

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
July 18, 2018**

Chairperson Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:00 p.m. Permanent Board members Morel, Blakemore, Gray, Basilone and West were in attendance. Alternate member Dominguez was also present.

PUBLIC HEARING

Glauner variance request-PP#026-06D-04-001 Nichols Rd.

Secretary Ferencz read the application into the record. The applicant is Marilyn Glauner. Address of the property requiring the variance-PP# 026-06D-04-001 Nichols Rd. Present Zoning-RR. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:

Section 401.3.D-Minimum Front Yard Setback 100 ft. exclusive of the road right of way. House will be 50' from Wilbur Rd. and 80 ft. from Nichols Rd. Requesting a 50' variance on Wilbur Rd. and a 20' variance on Nichols Rd. (corner lot).

- A. Please consider these exceptional circumstances. The property was split in 1976. I have owned and paid taxes on this vacant lot. Split then was 80 ft. from the centerline and 15' side yards. Lot rises above Wilbur Rd. and drops from front to rear 30 ft. to Nichols Rd. A variance allows a driveway from Nichols with better sight distance on this feeder Rd. Dangerous traffic turns right on Wilbur Rd. A drive on Wilbur Rd. would be hidden and impractical. Water problems and snow drifts less.
- B. Downsizing to a smaller lot and home compatible with the area. Want to be close to my son and in a safe neighborhood.
- C. Zoning changes in 2002 made 260' of my property unusable unlike my neighbor to the north and would seriously restrict the size of the house.

The applicant, Ms. Marilyn Glauner was sworn in.

Ms. Gray stated she made a visit to the property and there was a serious drop in elevation on the property. The drop is quite significant per the topography map. Where Ms. Glauner wants to build a new home is in line with the other homes in that area per the aerial photography. Ms. Glauner owns the property next door as well.

Mr. Basilone asked Ms. Glauner if she lived in the house with the lake? Ms. Glauner stated yes, she built that home with her five children and housekeeper in 1976.

Mr. Greg Glauner (3091 Champion's Way) was sworn in. Mr. Glauner stated he was Ms. Glauner's son that she referenced earlier. He added the rest of his siblings have moved

away and he takes care of his property and his mothers and cares to her everyday. Tomorrow the vacant property this variance request is for will be brush-hogged to keep the weeds and various creatures it attracts at bay. He added that the house his mother built is a split-level and given her age and his stepfather's age it was time to downsize and have her living on one floor and not climbing stairs.

Chair Morel stated so basically your mother wants to stay in the area and downsize and build a smaller house on the lot she owns next to the one she is currently living on? Mr. Glauner stated that was correct.

Ms. Glauner stated her proposed new house would be handicapped accessible by chance she or her husband would need it in the future.

Mr. Blakemore stated it made sense what Ms. Glauner was proposing as then her proposed house would be in line with the other homes in the area.

Hearing no further comments by the Board members, the Board considered the Duncan Factors:

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance request? The Board stated yes but it would be less than ideal and the house would stick out from the rest of the neighborhood.
2. Whether the variance will be substantial? The Board stated yes.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated no because it pre-dates zoning in the Township which was established in the 1980's.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated it was not practical or in line with the essential character of the neighborhood if the variances were not granted.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Blakemore made a motion to grant a 20 ft. front yard setback on Nichols and a 50 ft. front yard setback variance on Wilbur Rd. for the construction of a new home to be located on PP# 026-06D-04-001 (Nichols Rd.) as presented. Mr. West seconded it. ROLL CALL-Blakemore-yes, West-yes, Basilone-yes, Gray-yes, Morel-yes.

The variance request was granted.

Russell variance request-PP#026-06C-08-148

Secretary Ferencz read the application into the record. The applicant is Brian Russell. The owner is Ken Cleveland. Address of the property requiring the variance-PP#026-06C-08-148. Present Zoning-BI. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:
Section 406.3C Minimum Front Yard Depth required 80'. (Corner lot). Stonegate Storage building will have a 50' front yard setback. Requesting a 30' front yard setback on Jefferson St. and Stonegate Dr.

I am requesting a property variance due to hardships created by ravine on west end of property request 80' to 50' setback. Current property set backs prohibit building a structure economically feasible. Filling the ravine would be cost prohibitive and most likely not permissible since Medina County has an easement. To release water into it according to plat map current surrounding properties all have been approved for variances being requested.

