



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: December 10, 2015

Meeting Time: 5:30 pm

Present: Bert Humpal, Kris Klink, Mark Pinskey, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant)

Absent: Jim Bigam, Mark Williams

Minutes: Due to not having a quorum present of the board members who attended the October and November meetings, the meeting minutes from October and November were not presented for approval at this time.

Announcements: None

Old Business: None

New Business:

1. Z15-33 503 & 507 Lafayette Jeffrey Briggs VAR
Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request from Section 1125.02 of the Planning and Zoning Code to permit a granite store with onsite granite fabrication located at a property zoned R-3, (High Density Urban Residential) where such use is not permitted.

Mr. Benko stated the existing site is located at the northeast corner of the Lafayette Road and Baxter Street intersection. Mr. Benko stated the property is adjacent to R-3 Residential Zoning on all sides.

Mr. Benko stated 507 Lafayette Road was originally constructed in the 1950's as a convenience retail style store with the carwash located at 503 Lafayette Road installed sometime after. Mr. Benko stated the 24 hour carwash is still in operation and the retail store was recently vacated by a daycare. Mr. Benko stated both uses are legal nonconforming uses in the R-3 residential zoning. Mr. Benko stated the applicant has proposed converting the daycare area into a granite showroom. Mr. Benko stated the carwash area would then be enclosed to allow for granite fabrication. Mr. Benko stated Code section 1151.05 allows the substitution of nonconforming use upon appeal to the

Board of Zoning Appeals and if the proposed substitution is equally or less intensive. Mr. Benko stated the applicant is also seeking Site Plan and TCOV approval for the proposed project at the December 10, 2015 Planning Commission meeting.

Mr. Benko stated the variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district. Mr. Benko stated the property was originally constructed in the mid 1950's to be a retail store and has been retail or service uses since.

Mr. Benko stated this property has been zoned R-3 for decades and zoning was not the applicant's doing.

Mr. Benko stated this property has been a daycare and carwash use for a significant period of time. Mr. Benko stated a granite showroom should generate less traffic than a daycare or a 24 hour carwash. Mr. Benko stated enclosing the carwash bays to allow for granite fabrication should be quieter than a 24 hour carwash. Mr. Benko stated the effect on adjacent property owners should be reduced.

Mr. Benko stated the proposed use is a commercial/light industrial use that will occupy the existing building with no building expansion. Mr. Benko stated the carwash bays will be enclosed to allow for granite fabrication which should reduce the noise and site disturbances. Mr. Benko stated this may maintain or reduce the intensity within the context of the existing neighborhood.

Mr. Benko stated the proposed use will be consistent with the spirit and intent because the noise and traffic to the site should be reduced.

Mr. Benko stated the use variance being requested will permit occupancy of the now vacant daycare building and provide minimum relief.

Mr. Benko stated economically viable uses for this property with R-3 permitted uses is unlikely due to the odd shape of the property, the construction of the building, and the location adjacent to State Route 42.

Mr. Benko stated staff proposes the following conditions:

1. If the use at the property significantly changes or expands, the applicant must return to the Board of Zoning Appeals for review
2. The conditional use applies only to this business of granite fabrication and showroom.

Present for the case was property owner, Jeff Briggs, 3253 Hood Road, Medina, Ohio. Mr. Briggs stated he has owned the properties since 2003. Mr. Briggs stated he originally renovated the corner building for a Mortgage Business which closed when the economy took a downturn. Mr. Briggs stated he had previously leased it to a daycare who has now vacated the property.

Mr. Briggs stated he is looking at doing the granite business at the site. Mr. Briggs stated from an impact standpoint, he feels it will be dramatically less than a carwash or daycare with school buses dropping children off starting at 7:00 a.m. and the carwash is open 24 hrs. per day. Mr. Briggs stated they will be adding some greenspace to soften the impact. Mr. Briggs stated there will be no major changes done to the building other than enclosing the carwash bays, the three 10 x 10 doors facing Lafayette Road. Mr. Briggs stated they will install cedar shake siding windows in each bay and add a door to one. Mr. Briggs stated he feels that would be the best avenue as the property was renovated in 2003 and matching brick would not look very good.

Mr. Briggs stated they will also enclose another door on the back to the left and the middle and far right doors will have doors installed to provide access in and out of the property. Mr. Briggs stated any fabrication will be done in that building with the doors closed. Mr. Briggs stated the office building has a privacy fence that was installed for the previous daycare and also 6" concrete bollards.

Mr. Briggs stated they would like to bring the fence line over about ten feet and put a gate to give access in and out. Mr. Briggs stated he would like to store some material outside but not have it visible to anybody from the street. Mr. Briggs stated it would all be behind the building with no access to the public.

Mr. Pinskey asked the hours of operation. Mr. Briggs stated the hours will be 8:00 a.m. to 5:00 p.m. Monday through Friday and probably half the day on Saturday and closed on Sunday. Mr. Briggs stated the weekend hours would be for just the showroom to be open.

Mr. Pinskey asked if they would be doing saw cuts on the granite, polishing, and routing, etc. Mr. Briggs stated that is correct.

Mr. Humpal asked if the product is basically countertops. Mr. Briggs stated yes, mostly countertops for kitchens, vanities, bars, backsplashes, etc. Mr. Briggs stated they will not be doing memorial stones.

Mr. Klink stated it sounds like it would be a loud process. Mr. Briggs stated the carwash is not a quiet process. Mr. Briggs referenced the adjoining property owners that have the driveway easement. Mr. Briggs stated they probably can attest to the noise, headlights, etc. from the carwash.

Mr. Humpal asked what will be done to control dust emissions. Mr. Briggs stated everything is done with water and it controls the dust with wet saws.

Mr. Humpal asked if the property is laid out so semi delivery trucks and maneuver effectively on the site. Mr. Briggs stated that is why they left the curb cut larger on the carwash side. Mr. Briggs stated they are looking at adding greenspace all the way across the front. Mr. Briggs stated right now there is a drive-up lane where the previous tenant would drop off. Mr. Briggs stated they are taking out that extra entrance, making it wider

to 5 feet and running it all the way across but leaving the last bit right in front of the three spaces for the carwash building so a truck can get in and out. Mr. Briggs stated they could pull in there and then back up or just unload.

Mr. Klink asked if the fence were moved, would it be a change that needs to come before the board. Mr. Benko stated it is technically in the side yard, behind the front wall of the building so it meets the side yard requirement for a fence. Mr. Mendel stated the fence expansion to allow for more storage along with the landscaping is part of this application with enclosing the building. Mr. Mendel stated this is the boundaries to which Mr. Briggs is confined to. Mr. Mendel stated if Mr. Briggs were to add another bay onto the fabrication building, he must come back through this process.

Louis Smith, commented that his mother owns the property at 478 Baxter Street where the driveway comes through the back. Mr. Smith asked if they will be putting anything back there in the driveway because they use that driveway and have an easement. Mr. Briggs stated because of that, they would not put anything back there. Mr. Briggs stated there is a recorded easement. Mr. Mendel stated the easement is not a zoning or city issue but is a private issue.

Brian Vereb commented that his family has owned the property on the corner of Baxter and Lafayette for at least 60 years. Mr. Vereb stated he was concerned about the use being more industrial but after listening to the applicant, he believes it will be a good set up. Mr. Vereb asked if there are any toxic chemicals released or anything used in the process that could be harmful. Mr. Vereb also asked if there will be storage of any materials outside.

Mr. Briggs stated everything will be inside or behind the fence so there will be nothing visible. Mr. Briggs stated there are no toxic chemicals in the process.

Jaime Poventud, 498 Lafayette commented that he lives directly across the street from the subject property. Mr. Poventud stated he purchased the property two years ago and he was comfortable with it being a daycare. Mr. Poventud stated he would not have purchased the property if he had known it could be used for more of an industrial situation. Mr. Poventud stated he is not comfortable with the request. Mr. Poventud stated he did some research and found there is a granite place at 930 Lafayette which is industrial, a granite place at 2462 Pearl Road which is industrial, and 229 S. Court which is very near the square. Mr. Poventud stated he feels this should be an industrial setting and not near all the residential homes. Mr. Poventud stated his research online from McCallister.edu shows that the saws produce between 100 and 109 db. Mr. Poventud stated he does not think you can filter all that out. Mr. Poventud stated he objects to the request.

Mr. Humpal stated he thinks the applicant needs to assure the board that the sound would not carry to that distance. Mr. Briggs stated there is nothing stopping the sound now from the carwash because it is all open where this process would be done indoors in an insulated building. Mr. Briggs stated he does not believe it would be any louder than the

carwash. Mr. Briggs stated the carwash uses industrial machines which are loud. Mr. Poventud stated he feels the loudest part of the carwash is the beeping and he does not hear the water pumps. Mr. Briggs stated the carwash can run 24 hours per day where this business will only be open until 5:00 pm on weekdays and half day on Saturday.

Mr. Poventud stated he lives in front of the building and the owner does not. It is a matter of opinion as to what is noisy and he does not agree.

Mr. Briggs stated the doors will be insulated as well as the walls will be insulated.

Rebecca Callahan, daughter of Ruby Smith at 478 Baxter Street stated she just had granite put into her home in Florida and it was a very loud, dusty, dirty process even using the water saws. Ms. Callahan stated her mother has asthma.

Mr. Klink made a motion to approve a variance to Section 1125.02 of the Planning and Zoning Code to permit a granite store with onsite granite fabrication located at 503 & 507 Lafayette Road, a property zoned R-3, (High Density Urban Residential) where such use is not permitted. The approval is based on the finding that there are unique conditions to the property and there may not be any other economically viable use permitted in the zoning district based on the history of the facility. The approval is subject to the following conditions:

1. If the use at the property significantly changes or expands, the applicant must return to the Board of Zoning Appeals for review
2. The conditional use applies only to this business of granite fabrication and showroom.

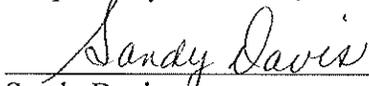
The motion was seconded by Mr. Pinsky.

Vote:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Pinsky	<u>Y</u>
Approved	3-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman