

# RECORD OF PROCEEDINGS

Minutes of

## MADISON TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING & REGULAR MEETING

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, November 12, 2020

20

7:00 p.m.

Chairman B. Dubiel opened the Meeting of the Madison Township Board of Zoning Appeals at 7:00 p.m., with the following people present: Mr. B. Dubiel, Mr. T. Sill, Mr. E. Francis, and Mr. J. Boyle. Ms. L. Diak was absent. Mr. F. Walland was present as Zoning Inspector and Mrs. M. Howell.

Mr. Walland introduced Mr. Joseph Boyle to those in attendance. He informed everyone that Mr. Randy Glover moved out of the Township and Mr. Boyle is filling the unexpired term, which will expire December 31, 2020.

Mr. Walland requested a motion to approve the minutes from the September 10, 2020 Meeting.

A motion to approve the minutes from the September 10, 2020 Meeting was presented by Mr. Francis, seconded by Mr. Sill.

Roll call: Chairman Dubiel: Yes Mr. Francis: Yes Mr. Sill: Yes

Mr. Boyle abstained due to the fact that he was not on the Board for the September 10, 2020 Meeting.

Mr. Walland stated for the record that the first Public Hearing this evening is for Conditional Use Permit #20-002, located at 5813 N. Ridge Rd., Permanent Parcel #01-B-126-0-00-019-0, which is zoned A-1, Agricultural. Mr. Walland stated for the record that the applicant is Madison Village Manor, Inc., and the property owner is C & G Properties, LLC – Claude Paquet. Mr. Walland stated that Madison Village Manor is applying for a CUP for an Adult Day Care/Activity Center. Mr. Walland informed those in attendance that the parcel is currently zoned A-1, Agricultural and an Adult Day Care is not permitted in the A-1 Zoning District, however, the process to re-zone the parcel from A-1, Agricultural to B-2, Regional Business has been started. Mr. Walland stated that Section 142.4.5.26 of the Madison Township Zoning Resolution of 1957 allows for an Adult Day Care as a Conditional Use in a B-2 Zoning District, with conditions.

Mr. Walland stated for the record that when Mr. Claude Paquet and Madison Village Manor submitted the application for a Conditional Use Permit it was discovered that the parcel is zoned A-1, Agricultural. He informed those in attendance that the property has been used commercially for more than a decade. He also added that a permit for a commercial sign was issued back in 2004, erroneously, and upon the suggestion from Mr. Pasqualone, Township Solicitor, the Trustees have requested the Zoning Commission start the process for re-zoning the property from A-1 to B-2, at the expense of the Township, and allow the Conditional Use Permit to proceed, contingent upon the property being re-zoned.

Mr. Walland stated for the record that the owner/applicant and neighbor letters were mailed on October 20, 2020 and the Public Hearing was advertised in The News-Herald Legal Section on October 21, 2020. He informed those in attendance that the Zoning Office has had no contact from area residents regarding this hearing.

Chairman Dubiel administered the Oath of Accuracy to anyone in attendance who wished to speak during either Public Hearing.

Mr. Walland invited Ms. Karen McGrain to the podium to provide the Board information regarding the Conditional Use Request for an Adult Day Care/Activity Center.

Ms. Karen McGrain, 6196 Maxwell Dr., Madison, OH.

Ms. McGrain informed those in attendance that Madison Village Manor provides services for mainly autistic adults, but also for those who have other developmental disabilities. She stated for the record that in the past, vocationally, their clients would go to different areas and get jobs, but this is very difficult at this time due to COVID-19. Ms. McGrain also stated that some of their clients are not quite ready to go out and have a job on their own, so Madison Village

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Manor coordinates to bring work to their Center for the clients, which includes things like piece work for companies in Lake County, shredding for people in Lake County, and collating for local churches. This Adult Day Care/Activity Center would allow Madison Village Manor to provide these services. It provides a “working environment” for their clients.

Ms. McGrain stated that, at this time, the State allows for six (6) clients with three (3) staff members. She informed those in attendance that the hours of operation will be Monday through Friday from 9am to 2pm. She added that currently the State mandate requires one (1) day of deep cleaning, during regular business hours, so Monday will be the deep cleaning day until the restriction is lifted. Mr. Walland asked if any of the clients drive their own vehicles to the Center. Ms. McGrain stated that none of the clients drive themselves, they are picked up and transported to the Center.

Mr. Walland asked if the Board had any further questions. The Board did not.  
Mr. Walland asked the Board members to vote on Conditional Use Permit #20-002.

Chairman Dubiel: Yes

Mr. Francis: Yes

Mr. Sill: Yes

Mr. Boyle: Yes

The Board members voted and unanimously approved Conditional Use Permit #20-002, for an Adult Day Care/Activity Center, contingent upon the re-zoning of the property from A-1, Agricultural to B-2, Regional Business.

Mr. Walland stated that he will need a statement from the Madison Fire District indicating their approval.

A motion to close the Public Hearing for Conditional Use Permit #20-002 was presented by Mr. Sill, seconded by Mr. Francis.

Roll call: All “Ayes.”

Mr. Walland informed the Board that the Zoning Commission has set a Public Hearing for December 2, 2020 for the Re-Zoning of the aforementioned property.

Mr. Walland informed those in attendance that the second Public Hearing this evening is for Variance Request #20-004. Mr. Walland stated for the record that the applicant is Mr. William Smiley and the property is located at 3377 Bates Rd., Permanent Parcel #01-A-071-0-00-002-0, and is zoned M-1, Light Manufacturing. He stated that the applicant is requesting a Use Variance to operate an Auction House at 3377 Bates Road, Permanent Parcel # 01-A-071-0-00-002-00. Section 114 of the Madison Township Zoning Resolution does not show an Auction House as a permitted use in the M-1 Zoning District. Section 142.3.3.2 of the Madison Township Zoning Resolution allows for the Board of Zoning Appeals to consider a variance in the use of land.

Mr. Walland stated for the record that the Neighbor/Applicant letters were mailed on October 20, 2020 and the Public Hearing was advertised in The News-Herald Legal Section, on October 21, 2020. He informed those in attendance that the Zoning Office has had no contact from area residents regarding this hearing.

Mr. Walland invited Mr. Smiley to the podium to provide additional information regarding the Auction House.

Mr. William Smiley, 7836 Rockdove Lane, Concord, OH.

Mr. Smiley stated that they started their auction business in the Spring of 2019 at the current location on Route 84 in Perry, OH. He informed those in attendance that they are looking to purchase a location for the business instead of renting. He stated that with operating the

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business for the past year and a half, every two (2) weeks out of the current hall, they have realized that they need more space. He also stated that in searching, they have discovered that builders like to build 2,000 square feet or less and 10,000 square feet or more and that they need approximately 4,000 to 5,000 square feet, so the building located on Bates Road would be a great location for their Auction House.

Mr. Smiley stated that their current auctions take place on the first and third Mondays of every month, which start at about 5:45pm and typically do not last more than four (4) hours, with about 75 to 100 attendees. He added that people typically come and go from about 4:00pm to 10:00pm. Mr. Smiley stated that they really like the site because the building is a big open room, which is needed for an auction house, and it has plenty of parking. He informed those in attendance that their goal is to expand and hopefully hold auctions every Monday. He added that they sometimes sell items outside, like tractors, cars, motorcycles, and such.

Mr. Smiley informed those in attendance that they have spoken with Ohio EPA and the County regarding upgrading the septic system, which will have to be done immediately. He also stated there will be some other small upgrading with lighting. He informed those in attendance, in working with the Fire District, they were informed that years ago an auction house had occupied the building and at one point a used auto sales business.

Chairman Dubiel asked if the site is currently abandoned. Mr. Smiley stated that the current owner stores items in the building, but for the most part there is no activity on the property. Mr. Walland stated that he has been to the site and it has been maintained. Mr. Smiley added that there are no real structural, roof, or electrical issues, but they will need to construct an auction block and upgrade the septic system. Mr. Smiley informed those in attendance that the owner was originally selling the entire parcel as one, which is approximately thirty (30) acres, but they are proposing to split off approximately nine (9) acres, on the north side of the parcel, next to the railroad tracks, which will provide a buffer from any residential properties.

Mr. Walland asked if there is enough parking for the number of cars. Mr. Smiley stated that there is enough parking. Mr. Walland added that he needs a drawing indicating the parking area. He also asked if the parking area is paved. Mr. Smiley stated that the entire parking area is not paved, it is gravel and grass. Mr. Walland stated that the parking area would need to be improved with stone, he wouldn't want grass areas to be used for parking. Mr. Sill asked if the current parking is west of the building. Mr. Smiley replied that there are parking areas on the west, south, and the east sides of the building. Mr. Sill stated that he agrees, the parking areas would need to be improved.

Chairman Dubiel asked if there were any further questions. The Board had no further questions. Mr. Walland asked the Board members to vote on Variance Request #20-004.

Chairman Dubiel: Yes

Mr. Francis: Yes

Mr. Sill: Yes

Mr. Boyle: Yes

The Board members voted and unanimously approved Variance Request #20-004, for a Use Variance for the operation of an Auction House at 3377 Bates Rd., which is zoned M-1, Light Manufacturing.

Mr. Sill asked if they will need approval from the Madison Fire District and updating the parking area. Mr. Walland replied, yes, Mr. Smiley will need approval from the Madison Fire District and drawings will need to be approved by the Zoning Office regarding the parking and lighting on the site.

Mrs. Howell informed the Board that there is nothing on the agenda for December, so there will not be a meeting for the Board in December.

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There being no further matters before the Board, a motion was presented by Mr. Francis to adjourn the meeting, seconded by Mr. Sill.

Roll call: All "Ayes."

The meeting was adjourned at 7:31p.m.

*Bill Dubiel*

Bill Dubiel, Chairman

*Evan Francis*

Evan Francis, Acting-Secretary