



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: January 8, 2015

Meeting Time: 6:00 pm

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

Absent: None

Announcements: Mr. Humpal swore in Jim Bigam and Mark Pinskey for new three year terms on the Board of Zoning Appeals.

Election of Chair and Vice-Chair- Mr. Williams made a motion to retain Bert Humpal as Chairman. The motion was seconded by Mr. Klink.

Mr. Bigam made a motion to nominate Mark Williams as Vice-Chairperson. The motion was seconded by Mr. Pinskey.

Vote on both motions:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Bigam	<u>Y</u>
Pinskey	<u>Y</u>
Williams	<u>Y</u>
Approved	5-0

Minutes: Mr. Pinskey made a motion to approve the November 13, 2014 minutes as submitted. The motion was seconded by Mr. Bigam.

Vote:

Humpal	<u>Y</u>
Klink	<u>abstain</u>
Bigam	<u>Y</u>
Pinskey	<u>Y</u>
Williams	<u>Y</u>

Approved

4-1 abstention

Mr. Klink made a motion to approve the December 11, 2014 minutes as submitted. The motion was seconded by Mr. Pinsky.

Vote:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Bigam	<u>Y</u>
Pinsky	<u>Y</u>
Williams	<u>abstain</u>
Approved	4-1 abstention

Old Business: None

New Business:

1. Z15-01 310 N. State Kokosing VAR

Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated the application is a request for a variance for Kokosing Materials, 310 N. State Road. Mr. Mendel stated the applicant is seeking a variance from Section 1141.05 of the Planning and Zoning Code to permit 75 foot tall accessory structures associated with the proposed asphalt plant.

Mr. Mendel stated the subject property is located on the industrial corridor of N. State Road. Mr. Mendel stated the area is a mix of small to large scale industrial uses and some high density multi-family.

Mr. Mendel stated the site currently has an asphalt plant that has been there for many decades. Mr. Mendel stated the applicant proposes removing the existing plant and constructing a new plant further to the west closer to the State Road frontage. Mr. Mendel stated this new asphalt plant requires the installation of several tall accessory structures which are standard for the operations. Mr. Mendel stated the maximum allowed height for accessory structures is 25 feet per Section 1141.05 of the Planning and Zoning Code.

Mr. Mendel stated the applicant proposes the new asphalt plant to modernize the facility and continue providing this product and service at this location.

Mr. Mendel stated the project will require Conditional Use review by the Planning Commission which will occur this evening at 7:00 p.m.

Mr. Mendel reviewed the 7 standards as follows:

1. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*

Mr. Mendel stated the proposed accessory structures are the industry standard for modern asphalt plants.

2. *Whether the variance is substantial;*

Mr. Mendel stated the variance is substantial since the applicant requests a 200% increase to the maximum allowed height for accessory structures (25 feet max allowed versus 75 feet proposed).

3. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*

Mr. Mendel stated the character of the neighborhood is a high intensity developed industrial area with similar industrial properties surrounding the applicant's property.

4. *Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);*

Mr. Mendel stated delivery of governmental services will not be affected.

5. *Whether the property owner purchased the property with knowledge of the zoning restrictions;*

Mr. Mendel stated the height limitation were explained to the applicant during a pre-application meeting with staff.

6. *Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or*

Mr. Mendel stated the predicament cannot be obviated through a method other than a variance, because the proposed accessory structures are necessary for the operation of the proposed asphalt plant.

7. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.*

Mr. Mendel stated in general, the spirit and intent of the accessory structure height limitation requirements is to limit accessory structures from dominating a site. In this particular case, the proposed structures should not dominate the site. They cover a small area of the entire site and will permit the continued operation of a necessary industrial use.

Present for the case was Ralph Kyanko from Kokosing Materials. Mr. Kyanko showed photos of the existing site. Mr. Kyanko stated Kokosing is proposing to build a newer plant at the site. Mr. Kyanko stated silos of 75 feet are very normal. Mr. Kyanko stated they would like greater capacity to keep truck traffic moving quicker. Mr. Kyanko stated otherwise the staging area becomes an issue without the taller silos.