The applicant, Mr. Brian Russell was sworn in. He stated the land is owned by Mr. Ken Cleveland. It has limited use due to the setback requirements. The other properties all around this property have the 50 ft. setbacks. Mr. Russell then produced a letter dated 2006 from the BZA meeting minutes, The Stonegate area was given a 50 ft. setback via variances granted. Chair Morel stated it says that variances were to be granted in the initial commercial area of Stonegate. Is this parcel before the Board this evening in Stonegate? Mr. Russell stated to the best of his knowledge it is. This is the lot on the corner of Jefferson and Stonegate.

Mr. West stated the minutes just referenced were about the Social Security Administration Building. Mr. Russell stated he was referring to the entire Stonegate Subdivision area.

It was at this time Mr. Ken Cleveland was sworn. He stated this area started out as one large tract of land owned by June and Gene Myers who used to farm it. Somehow my company acquired the land and now I am the sole owner of the property. The commercial roads at the time Stonegate went in and the street on the south next to the Bohaty property had an 80 ft. right of way. At the time we had to handle the water situation to build the Stonegate subdivision we had to do something with the water. Medina City was not being favorable in any way. Mr. Dave Lewis worked for me at the time and said that

the City was ripping me off and that the City should put their own detention basin in to handle the water. We had to put in a detention basin when Wal-Mart was developed and now that basin just grows weeds. There was no rhyme or reason for that detention basin. We put in a big culvert to pick up Medina City's water. With Dave Lewis engineering expertise, Medina City did concede and ended up putting in their own detention basin to handle the water situation. The land in question was used as detention for a very short period of time. When the City put in their basin now there is all this wasted land on that parcel and there should be a use allowed on that land given the existing 50 ft. setbacks in the area.

Mr. Russell stated there are 5 acres total and less than half it is buildable with the existing setback requirement.

Chair Morel stated he paced off from the road 250 ft. before that land drops off. How deep is the project from Jefferson St. Mr. Russell stated about 240 ft. There would be no doors exposed on Stonegate. The buildings would be constructed in the Western Reserve look. There would be no overhead doors on Jefferson St. either just entrance doors. The reason is that the first building would be for climate controlled, inside storage. The center building would have doors on both sides and the outside building will only have doors on the inside. The buildings would encompass approximately 28,000 sq. ft. of the total 5 acres.

Mr. Lance Traves (4096 Sacramento Blvd.) was sworn in he stated he was a trustee and treasurer for the Stonegate Property Owners Association of Medina (SPOA) which represents 130+ residents who reside in the Stonegate subdivision and he personally has been a resident since 1994. He stated he understood the 2006 variance that was granted from the standpoint from the lighter use properties that were being considered directly adjacent to the Stonegate subdivision. This includes the smaller, less intensive uses such as the Social Security Administration building, and the small, multi-use strip center for lack of a better description with the offices and daycare center. I don't believe the variance granted was envisioned for the proposed use of the property presented this evening as was stated by Mr. Cleveland this evening that land was reserved for detention purposes as part of the requirement for development of the large parcel i.e. Home Depot and Wal-Mart. From a lighting standpoint, I am sure that security will be installed and that may also be an issue.

Mr. Traves then produced a letter (see file) that basically states "we are opposed to the granting of the variance due to the negative impact that any reduction in the minimum setback requirement would have on the residents of Stonegate aesthetics and the ability to maximize our visual privacy for those who will be located closest to the parcel in question 2. And the more open aesthetic aspect of the current IB zoned properties located adjacent to the Subdivision. The granting of this variance will clearly result in a reduction in the available land for placement of required trees and landscaping to "improve the appearance" of the structures and any off-street parking in accordance with Article III

Section 306.G. of the Medina Township zoning regulations. Finally the SPOA believes that requiring this parcel to conform with the existing IB zoning setback requirements is a reasonable and appropriate action by Medina Township. The IB zoning setback requirements are less onerous and burdensome than the requirements of either the General Business District and the Limited Business District zoning classifications.

Chair Morel asked about the letter and how the consensus of the SPOA came to this conclusion. Mr. Traves responded we had a Board vote electronically. Only 4 of the 5 Trustees were able to communicate this way and added there were also two of the SPOA Trustees present this evening.

Secretary Ferencz read the letter from the SPOA into the record.

Mr. Thomas Karns (3925 Stonegate Dr.) was sworn in. Mr. Karns stated he was concerned with the safety and traffic around the Sweet Kiddles Day Care Center. He added he had a child that attends that facility. With the addition of these storage units there will be additional traffic and there are parents who pick up their kids from 2:30-7:00 p.m. Mon.-Friday and the facility has weekend hours as well. Depending on the hours of operation of the storage units, and people coming at all hours of the day and night will cause problems at the 4 way stop and increase the traffic in that area in general.

Mr. Russell stated that was a valid concern. He added he has another storage facility that occupies 40,000 sq. ft. The hours of operation are 7AM-7PM. This facility would be similar and not open 24 hrs. He stated that he has never seen more than 3 cars at his facility at one time and that has been on a Saturday morning. The traffic at a storage facility is probably far less than any other use that could go in on that property.

Mr. Karns stated for a storage facility to be developed on that property when there is a 9 building storage facility right behind Sunoco on Pearl Rd and there is another storage facility being built on Marks Rd. as we speak by the fairgrounds...I don't want to see Medina becoming the storage facility capital.

Mr. Russell stated there would be no doors facing Jefferson and he would be building the units in the Western Reserve style of architecture. There would not be overhead lights or LED lighting. The facility that I own has been full for years and that is why I am proposing this project.

Ms. Kathy Sturniola (4050 Alameda Court) was sworn in . She stated she too was a board member on the HOA for Stonegate and the letter did reflect electronic communiqué of between board members and was not the opinion of one person.

Mr. Traves stated he was involved employment wise with environmental development and the reason he moved to this development is because one can walk or ride a bike to the commercial/retail establishments in the vicinity. However I don't think its appropriate or

reasonable to say smaller commercial development was not feasible on that property when there are such businesses right next to this subdivision. He added he hoped the board would take into consideration any amount of negative impact such a proposed use like a storage facility would have on the residents of Stonegate would override the financial benefit to the property owner. Just consider the Duncan Factors. The variance is substantial, there can be another use of the property besides what is being proposed, and the use would change the character of the neighborhood.

Mr. Blakemore stated in the letter from the HOA, it says, “the ability to effectively maximize the visual privacy of the residents that would be closest to the parcel”. He continued between that parcel and the residents there are businesses so what did that statement mean.

Mr. Traves responded, you are talking about a substantially different kind of business. Right now there is a 4,000 sq. ft. daycare with a playground behind it. Mr. Blakemore interjected what if the daycare moves out and something else moves in? There is a zoning requirement which has a physical feature associated with that. Now your talking about a 20,000 sq. ft. building that will be portioned 30 ft. from the road right of way going back to Stonegate. You can’t tell me that will have no visual impact on the development. He added he appreciated Mr. Russell’s statement about LED lighting. However I can’t imagine a storage unit facility not having effective security. I did not review the plans but it is the position of the residents of Stonegate that there will be at least some negative impact with this proposed use. The Duncan Factors are clearly against the granting of this variance request. Clearly there is no justification to the granting of this variance.

Mr. Blakemore stated he still did not get an answer to what “visual privacy” means. If this building is built how is that going to affect visual privacy? Mr. Traves answered, because you can then look down the street and see this humongous building. Mr. Blakemore stated there are currently businesses between the residents and where this proposed project would be located. Mr. Traves stated that statement was more about lighting and other types of disturbances.

Chair Morel stated he had two trains of thought. When he first walked the property behind Hobby Lobby he thought, it is miles to the building. There is a huge parking lot and privacy area and its very very far away. Along Stonegate, I thought, it is going to encroach on the residents of Stonegate. When I went down Jefferson I paced off the buildings across the street, and say to myself, those buildings don’t encroach.

Chair Morel continued that this property can be built on and will be built on. It’s just a matter of what will be built there. Mr. Blakemore interjected that those dead end streets wont be dead end streets for long. Chair Morel stated he would not support a variance along Stonegate Drive. My thought is it is a low building and there is never much traffic at all going in and out of those buildings. This is a very low impact business in terms of traffic. The proposed building is 20,000 sq. ft. There are 5 acres. It’s not a very intensive

of a use on that size of property. When you look across the Stonegate development at Wal-Mart it is a whole block of a 20-30 ft. in height building with a heck of a lot of traffic.

Mr. Traves stated Mr. Russell under the BI District regulations, can put up a 12,000 sq. ft. building or he can put a reduced size than proposed storage facility on that property and we would not be here this evening. Mr. Russell is trying to take advantage of the opportunity to get value from the Board where we clearly have the potential for negative impact. Therefore it is your duty as a public official is to go through the Duncan Factors and say, "we have people here tonight that we represent (237 property owners in Stonegate) that are going to be negatively impacted in some manner due to this proposed storage facility.

Mr. Traves continued that Mr. Russell knows the zoning regulations. We would not be present this evening if he reduced the size of his storage facility to meet the existing setback requirements. You cannot give him a financial benefit at our expense. That is what the Duncan Factors are meant to protect in the state of Ohio.

Mr. Basilone asked what Mr. Traves meant about negative impacts? Is it the aesthetics. Mr. Traves responded, it's an intensive business use. It is 20,000 sq. ft. Mr. Basilone again asked, is it the aesthetics? Is that the negative impact? Mr. Traves stated that is the current negative impact.

Mr. Basilone stated he knew where this property was located but did not have the chance to go there. Your board, community etc. feel that this storage unit facility would have a negative impact. What if a strip mall went in i.e. Kentucky Fried Chicken, Burger King etc. but met the required setbacks. The odor of the food; would that be a negative impact. Mr. Traves responded it could be....Mr. Basilone stated beauty is in the eye of the beholder. The gentleman who wants to build the storage unit facility think it would be a beautiful building but the residents of Stonegate do not. Mr. Basilone asked what building could Mr. Russell build there that you would not feel is a negative impact. Mr. Traves stated Mr. Russell could build a storage unit facility that meets the setback requirements. Mr. Basilone stated if Mr. Russell shortened the building by 30 ft. there would no longer be a negative impact. He added he still believed the storage unit facility would be a negative impact in Mr. Traves eyes regardless if it met the setback requirements.

Mr. Traves stated he works in the industrial site development job field. One can go on GIS and put a lot of different buildings on that particular piece of property and make them a lot more aesthetically pleasing and have a less intensive use with less traffic. That study is done by how many units there will be in the facility as well as other components. Mr. Travis added under the current scenario, the HOA is in opposition of the proposed variance requests.

Mr. Basilone asked Mr. Russell how many units were proposed for the storage facility. Mr. Russell answered, that has not been calculated out yet. The idea is to have a man door and then you walk down a hall way and then there are overhead doors to access each unit. Mr. Basilone asked if there would be outside storage of vehicles, boats, trailers etc. Mr. Russell stated there would be no outside storage. I live in the community and I want to do it right. I paid for an architect to draw the plans to be as architecturally aesthetically pleasing as possible.

Mr. Traves interjected that upon entering Stonegate Subdivision, there will be a different aesthetic look and we will be living with that as a Medina Township property owner. Per the Duncan Factors, this project will have a negative impact on residents and therefore the request should be denied.

Mr. West asked about the variance request on Stonegate Drive and asked if this project would not go forward without the variance requested granted. Does it solely have to do with the topography of the land. Mr. Russell answered no; it was trying to get the revenue to support the cost of the project. Mr. West stated he had a problem with that. He asked Ms. Strogin, Chair of the Zoning Commission to speak to this effect.

Ms. Alliss Strogin, Chair of the Zoning Commission was sworn in. She stated that the BZA back in 2006 granted 50 ft. setbacks to those fore-mentioned businesses. The variances were granted for the businesses on Jefferson St. The parcel in question, though part of the original large tract of land Mr. Cleveland bought was never part of the Stonegate development as far as the houses are concerned. This land is commercial. I don't think anyone has seen the site plan. Our zoning code has a very intensive landscaping requirement. There is a lot of landscaping around Jefferson St. that would soften any visual effect so that has to be taken into consideration. The fifty-foot variances were granted by the BZA on Jefferson St. east individually and on Stonegate as well.

Mr. Traves stated the extensive landscaping code would still need to be put in to minimize the impact per our letter submitted regardless of the variance or not. I appreciate Mr. Russell's attempt to minimize the impact but that does not negate him from doing that under the existing code.

Mr. West then asked how tall the buildings would be at the peak. It's a 1-12 pitch. So basically the walls are 8-9 ft. tall so the height at the peak would be 12 ft. tall. Mr. West asked, would the project still be built if the variance were denied on Stonegate Drive. Mr. Russell stated he would have to look at the number of units. It would be really close in regards to cost of construction and the cost of utilities.

Mr. Basilone asked how much square footage would you loose if the variance was not granted on Stonegate? Mr. West stated 30 ft. so one building would be 30x85, the other 30 x 20 and the third building 30x20.

Ms. Sturniola stated where the Social Security Administration building is located as well as Hobby Lobby they put in sidewalks. Is Mr. Russell going to put in sidewalks? Mr. Traves interjected, your not going to require the developer to put in sidewalks? Chair Morel stated that was not the Township that was ODOT.

Mr. Basilone stated on Jefferson St. the residents of the Stonegate subdivision look at Wal-Mart trash dumpsters and the cardboard compactor. Mr. Traves interjected those are the townhouses that are not part of the Stonegate subdivision. Mr. Basilone stated but those residents have to look at the dumpsters, and cardboard compactor and trailers being unloaded. Mr. Traves stated he hopes this conversation was being recorded because he did not appreciate Mr. Basilone's comments that we are not affected property owners. Many of those townhouses are investment properties that are rented.

Mr. Basilone asked, what did I say that you hope is recorded that offended you? Mr. Traves answered, you are speculating that we currently have an adjacent property that is a lot worse of a use...

Mr. Blakemore asked if the sale of this property is based on the variances being granted? Mr. Cleveland stated it was based partially on the decision here this evening. Mr. Russell stated he and Mr. Cleveland would need to talk again and the site plan would need to be redesigned if the variances were not granted to see if it made sense financially.

Mr. Cleveland stated that Stonegate development is the largest subdivision in Medina County with commercial, residential and rentals. I provided a lot of open space with this development contrary to what Mr. Traves believes. We did not use all of our density; there are acres of open space. I personally believe this storage unit facility would be of benefit to the area. I could sell that property and then who knows what would be developed.

Chair Morel stated that was what he was afraid of and Mr. Basilone alluded to with the Kentucky Fried Chicken or Burger King locating there. Mr. Blakemore interjected that the storage unit facility could be built without variances.

Mr. Russell stated he based his numbers on the variances granted in 2006 for the 50 ft. setback. Ms. Strogin Stated that was for the existing structures across the street. Mr. Basilone asked if the variance ever applied to this property. Ms. Strogin stated it was done individually for the other side of the street. Regarding the intensity, The BI District is meant to have the highest intensity of commercial activity. This storage unit facility actually exceeds what the Township requires for landscaping. If another business goes there, they can put in the minimum landscaping that is required. The traffic into a storage unit facility is minimal. The traffic into the Social Security Administration and Wal-Mart especially is much more intensive than a storage unit facility. That piece of property is not conducive to drive-by businesses. In terms of utilizing a piece of property that has many natural hindrances i.e. a ravine and drainage there is a minimal amount of land that

is useable. Personally I believe a storage unit facility is probably the least intensive use that could be developed on that property. The homes in the Stonegate subdivision are not adjacent to this property they are down the street from this. The only time they will see this building is when they drive in and out of the subdivision.

ZI Ridgeley was sworn in. She stated Medina Exteriors has a variance, as well as the Social Security Administration building and Sweet Kiddles. The building on Stonegate that sits back of Staples has a 60 ft. setback.

Mr. Basilone asked is there any guarantee there would not be any outside storage. Mr. Russell stated that he has no intention of outside storage. Ms. Strogin stated the code does not allow for outside storage and you (the Board of Zoning Appeals) have the ability to put conditions on any variance request.

Mr. Basilone stated his opinion of “negative impact” would be outside storage.

Ms. Sturniola asked if there would be any restrictions as to what can be stored in the proposed units? Mr. Russell stated yes, and there is a lease agreement as to what can go in the units and there are security cameras that would be running 24-7. With the exposure of all these condominiums and houses that lease agreement is even stricter. Is there an environmental impact study restrictions as to what can be stored in those units?

Chair Morel stated there are probably items in one’s garage that could be considered an environmental issue and added that is above and beyond what the township controls and added that he was sure if Mr. Russell did build this facility he would not allow or want anything that could potentially burn the buildings to the ground.

Mr. (4050 Alameda Court) was sworn in. He stated this was once a detention basin so what is going to happen with the water? Chair Morel stated that was not under the prevue of the Board. Mr. Blakemore stated that was under the jurisdiction of the Medina County Engineer’s Department.

Mr. Russell stated he talked with the Engineer and he would have to put in a small pond for the water and a pipe for the water to be released into the ravine.

Mr. Basilone asked if there would be a fence around the facility. Mr. Russell stated no and added he thought about it. The facility he owns currently is only open 7-7 and there would be a gate at the entrance with a keypad. All the doors to get inside the facility would not work after a certain hour. So to answer the question; no. With cameras running it really is not necessary. Mr. Basilone stated he would consider fencing a negative impact. Mr. Russell stated that is why he designed it the way he did so when you go down Stonegate Drive one can look right down the aisles and there are no doors on the backside of the building for someone to try and break in.

Mr. Traves stated regarding the retention and the County Engineer; wouldn't it be feasible per the plan to use the area instead of a variance being granted to address storm water infiltration. There is no reasonable basis then to grant a variance.

Mr. Blakemore stated Mr. Traves is repeating himself and asked if he would please respect the rules that were explained at the beginning of the meeting. Chair Morel stated the Board would now consider each of the variances separately i.e., Stonegate and Jefferson. Mr. Traves interrupted why would the Board consider, since the HOA has shown a negative impact...Chair Morel stated that was your opinion. The Board considers the testimony and then goes over the Duncan Factors.

Mr. Traves then asked, are you setting a precedent? Chair Morel and Mr. Blakemore both stated we don't set a precedent. Each case is heard on its individual merit.

Chair Morel stated that he would like the variance requests to be done individually i.e. the Stonegate Drive and Jefferson St. The rest of the Board agreed.

Hearing no further comments by the Board members, the Board considered the Duncan Factors:

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance request? The Board stated yes.
2. Whether the variance will be substantial? The Board stated yes.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated on the Stonegate side a 50 ft. setback is too close.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. West made a motion to deny the 30 ft. front yard setback variance request on Stonegate Drive side of the property. It was seconded by Mr. Blakemore.

ROLL CALL-West-yes, Blakemore-yes, Gray-yes, Basilone-yes, Morel-yes.

The variance request was denied.

The Board then considered the variance request for a 30 ft. front yard setback on Jefferson St. side of the property and reviewed the Duncan Factors as follows:

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance request? The Board stated yes.
2. Whether the variance will be substantial? The Board stated yes.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? Chair Morel stated those existing buildings right across the street are 50 ft. from the road. Mr. Blakemore stated the back of Hobby Lobby is not. Chair Morel stated he did not think the essential character of the neighborhood would be altered. Mr. West agreed. Mr. Blakemore stated he thought it would be a detriment on the Jefferson St. side of the property as well as Ms. Gray. Mr. Basilone stated he agreed with Chair Morel.

Chair Morel stated he did not find a 12 ft. tall building; 50 ft. away as bad as a 30 ft. building 80 or 100 ft. away. Ms. Gray stated the total square footage was significant. Mr. West stated there is a full buffer on Stonegate and a dead end on Jefferson St. Mr. Blakemore stated it's a dead end street today but look at what happened to Grande Blvd. 20 years ago. Mr. West stated that might be true but one did not have to cross a river

4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes. Chair Morel stated the cure could be worse than the disease. Mr. Blakemore asked if the building could be moved back 30 ft. Mr. West stated no, not without having to fill a large area. That makes it impractical.

Mr. Basilone interjected, maybe the Board should not even consider this variance. Mr. Russell might not want to go forward with the project because of the denial of the variance on Stonegate. Chair Morel stated the Board could put conditions on the variance that would be specific to the development of this property so that there would not be a Burger King built there if Mr. Russell decides not to move forward with his plan.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution?

Chair Morel stated the Board could put restrictions on the variance for this 5 acre plot i.e. Mr. Russell cannot fill in the ravine later to develop the back of the property. This is all that can be built on this land. That makes it a low density, low traffic use and keeps it clean. Be careful what you want because there are a lot of businesses that could be built on that lot that will have signs and significant traffic all day long and the building does not have to look like what Mr. Russell is proposing.

