

## LAGRANGE TOWNSHIP BOARD OF ZONING APPEALS

### Variance Request - Jenkins

June 7, 2022

#### Call to Order

Kelly West called the meeting to order at 6:35pm.

#### Roll Call – Board Members Present:

Kelly West, Chairperson	Paul Smith, Member
Mike Hornby, Member	Kevin Henthorn, Member
Frank Lupinski, Member	Tina Henthorn, Alternate
Kimberly Carter, Secretary	Vince Sigmund, Zoning Inspector

#### Public Attendance

Tony Kapucinski, Dana Jenkins, Steve Oimoen, Barbara Rush, Donna Reichlin, Richard Rush, Matt Mishak

#### Business

- K. West made it known that if someone would like to appeal the decision of the Board of Zoning Appeals, it needs to be within 30 days. Also, if any members of the board have a conflict of interest in the case then they need to recuse themselves.
- K. Carter swore all attendees in and read the public hearing notice.
- V. Sigmund: They are looking for an increase in the square footage of the accessory building that he is already using.
- K. West gave more detail on the variance – Read section of zoning pertaining to sideline from property in regarding to building an in-law suite. Opened the floor for discussion.

#### Questions/Concerns from Public

Donna Reichlin: What is the zoning there?

Vince Sigmund: It's Agricultural / Residential

Donna Reichlin: Then how did he get the manufacturing in that zoning?

Kelly West: They go the variance approved back in 2013 for the home occupation. That is not what we are here to discuss this evening. We are only here to discuss the request for the area variance.

Donna Reichlin: Does zoning allow it?

Vince Sigmund: Zoning allows for the increase.

Donna Reichlin: But it's not profitable. No vehicles allowed other than personal vehicles. There is a dumpster.

Vince Sigmund: I'm not sure where you're going with this.

Donna Reichlin: He is not operating a business, his machining operation is a hobby. Everything that's written in here is not the truth.

Kelly West: What document are you reading from?

Barb Rush: The home occupation only allows the two people that live in the house.

Rich Rush: Back in the beginning when Jodi Zalka ran the meeting, he (Mr. Jenkins) applied for the variance 6 months after he got his first machine. Now he got a second machine and he is applying for a variance. He has large trailers going in and out all hours of the day and night. I have videos from my security cameras.

Kelly West: I understand about that, but that is something you can handle in common pleas court. I understand there may be a request for a continuance for this.

Rich Rush: Is an inspection done yearly? There is steel stacked outside for years.

Paul Smith: Do you have stuff stored outside your house?

Rich Rush: I have everything stored in my barn.

Donna Reichlin: You're not comparing apples to apples

Matt Mishak: We are aware that this has been through extensive litigation. Mr. Jenkins is requesting the use of additional floor space in an enclosed structure. This is a small expansion we are asking for. I believe the board is

in possession of the map of the structure which is 2,560 square feet. This is less than half the building. This is an area variance, not to be confused with the home occupation variance.

Donna Reichlin: There are trucks, customers coming and going all the time. It's a nuisance. He has people loading and unloading pallets until midnight. Normally 7-8 people with loud music.

Kelly West: It sounds like the music is an issue for you, which is a separate issue. LaGrange Township has steps you can take to lodge a complaint for noise.

Rich Rush: What is the Trustees jobs?

Kelly West: They are developers and implementers of the township ordinances. You can call the Sheriff's department if there is an immediate issue.

Rich Rush: Back in 2013, I called Vince Sigmund and he never showed up. I called Rita and she showed up and talked to me.

Steve Oimoen: Is your concern that the additional storage space is going to expand this business and have more activity?

Rich Rush: He has 6 pallets going out and 6 pallets coming in. Word is that there is a fork lift coming in. There were issues in 2011.

Matt Mishak: The test is not whether there is or is not activity. There are things in the Agricultural district that are louder or have more activity. Everything has already been litigated. All we are asking for is a small expansion which will not affect the neighborhood. I would like to respectfully request that the board grant this expansion.

Rich Rush: It's going to increase the traffic

Dana Jenkins: The traffic is my family.

Frank Lupinski: Why did they set it at 730 square feet?

Vince Sigmund: Most homes back then were 1,200 square feet and they wanted to limit the portion of the house they could use and the zoning commission hasn't changed it.

Frank Lupinski: We are not adding or building onto anything? Just using more space inside the building? Back when we approved the home occupation, I purposefully rode by the house and made several trips. Never heard anything or saw a door open.

Dana Jenkins: The door is only open going in and out.

Kevin Henthorn: It's just more space within the building he has?

Donna Reichlin: Which means more product and more traffic.

Kevin Henthorn: I have a motorcycle business at my house. So, if I switch houses would you be okay with a motorcycle business?

Rich Rush: Tony has a model home occupation at the corner there. But, Mr. Jenkins has people there all hours of the day and night and loud mufflers.

Kevin Henthorn: This meeting isn't about the business, though.

Kelly West: We are not going to discuss the business which has already been granted the variance back in 2013. We don't have the authority to overturn that decision. Is there any reason we should not make a vote tonight?

Rich Rush: I would like to make a request for a continuance.

Kevin Henthorn: What would an attorney's presence change here?

Donna Reichlin: If you've already made up your mind then it doesn't and it sounds like you've already done that.

Rich Rush: My attorney, Allen Goodman of Beachwood, had other obligations this evening. This is all starting to affect my health.

- P. Smith made a motion to take a vote on the area variance request at this meeting, F. Lupinski seconded the motion, roll call - Hornby: YES, Henthorn: YES; Lupinski: YES; Smith: YES; West: YES.
- K. West made it known that she would like to allow a continuance, but the motion has already been approved. K. West closed public comments at 7:05pm.
- K. West motioned to approve the area variance, K. Henthorn seconded the motion, roll call - Hornby: YES, Henthorn: YES; Lupinski: YES; Smith: YES; West: YES.
- It is determined by vote that the LaGrange Township Board of Zoning Appeals granted the request for the area variance. If you wish to contest this, you can take it to the Lorain County courts.

## **Adjournment**

P. Smith made the motion to adjourn the meeting, K. Henthorn seconded the motion, roll call – Hornby: YES, Henthorn: YES; Lupinski: YES; Smith: YES; West: YES. The meeting was adjourned at 7:08pm.

**Respectfully Submitted,**

**Kelly West, Chairperson**

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**Kimberly Carter, Secretary**

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