Mr. Kyanko stated this site will allow them to mix at a higher capacity so the trucks can be loaded much quicker. Mr. Kyanko stated this is much more environmentally friendly than the existing plant. Mr. Kyanko stated the plant would operate more efficiently with emissions, more product can be recycled.

Mr. Klink asked the amount of increase in capacity with the proposed two new silos. Mr. Kyanko stated the existing silos hold 150 tons each. Mr. Kyanko stated the new silos will hold 200 tons each.

Mr. Williams asked the existing structure height. Mr. Kyanko stated the existing structure is 60 feet high. Mr. Klink asked the number of locations Kokosing has and the number of silos that are 75 feet high. Mr. Kyanko stated there are 15 locations. Mr. Kyanko stated the Columbus location has 6 300 ton silos.

Mr. Humpal asked for comments from the public. Patrick Spoerndle, 7D Marketing, 345 N. State Road, asked the impact on his business as far as noise, dust, and dirt from the plant being closer to the road. Mr. Kyanko stated the new plant will utilize a new technology for the burner that is totally enclosed but the noise is not to the level of the existing burner. Mr. Kyanko stated the new plant will have the trucks running on concrete instead of stone which will eliminate dust. Mr. Kyanko stated the trucks will be exiting from the same driveway. Mr. Spoerndle stated that causes trucks to throw pieces of asphalt into his parking lot.

Mr. Mendel stated the concerns being expressed are more Planning Commission concerns at 7:00 pm. Mr. Mendel suggested Mr. Spoerndle attend the Planning Commission meeting this evening to state those same concerns.

Mr. Klink asked for clarification on the structures to be approved. Mr. Mendel stated it is for the two silos and the conveyor and anything on the plans as presented.

Mr. Williams asked the timetable for the applicant. Mr. Kyanko stated May of 2015. Mr. Williams asked if the intent is to do the landscaping as presented. Mr. Kyanko stated that is his intention if the utility placement will allow it.

Mr. Williams stated the landscaping may provide a sound buffer if it was increased a little. Mr. Williams stated Planning Commission can discuss this.

Mr. Bigam made a motion to approve a variance to Section 1141.05 of the Planning and Zoning Code to permit 75 foot tall accessory structures associated with a proposed asphalt plant at 310 N. State Road as presented. Mr. Bigam stated the approval is based on the finding that a variance will not change the character of the neighborhood or the properties surrounding it.

Mr. Williams seconded the motion.

Vote:

Klink	<u>Y</u>
Bigam	<u>Y</u>
Humpal	<u>Y</u>
Pinskey	<u>Y</u>
Williams	<u>Y</u>
Approved	5-0

2. Z15-02 Spring Grove Cemetery City of Medina VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request to Section 1130.05 of the Planning and Zoning Code to allow the maintenance building to be 15 feet from the side (east) property line instead of the minimum 25 feet and to allow the accessory material bin structure to be 10 feet from the side (east) property line instead of the minimum 25 feet.

Mr. Mendel stated the subject property is the City owned Spring Grove Cemetery which is bounded by Weymouth Road to the north, Spring Grove Street to the west and Washington Street to the south. Mr. Mendel stated the proposed project is located in the southeast corner of the property.

Mr. Mendel stated the Planning Commission approved the site plan and TCOV review for the new Mears Memorial Building in March of 2014. Mr. Mendel stated the plans showed the outline of a future maintenance building for the Parks and Cemetery Department staff, equipment and materials. Mr. Mendel stated the plans for the maintenance building have been completed and proposed. Mr. Mendel stated this project will modernize the facility for City staff and cemetery patrons.

Mr. Mendel stated the proposed maintenance building is 18 feet tall and 3,840 sqft. Mr. Mendel stated it will be sited immediately to the north of the north parking area approved in March 2014. Mr. Mendel stated in addition to the building, a paved circulation area and material bins are planned to the north of the proposed maintenance building. Mr. Mendel stated the proposed building will only be 15 feet and the accessory material

storage bins only 10 feet from the side (east) property, but the code requires a minimum 25 feet requiring review by the BZA.