Mr. Blakemore stated Mr. Russell could do what he planned and just move it 30 ft. back.

Mr. Basilone asked how he could make sure there would be no outside storage? Ms. Strogina said the Board could put a condition on the variance that there would not be any open, outside storage. Also the variances could be granted specific this project. That project is not built the variances go away.

Chair Morel stated the variances could be granted per the specific plans presented and with this exact architecture.

Mr. West stated he did not believe a variance could be granted in that manner.

Ms. Strogina stated the Township does not have architectural review so the variance would need to be very specific. Chair Morel stated the motion can be made that the building has to be built per this architecture.

Mr. Traves stated if the variances are not granted then Mr. Russell would have to bring in a new set of plans he if wants to still do the project so the plans presented this evening cannot be part of the variance request. Chair Morel stated we can say that the building has to be built specifically per the architecture presented.

Mr. Russell stated everybody keeps saying 30 ft. 30 ft. but I have 125 ft. so that's 3700 out of 27,000 sq. ft. That is a significant reduction. Chair Morel stated its 15%. If that doesn't work then don't buy the property. Mr. Russell added the Board talked about dirt being moved but that is cost prohibitive. Chair Morel commented that the only reason he would support the request is because it is a low density, low impact type of business. Something is going to be built on the property one day and this is the least intensive use I can think of. Again if it doesn't work don't buy the land.

Mr. Traves stated the adjacent property is small, with 6 stores on that little parcel. They have their parking in front with a sculptured berm with trees on it. From an intensity standpoint...have you physically seen that small stretch. Think about that. You are putting parking on the side of the roadway which is moving the large 12 ft. building...Chair Morel interjected these proposed buildings are not big. The existing strip

there, those buildings must be around 20 ft. and there is no parking in the front. The parking is internal. I don't know what other use could have less impact than the proposed storage facility.

Mr. Traves continued then asked about sidewalks. Chair Morel stated Mr. Russell does not have to put sidewalks in. Mr. Traves said look what they are doing on Rt. 42? Mr. Traves said the BZA should be aware of the Comprehensive Plan. That roadway extends up into Medina Township . Those properties along Rt. 42...you can now walk from Stonegate subdivision to Antonio's Pizza . If you put a sidewalk right on Stonegate where that property is, you can go all the way to down to Staples. Mr. West stated the Board denied the variance request for Stonegate.

Ms. Strogin stated when there are conflicting points of view, the BZA has at times offered a compromise. Maybe instead of 30 ft. front yard setback what about 15 ft.

Mr. Blakemore made a motion to deny the 30 ft. front yard setback on Jefferson St. for the property. It was seconded by Ms. Grey. It was asked that the motion be rescinded so it could be made in the positive. Mr. Blakemore stated he would rescind his motion and Ms. Grey seconded it. All members voted in favor to rescind the motion.

Mr. West stated he believed that variances run with the land. Ms. Strogin interjected, a motion should be made in the positive with any stipulations or conditions tied to it and if Board members don't want it they can vote no. Mr. West stated he would not be making a motion as he was not convinced a variance does not run with the land.

Mr. Basilone made a motion to grant a 30 ft. front yard setback variance on Jefferson St. with the following conditions:

1. The variance only applies to the architectural drawings submitted for the construction of the buildings;
2. There will be no outside storage of any kind;
3. Per the testimony of the applicant, there will be no outside fencing around the property of any kind and lastly;
4. There will be no other buildings or structures of any kind.

It was seconded by Mr. West solely for the call of a vote.

ROLL-Basilone=yes, West=no, Gray=no, Blakemore=no, Morel=yes.

The variance request was denied.

Mr. Basilone and Secretary Ferencz got into a verbal altercation where Ms. Ferencz asked for police chief Arbogast to be called.

The minutes to the Boards June 20, 2018 public hearing were approved as written by the majority of the board present that evening.

Page 15 BZA July 18, 2018

Ms. Strogan asked to speak about pools i.e. the size and price of since there had been many request before the BZA for pools. Oval pools are not overly expensive today and gave examples.

Having no further business before the Board, the hearing was officially adjourned at 9:25 p.m.

Kim Ferencz, Zoning Secretary


Ed Morel, Chairperson