

Village of Lordstown Board of Zoning Appeals

October 9, 2018

The Lordstown Village Board of Zoning Appeals met in regular session on October 9, 2018 at 5:30 P.M. at the Lordstown Village Administration Building. The meeting was held to hear Case 18-01 Lordstown Lions Club. The meeting was called to order by Mayor Arno Hill followed by the Pledge of Allegiance.

In attendance: Arno Hill, Mayor
Robert Bond, Council Member
Larry Tura
Bill Pugh
Fred Bencivengo
Paul Dutton, Solicitor
Kellie Bordner, Planning & Zoning Administrator
Denise L. Dugan, Assistant Planning & Zoning Administrator

Also Present: Janet Krempasky, Lordstown Lions Club
Richard Albrecht, Lordstown Lions Club
Bill Krempasky, Lordstown Lions Club
Gary Luzadder, Lordstown Lions Club
Alda Pugh, Lordstown, Ohio
Marilyn Rhinehart, Lordstown, Ohio
Kay Arlow, Lordstown, Ohio

PROCEEDINGS

Lordstown Village Board of Zoning Appeals Meeting

(WHEREAS, the Lordstown Village Board of Zoning Appeals meeting commenced on Monday, October 9, 2018, at 5:30 p.m. and proceedings were as follows:)

MAYOR HILL: I'll call the Board of Zoning Appeals meeting to order.
Everybody, please stand for the Pledge of Allegiance.
(Pledge of Allegiance to the Flag.)

MAYOR HILL: Could I have roll call, please.

MS. DUGAN: Yes. Arno Hill?

MAYOR HILL: Present.

MS. DUGAN: Robert Bond?

MR. BOND: Here.

MS. DUGAN: Larry Tura?

MR. TURA: Present.

MS. DUGAN: Bill Pugh?

MR. PUGH: Present.

MS. DUGAN: Frank Bencivengo?

MR. BENCIVENGO: Present.

MS. DUGAN: Paul Dutton?

SOLICITOR DUTTON: Present.

MS. DUGAN: Kellie Bordner?

MS. BORDNER: Present.

MS. DUGAN: And I'm Denise Dugan.

MAYOR HILL: Before we approve the agenda, due to the fact that we have not met since August 10, 2015, we have two new members. I'd like to swear them in. Bill, you can go first.
(Whereupon, Mr. Pugh was sworn in by Mayor Hill.)

MAYOR HILL: Fred, you're up.
(Whereupon, Mr. Bencivengo was sworn in by Mayor Hill.)

APPROVAL OF AGENDA

MAYOR HILL: Okay. Now we can proceed. I'll entertain a motion for approval of the agenda.

MR. BOND: So moved -

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MR. BENCIVENGO: So moved.
MAYOR HILL: Moved by Bond; second by Bencivengo. Comments? (NO RESPONSE FROM THE BOARD.) All in favor?
THE BOARD: Aye.
MAYOR HILL: Opposed? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.) Motion carried.

ELECTION OF OFFICERS

MAYOR HILL: Election of officers. We don't need a whole lot. We need -
MS. DUGAN: A chairman and a vice-chair.
MAYOR HILL: Chairman and a vice-chairman. Any nominations for chairman from this committee? Actually, it will go through the end of the year. We may not have a meeting.
MR. BOND: That could well be.
MAYOR HILL: Anybody want to make a motion?
MR. BOND: I nominate Arno Hill.
MAYOR HILL: Any other motions? (NO RESPONSE FROM THE BOARD.)
Motion that nominations be closed?
MR. TURA: So moved.
MAYOR HILL: Motion by Larry.
MR. BENCIVENGO: Second.
MAYOR HILL: Second by Fred. Comments? (NO RESPONSE FROM THE BOARD.) All in favor?
THE BOARD: Aye.
MAYOR HILL: Opposed? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.) Motion carried.

MAYOR HILL: Vice-chair? I'll nominate Larry Tura.
MR. BOND: I'll second that.
MAYOR HILL: Any other nominations? (NO RESPONSE FROM THE BOARD.) Motion to close nominations.
MR. TURA: I'll second.
MAYOR HILL: Okay. You got it. Chair and vice-chair.