Mr. Mendel reviewed the 7 standards for practical difficulty as follows:

1. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*

Mr. Mendel stated if the proposed building were to comply with the minimum 25 foot setback it would push the building closer to the access drive which increases the likelihood of vehicles hitting the building. Mr. Mendel stated moving the materials further west to comply would require shifting the entire paved circulation space and impacting the greenspace and potential burial sites. Mr. Mendel stated either of these would negatively affect the beneficial use of the property.

2. *Whether the variance is substantial;*

Mr. Mendel stated the setback variances are “substantial” (a 40-60% reduction to the minimum required), but given the location of the building and material bins, the existing commercial office use to the east, and substantial existing trees in the interstitial areas between properties the impact will be minimal at most.

3. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*

Mr. Mendel stated the proposed variance will not substantially alter the character of the neighborhood or adjoining properties. The existing maintenance building has approximately the same setback and the proposed effectively will maintain this while substantially improving the aesthetics in this immediate area.

4. *Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);*

Mr. Mendel stated delivery of governmental services will be improved with this project, since it will provide better facilities for City cemetery functions/activities.

5. *Whether the property owner purchased the property with knowledge of the zoning restrictions;*

Mr. Mendel stated since this is a City owned site and project, the zoning restrictions were known.

6. *Whether the property owner’s predicament feasibly can be obviated through some method other than a variance; and/or*

Mr. Mendel stated the predicament cannot be obviated through other means, because complying with the requirement will either impact burial plots or negatively impact onsite vehicle circulation.

7. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.*

Mr. Mendel stated granting the variance will observe the intent and spirit of the zoning requirement and provide substantial justice, because the City's activities and functions will be improved with this project.

Mr. Mendel stated there are been no comments received from the public notice that was sent out.

There was a questions concerning lighting on the site per concerns from the approval of the office building. Mr. Mendel stated he will address all lighting concerns in the plan review.

Mr. Pinskey made a motion to approve the variance request to Section 1130.05 of the Planning and Zoning Code to allow the maintenance building to be 15 feet from the side (east) property line instead of the minimum 25 feet and to allow the accessory material bin structure to be 10 feet from the side (east) property line instead of the minimum 25 feet at the location known as Spring Grove Cemetery. Mr. Pinskey stated the approval is based on the finding that the variance will observe the intent and spirit of the zoning requirement and will provide substantial justice because the City's activities and functions will be improved with this project.

The motion was seconded by Mr. Klink.

Vote:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Bigam	<u>Y</u>
Pinskey	<u>Y</u>
Williams	<u>Y</u>
Approved	5-0

3. Z15-03 217 E. Liberty United Church of Christ VAR

Mr. Humpal recused himself from the case. Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a Variance request from Section 1135.06 of the Planning and Zoning Code to allow a 15,500 sq. ft. building footprint instead of the maximum 5000 sq. ft. building footprint within the Public Square area and also a Variance request from Section 1153.04 (A)(1) of the Planning and Zoning Code to allow the proposed addition to be 56 feet from the north (side) property line and 90 feet from the rear (east) property line instead of the minimum required 100 feet.

Mr. Benko stated the site is located on the northeast corner of Public Square, within the Historic District across Liberty Street from the Medina County Courthouse and immediately south of the Medina County Administration building.

Mr. Benko stated the applicant has proposed a 1,965 sq. ft. addition to the United Church of Christ Congregational (UCCC) church. Mr. Benko stated the addition will be located in the northeast corner of the church building and will provide for a large gathering area, meeting room, offices, and bathroom facilities, as well as an outdoor gathering area.

Mr. Benko reviewed the 7 factors for practical difficulty as below:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Mr. Benko stated the site can still be used as a church without the granting of a variance.

