land, and wasn't a farm, and he knows that from living here a long time. He said crops were never grown there and Sulzener built the home there. Council member Sue Frey said Sulzener didn't build the home and there was livestock on the property for years. Carter said he has lived here for 60 years, and it was never a farm. Rick Stallard said it would be easy to determine when the home and barns were built by checking the Medina County Auditor's website.

## SEVILLE ZONING & PLANNING COMMISSION

OCTOBER 26, 2009

### RAY WEAVER STORAGE:

Weaver was in attendance and asked for a one year extension on the conditional use that he was granted two years ago. Weaver said he thought that Council amended the code to allow rear storage on commercial property, but now he sees that it requires paving and screening. The property is used for storage roughly 6 months out of the year, and he is asking for the conditional use he currently has to be allowed to continue through 2010. The property doesn't generate enough income to warrant paving the lot, and has been listed for sale for more than two years. He said business is down 30% and that is the bottom line. He keeps the property well maintained and asked for the commission's consideration.

Weaver said the property has access from Greenwich Road as well as on Route 3 north of the Acorn Restaurant, and he hopes to sell it. Gordon asked if Weaver will change his mind if the economy picks up. Weaver said he would like to sell it as a commercial property.

Commission members agreed that a one year extension is reasonable. Smith made a motion to allow Weaver to continue the rear storage on the vacant lot until December 31, 2010. Demastes seconded the motion. The motion passed with aye votes by all.

Mayor Landis made a motion to adjourn. Demastes seconded, and the motion passed with aye votes by all. The meeting adjourned at 7:45 p.m.

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Chairman Dennis Gordon

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