APPROVAL OF MINUTES OF AUGUST 10, 2015

MAYOR HILL: It will be a formality just to approve and correct the minutes because nobody was here then, correct?
MR. TURA: I was.
MAYOR HILL: Motion by Larry to approve the minutes of August 10, 2015. Is there a second?
MR. PUGH: Second.
MAYOR HILL: Second by Bill. Comments? (NO RESPONSE FROM THE BOARD.) All in favor?
THE BOARD: Aye.
MAYOR HILL: Opposed? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.) Motion carried.

CASE 18-01 A SPECIAL USE PERMIT FOR THE LORDSTOWN LIONS CLUB FOR A CLUBHOUSE AND OFFICE LOCATED AT 2078 LYNTZ ROAD, LORDSTOWN, OHIO 44481.

MAYOR HILL: I'd like to welcome you to the Lordstown Village Board of Zoning Appeals. The Scope and Jurisdiction of the Board is as follows:
1) Hear and decide appeals where it is alleged there is an

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error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Ordinance.

2) Authorize, upon appeal, in specific cases a variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Ordinance will result in practical difficulties, and so that the spirit of this Zoning Ordinance shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety and morals and in furtherance of the purposes and intent of this Zoning Ordinance, 1127.04.

3) Issue Special Use Permits where there has been found no justifiable reason not to issue it.

4) To render an opinion where the Planning and Zoning Administrator has determined that he/she needs a second opinion or clarification of a portion of the code.

Your statements at this public hearing are not the only basis for determination of this request.

This Board represents not only the vocal group at public hearings but also those many citizens who do not attend or speak at hearings.

The decision of the Board shall not become final until the expiration of five working days from the date of the Board's approval.

All the speakers, if anybody would like to speak on this issue, please stand and raise your right hand, and I'll swear you in.

(Whereupon, all parties wishing to speak were sworn in by Mayor Hill.)

MAYOR HILL: Thank you. Procedure of the public comment aspect of our hearing: All speakers must step up to the microphone and state their name and address for the record. All persons speak in order, one by one, no open discussion and no cross-examination. The appellant makes the first statement. Those in favor speak first; those against speak next. Rebuttal by the appellant is then usually permitted. The members of the Board then ask for clarification or additional information. A last call for new or additional information that has not been previously stated. Kellie?

MS. BORDNER: I'm ready. The Lordstown Lions Club have filed their petition asking for a Special Use Permit pursuant to Section 1175 of our Village Ordinances for the following reason: They wish to use the property that was formerly owned by Richard Chopko and located at 2078 Lyntz Road for a clubhouse for the Lordstown Lions Club and their offices. They have included a letter of their intended use, and I will read that out loud and into the record.

"The Lordstown Lions have existed in the community since 1974. We have always worked to have the support of the residents, Police Department, Fire Department, school system and administration. With the sale of our clubhouse and property to enable the building of the Clean Energy power station, we found ourselves homeless. The school system was very generous and allowed us space to store our belongings and hold our meetings. We thank them for aiding us, but it is time to get back to the business of helping others.

Unable to build a new clubhouse at the present time, we have purchased an R-1 zoned property on Lyntz Road. We are petitioning the Zoning Board under Ordinance 1175 and including Ordinances 1135 and 1137 for a Special Use Permit to enable us to use the property as the Lordstown Lions clubhouse, which is listed as a

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Special Use under Ordinance 1135.01, R-1 Residential District. It is not our intention to disrupt the neighborhood but to have a place to call home, a place to store our records and belongings and conduct our business. We hold meetings the first and third Thursday of each month. We will be considerate of all neighbors and will address their concerns such that the public health, safety, welfare and convenience shall be protected.

Adequate landscaping and screening will be provided as necessary. We feel the Special Use Permit will allow the freedom of being a Lions organization without being detrimental to the public welfare or to the properties located in the vicinity in any way.

Our use will not cause substantial injury to the value of other property in the neighborhood. Adequate, off-street parking and loading will be established and provided as we plan on repairing the existing driveway and will add a parking lot behind the house to allow parking for our members and visitors. The driveway and parking lot will be blacktopped. The ingress and egress onto the property will be so designated as to cause minimum interference with traffic on Lyntz Road. Due to the time frame for receiving this Special Use Permit, it is possible that completion of the driveway and parking lot will not be feasible until next spring. Winter might hamper the construction, but we will submit plans as required and follow all Ordinances to properly and fully complete the blacktopping of the driveway and parking lot. Thank you in advance for your consideration of our request. Lion Janet Krempasky," who is the President of the Lordstown Lions Club. They also provided just a brief sketch of their background. We have the code sections attached for everyone, so they can review Chapters 1175, 1135 is in there, 1137. They also attach some overviews from the Auditor's website. Just to give you an idea of what their overlay is going to be, they also provided an interior layout of how they intend to use the house.

I will let you know that Mr. Chopko passed away and so this property was placed in probate and, as a result of that, the Lordstown Lions Club don't anticipate taking actual possession of the land until probably next week, which will be their closing. So they are seeking this approval ahead of time so that they know they will be able to get right to business if it is approved. So, they would like to know that ahead of time.

The other thing, there are a few things that came up once they filed their petition. One of the things was that the next-door neighbor - which is Alda Pugh, and she is here tonight, and I'm sure she will speak on her own if she so desires - had indicated that she was concerned about a window that was a little bit lower. Her house is there, and she's concerned about making sure there is no visibility into her home. We did discuss that with the Lordstown Lions Club, and we also identified in the code that states there's adequate screening, which they acknowledge that there needs to be adequate screening and that goes along with the landscaping, the adequate screening. And they did agree that they would put up any fencing that, at the very least, would run the minimum of the width of the house. So, that would be enough screening, hopefully, for Mrs. Pugh so that she won't have any interference with lights into her house in that window.

There are a few other issues that she brought up that I would like to let her address after Ms. Krempasky identifies a few things. But one of the things that she brought up was an open well that's on the property. And I did ask King Lion Krempasky about that, and she

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- does have some information to share with the Board about that, as well. So, unless you have any questions of me, I would think we could probably turn the floor over to King Lion Krempasky.
- MAYOR HILL: If you'd like to come up to the microphone, please.
- MS. KREMPASKY: Do I have to use it? I have a nice, loud voice. Janet Krempasky, 4769 Bazetta Road. That's in Cortland, 44410.
Thank you, Kellie, and thank you, Board, for being here with us. A couple things that I would like to say. We really are looking forward to being in this house and using it again like we had a clubhouse before. Because it is easier to do our business if we're doing it on our own property and we have the things that we need.
That well is a working well and can be actually used. I'm not sure we'll ever use it, but it is still a working well. It does have a cap, maybe like this (indicating). It's not round like that red circle. It's smaller. But it is a working well according to the realtor. So, I don't know how long they would have had city water, but I'm assuming it's been city water for a while. So, the well probably has not been used for a very long time. And it's possible that its sludge, that it's not even water anymore at this point, again, maybe not used for a period of time.
Ms. Pugh, we do want to respect your privacy, and that's why - I know you had said that you wanted a fence and that you were going to put up a fence and for us not to take offense. Well, we didn't. But it was very nice to meet you that day, and you were very helpful and thank you for that. We would like to put up panels, like, three panels to screen it. I understand you would like your privacy -
- MS. PUGH: My building is right there.
- MS. KREMPASKY: I've been there different times, night and day, and I can see your point, and we would like to do that. I don't know exactly when that would get done because that, again, is going to depend on the ground and when we would be able to put the poles in and things. But we would like to do that for you so you would have that privacy. We do want to be good neighbors, and you are our closest neighbor.
Then you told me that the best alarm system is that lady that lives next door -
- MS. PUGH: Runs around checking the neighborhood -
- MS. KREMPASKY: We're counting on you. So, I hope that alleviates your privacy problem. And it will be a vinyl fence. It will need no maintenance or anything, and it will look nice on your side and on ours. So, I think that would be very appropriate making your property a little more secure and ours, also. I don't know if there - you might have other issues.
- MS. PUGH: Just a couple.
- MAYOR HILL: Alda?
- MS. PUGH: You know I talk loud, too, Arno.
- MAYOR HILL: Just name and address for the minutes.
- MS. PUGH: Alda Pugh, 2070 Lyntz Road, Warren, Ohio, 44481. And I just have a couple things. First of all, I am for this. I have no problem with this being issued. My one concern is the parking lot. I'm assuming that large evergreen tree will have to come down. Will that be where the parking lot is? Because, if you know how we live, we have all these mounds and things to protect us from the noise from CSX. There is kind of a space there where that evergreen sits. When I look out the window, I see tree. Now I will see the trucks and the trains and everything. Whatever, I'll live with it.
Lighting. If you're out there at night, you realize that we are well lit up

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from CSX. If you are going to put up lights - do you have lights for your parking lot?

MS. KREMPASKY:

Yes.

MS. PUGH:

I just want them to not shine on my house any more than the lighting that we have, the lights that we have from CSX. The other thing is the back part of the property was not mowed. The front part was mowed by the former people. I was just wondering if you would please keep mowing it. We mow ours clear to the back. Bill Holton mows his, and CSX does a really good job of keeping theirs mowed. So that looks kind of scruffy there. If you'd just go back there and swipe it a couple of times, I would appreciate that.

Other than that, you know, I certainly will watch your property. One other thing I might add is, do you have any plans for the future of adding on or - you're not going to do Bingo in there at all, are you?

MS. KREMPASKY:

No.

MS. PUGH:

So, you don't have any plans in the near future to add on. The other thing I have, too, is, if they decide ten years from now to sell this property, will this Special Usage Permit go with the property or would a person that wants to put something in there have to reapply for this special permit?

MS. BORDNER:

I would defer that question to legal counsel. I can't answer that question.

SOLICITOR DUTTON:

What is the question?

MS. PUGH:

The Special Use Permit that we're going to pass, hopefully, tonight for them, if they decided in ten years to sell it to somebody else who has something else other than what they're doing, does that permit stay with that property or will those people have to reapply if it's for something else?

SOLICITOR DUTTON:

You ask a very intelligent question. The Special Use Permit does not run with the land. So, a subsequent purchaser would have to come in and ask for a special permit depending upon what activity they want to conduct in that building.

MS. PUGH:

Okay. Thank you very much. That's it.

MAYOR HILL:

Anybody else want to say anything? I will have to swear you in. (NO RESPONSE.) Public comment aspect of our hearing is now closed. There will be no more discussion from the floor. The Clerk will continue to take notes so your silence is necessary.

MS. BORDNER:

Mayor?

MAYOR HILL:

Yes?

MS. BORDNER:

Excuse me. Do we need to get King Lion Krempasky's response to Ms. Pugh's questions on the record?

MAYOR HILL:

Sure. Excuse me. I haven't run one of these for probably 15 years.

MS. KREMPASKY:

The lighting that is there is on the garage and we'll be looking at that. That might go on a timer or something that would make it less intrusive to you. But, because of insurance purposes - and we do want to protect our property - once that parking lot is in, we will have lighting on our parking lot. I'm sure that our insurance is not going to let us do without it. So, we will have lighting.

The tree will come down. We do plan on brush hogging in back and making that a nice property again. I'm sure he was ill and didn't get it under control, but it will be nice once again. We want that property to stand out as a great property in your

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neighborhood. We want it to be very much with what the neighborhood is. When I drove down that street, there are very nice properties. We want to be a good neighbor. When I'm over there, come and have coffee.

MS. PUGH: I think I will.

MAYOR HILL: Now the public comment aspect of our hearing is closed. Are there any comments or questions from the Board? I guess the only thing I might have, Janet, is if you put lighting up, if you put some sort of LED lighting, you can get that much more directional, so it doesn't go on Mrs. Pugh's property. Any other comments or questions from the Board?

MR. TURA: The only comment that I have is I think it's a pretty well documented case. I know you guys gave us a lot of information. I don't have any questions about it.

MAYOR HILL: Anybody else?

MR. BENCIVENGO: I have a question. You said you owned property before. What happened?

MS. KREMPASKY: It was sold to Clean Energy.

MR. BENCIVENGO: Was it the same kind of set up?

MS. KREMPASKY: It was out on Tod. No. It wasn't really the same type of a setting because Vista Windows - we were right next door.

MR. BENCIVENGO: Okay.

MS. KREMPASKY: So, it was more business.

MS. DUGAN: But it was in a home.

MS. KREMPASKY: It was in a home, yes. It had a garage.

MS. BORDNER: And you did have to obtain a Special Use Permit to use that because, at the time, when you guys did that, it was originally Residential.

MS. KREMPASKY: Okay.

MS. BORDNER: We did look up the records, and you did actually have to obtain a Special Use Permit. Just so the Board knows, they did obtain one. It was granted because it was Residential at that time.

MAYOR HILL: Any other comments?

MR. BOND: Yes. You were talking about a well there.

MS. KREMPASKY: Yes.

MR. BOND: It was a working well. You don't know if it still has water in it. Are you able to check and just -

MS. KREMPASKY: Once we actually have the keys to the property and are on the property that is one of our first things to address.

MR. BOND: Well, I was going to say, if the well is not going to be used, check with the Health Department. Sometimes they have to be abandoned in the correct fashion.

MS. KREMPASKY: Okay. I will do that. Thank you.

MAYOR HILL: Anything else from the Board?

MR. DUTTON: Arno, I think someone needs to put on the record about the parking. This is going to permit activity of certain numbers of people. I don't know what the range is whether you would have two people or 25 people in there. But, we do have, in our Codified Ordinances, parking requirements depending upon the average usage. There are so many parking spaces per number of people. And, also, on the sketch drawing, you indicate 11 regular parking spaces and one handicapped space. I don't know, depending on the number of people there, whether one handicapped space would be sufficient. And, of course, we do not park on the grass. This would be at site plan review - and

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this wouldn't go to site plan review because there's no roofing put on here.

You would need to asphalt it over or put some kind of a permanent, impervious surface for parking. So, you might put on the record what you plan to do for the parking area and the numbers of people, on average, that would use it.

MS. KREMPASKY:

We plan on blacktopping the parking lot and the driveway. The driveway, at one point, was probably slag. It's there, but it's very inconspicuous. We do plan on putting marks where the handicap is and the other spots. For our meetings, we usually may have 15 people.

SOLICITOR DUTTON:

You have more than enough parking.

MS. KREMPASKY:

And when we're over there working, there could be a few more, but I don't see us needing a whole lot bigger parking lot at this point. It's probably the same size as the parking lot we had in our other area, but we are going to blacktop.

SOLICITOR DUTTON:

Okay.

MAYOR HILL:

Any other comments or questions? (NO RESPONSE FROM THE BOARD.) Hearing none, I'll now entertain a motion from a member of the Board. Somebody will make a motion and another member will second it, then we'll vote. Would anybody like to make a recommendation either for or against the Special Use Permit?

MR. TURA:

Yes. I'll make a motion to approve the Special Use Permit as discussed.

MR. BOND:

I'll second that.

MAYOR HILL:

Motion by Larry Tura; second by Bob Bond. Any comments or questions on the motion? (NO RESPONSE FROM THE BOARD.) Hearing none, could we have roll call, please.

MS. DUGAN:

Yes, sir. Arno Hill?

MAYOR HILL:

Yes.

MS. DUGAN:

Robert Bond?

MR. BOND:

Yes.

MS. DUGAN:

Larry Tura?

MR. TURA:

Yes.

MS. DUGAN:

William Pugh?

MR. PUGH:

Yes.

MS. DUGAN:

Fred Bencivengo?

MR. BENCIVENGO:

Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL:

5, ayes; 0, nays. Motion carried. In five business days, you can come get your Special Use Permit. We have to allow five days in case somebody wants to challenge that. Congratulations.

MS. KREMPASKY:

Thank you very much.

PUBLIC COMMENTS

MAYOR HILL:

Are there any public comments at this time? (NO RESPONSE.)

MEMBER COMMENTS

MAYOR HILL:

Hearing none, member comments?

MS. DUGAN:

Can I say something?

MAYOR HILL:

Sure.

MS. DUGAN:

If you didn't sign in, please do. And the other thing is Janet made these for us, and these are the nicest presentations that

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I've ever had anybody hand in. I mean, it was wonderful. Even the different colored folders. It was a joy to receive them.

MAYOR HILL: Made our life easier.
MS. DUGAN: Oh, yeah, much so.
MR. TURA: Saved a lot of questions.
MS. KREMPASKY: Thank you.
MAYOR HILL: I'd like to welcome our two new Board members. Bill has been waiting a long time for this. I'd like to thank everybody for coming this evening.

ADJOURNMENT

MAYOR HILL: I'll entertain a motion to adjourn.
MR. BOND: So moved.
MAYOR HILL: Moved by Bond. Second?
MR. TURA: Second.
MAYOR HILL: Second Larry. Comments? (NO RESPONSE FROM THE BOARD.)
All in favor?
THE BOARD: Aye.
MAYOR HILL: Opposed? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.) Motion carried. Meeting adjourned.

(WHEREAS, THE PUBLIC HEARING BEFORE THE VILLAGE OF LORDSTOWN BOARD OF ZONING APPEALS ADJOURNED AT 6:05 P.M.)

Submitted by:

Approved by:

Denise L. Dugan
Assistant Planning & Zoning Administrator

Arno Hill
Chairperson