B. Whether the variance is substantial;

Mr. Benko stated the variances may not be substantial. Mr. Benko stated the north side setback is 44% less than what code allows and the rear setback is 10% less than what code allows. Mr. Benko stated the property is adjacent to the Medina County Administration building to the north and an office building to the east. Mr. Benko stated the office building is situated in the front portion of their parcel and the proposed addition to UCCC is located in the rear of their parcel. Mr. Benko stated this should limit many of the external impacts of the addition.

Mr. Benko stated the proposed addition would create a building footprint that is 210% larger than what is allowed by code; however, having been constructed in 1887 with subsequent additions over the years, UCCC was likely always larger than the permitted 5000 sq. ft. footprint.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

Mr. Benko stated the essential character of the neighborhood should not be altered. Mr. Benko stated the church was originally constructed circa 1887 and has played an important role in the character development of that portion of Public Square.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

Mr. Benko stated the variance will not adversely affect the delivery of governmental services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Mr. Benko stated the applicant's existing footprint likely predates the current regulations.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

Mr. Benko stated due to the location of the church building, a variance of some extent would be required regardless to provide the benefits of the proposed addition.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Mr. Benko stated the spirit and intent behind the setback requirement is essentially met since the proposed addition is not in close proximity to adjacent properties and should not cause external impacts on the surrounding neighborhood.

Present for the case was Robert Zarzycki, Architect representing the applicant. Also present was Dave Weber, Team Leader for the project.

Mr. Zarzycki stated the proposed addition is essential to the growth of the church community. Mr. Zarzycki stated it is designed to provide handicapped access to all levels within the church. Mr. Zarzycki stated the addition will have an elevator which will allow lifting of caskets and such to the church level. Mr. Zarzycki stated the design is complimentary to the existing building and utilizes existing materials. Mr. Zarzycki stated the addition is tucked into the corner so the addition is not encroaching any further than the existing structure.

Mr. Zarzycki stated the church currently encroaches on the 56 foot setback to the north as well as to the east property line. Mr. Zarzycki stated the new addition will enhance the existing architecture and will benefit the growth of the community.

Mr. Weber stated he has been a member of the community since 1962. Mr. Weber stated as a historian, he is very interested in maintaining the integrity of the historic district. Mr. Weber stated he has been working with the city on the historic elements of the building. Mr. Klink stated he commends the church for making it accessible to all residents.

Mr. Pinskey stated the architecture is well thought out and will fit nicely with the Historic District.

Mr. Williams asked for comments from the public. Stan Scheetz, 225 E. Liberty Street, Medina, Ohio, commented. Mr. Scheetz stated he supports the addition to the church. Mr. Scheetz stated he has some concerns for the Planning Commission concerning run-

off with the new roof lines. Mr. Scheetz stated since the house was raised, he now gets flooding in his basement. Mr. Scheetz stated he has concerns about parking. Mr. Scheetz stated he allows the church to use his parking lot on Sunday's for overflow. Mr. Scheetz asked if there is an expansion to the daycare facility. Mr. Scheetz stated many of the parents use his parking lot during the week during the day which is not part of his deal with the church.

Mr. Klink made a motion to approve a variance to Section 1135.06 of the Planning and Zoning Code to allow a 15,500 sq. ft. building footprint instead of the maximum 500 sq. ft. building footprint within the Public Square area and also to approve a variance to Section 1153.04(A)(1) of the Planning and Zoning Code to allow the proposed addition to be 56 feet from the north (side) property line and 90 feet from the rear (east) property line instead of the minimum required 100 feet. Mr. Klink stated the approval is based on the finding that the variances are not substantial and the essential character of the neighborhood would not be altered by the granting of the variance.

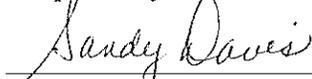
Mr. Pinsky seconded the motion.

Vote:

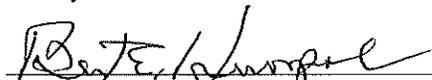
Humpal	<u>Y</u>
Klink	<u>Y</u>
Bigam	<u>Y</u>
Pinsky	<u>Y</u>
Williams	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman