

BOARD OF ZONING APPEALS
MINUTES OF MEETING
January 14, 2014
4:30 P.M.

Present: Present: Mike Aeling, Jim Edwards, Arnie Hirvela, Dave Lundgren, Chairman
Tom Moushey, Zoning Inspector Bill Hawley, Secretary Jennifer Odey

1. Election of Officers.

Mr. Hirvela recommends board stays the same. President Tom Moushey, Vice President Dave Lundgren. Seconded by Mr. Edwards and the motion approved unanimously.

2. Minutes from the November 19, 2013 meeting.

MOTION: Hirvela made a motion to approve the minutes with the amendment of first sentence of #2 to read “conflict of interest” for November 19, 2013. Seconded by Lundgren. Minutes approved unanimously with amendment.

Chairman Moushey read the Board of Zoning Appeals procedures including the appellant recourse.

3. Hettler Engineering for Rental Corral, 2235, 2237 and 2239 W. State St. - Appeal # 14-

001 – Variances to waive separation requirements of equipment display areas from parking, 6’ side yard setback from the required 10’ setback and re-use of abandoned and non-conforming sign(s) for an Outdoor Display and Rental of Equipment and Machinery Facility, located in a B-2 zone.

Zoning Inspector Bill Hawley, 504 E. Main St. was sworn in by Chairman Moushey. This was an appeal for no fencing around large equipment area, 6’ side yard setback on building at far east parcel, and asked to keep all old sign posts.

Moushey asked if they would use all three signs.

Hawley stated they only want to use one sign and not have to remove the other two.

Moushey asked about the variances for each parcel.

Hawley stated the parcel’s farthest east and west have the variances.

Lundgren asked if conditional use was done yet by planning commission.

Hawley stated it should be submitted for next planning commission meeting on February 19, 2014.

Mr. Mike Hettler, 1225 N. Main St., N. Canton, Ohio was sworn in by Chairman Moushey. He stated the owner has purchased all three of these parcels and wants to move his current business to this site. The variances would be a separation of a display area and parking without fencing for large equipment. The equipment is not left out overnight and would like the area to be open to move the large equipment to a secure area overnight. The parcel farthest east has a building that is in need of a setback so they can keep and use the building for storage. The owner would like to keep and use the sign that is located in front of the farthest west parcel. With the site being vacant over two years it is no longer conforming. The owner requests a variance on that. Hettler's understanding was that when the weather broke the other two signs would come down.

Hirvela asked how this sign is different from code.

Hawley stated it is higher than code allows, and on one post.

Edwards asked about the corner display area if it would be without a fence or landscape on the north and east side only.

Hettler stated the engineer requested screening on west side and front.

Moushey asked how they will define the area for around the display area.

Hettler stated the asphalt will have the four inch yellow striping designating the area for separation and no parking.

Moushey states they need something to define the area to keep people from parking wherever, without a fence or a buffer it would not be safe.

Edwards would like to see some kind of barrier on the east side of the display area so people wouldn't drive across. Maybe have it open on the north side.

Hirvela stated the display area at Walmart is separated by blocks.

Moushey questioned the parking spaces.

Hettler stated the building only has parking spaces in front of it and the landscape could be extended from the south buffer to the east around the display area.

MOTION: Hirvela made a motion to grant the variance for the north side of display area. Seconded by Lundgren; Edwards made a motion to grant a variance for the 6' setback on the east side of 2235 W. State. Seconded by Lundgren; Lundgren made motion to deny the variances for the signs. Seconded by Hirvela; all motions were approved unanimously.

4. K. E. McCartney & Associates, Inc. for Rama Tika Developers/Alliance Hampton Properties, rear of Parcel #10004071 on the north side of W. State St. between S. Sawburg Ave. and Northview Ave. - Appeal # 14-002 –Variances for a

greater than two story structure and secondary and room entrances facing a residential district or use for a Four Story Hotel, located in a B-2 Zone.

Mr. Hawley explained the site is in the back of the property (NW corner). The variances are: four stories and room entrances facing a residential district or use.

Edwards asked why the site is in the back of the property.

Hawley explained there are three additional lots for future businesses.

Moushey asked if the property to the north was city or township.

Hawley stated township.

Moushey asked the zoning of site.

Hawley stated it's B-2.

Mark Rufener-K.E. McCartney & Assoc., 52 N. Diamond St., Mansfield, OH 44902 was sworn in by Chairman Moushey. They are asking for a variance for the building from two stories to four stories. The secondary entrances on the east and west sides will also need a variance.

Edwards asked if there were balconies.

Rufener stated no just windows.

Edwards asked if any property elevation changes would be made due to the site being low.

Rufener stated small changes. There is a sewer line they will tap into that runs across the property.

Edwards questioned the type of buffer used on the north, east and west property lines.

Rufener stated there would be a 25' buffer on the north and west and 10' buffer on the east, but would do whatever is required.

Lundgren asked if the area around the building was adequate for the fire dept. to have access to the entire building.

Rufener stated there was enough room in the parking lot surrounding the building.

Moushey asked why they had four stories.

Rufener stated to maximize use and the standard size for a Hampton Hotel is four stories.

Moushey asked height of a two story building.

Rufener stated about 11' per story.

Moushey stated the zoning regulations for a maximum of two stories or 45' in heights doesn't seem to coincide. This would need to be looked at in the next revision of the zoning code.

Moushey questioned the use of two stories or 45' for the variance.

Moushey questioned if the entrance is a private road.

Rufener stated O'Reilly's has provided a 24' easement for the road.

Moushey asked for questions from the audience.

Bruce Bowman 3321 Ridgefield Ave, Alliance was sworn in by Chairman Moushey. He approves the cause automatically due to the flaw in the zoning code. He believes the use could be worse on this site.

Jim Culp 1773 Northview Ave, Alliance was sworn in by Chairman Moushey. He has lived there since 1992. For six years they dealt with the trucking company and 16 years without anything. They enjoy the buffer of trees all the way to the back of the property on the east side. Due to the trees being removed he would like to see a fence, since there is only a 10' setback.

Rose Sollazzo 1860 S. Sawburg Ave., Alliance was sworn in by Chairman Moushey. She stated she has lived there for 53 years and that area behind her is a wetland.

Moushey questioned Mr. Culp where the woods start that he is referring to.

Culp states trees give shade and keep the dust down. The wooded area is about 20' deep to well road. He has many sink holes showing up on his property in the last three years also. Questioned the use of the word dry creek that is through there may be the issue

Sollazzo stated there is now a sewer line where the creek used to be, so the water lays in the back of her property.

Edwards asked what would be done with the buffer of 20' trees on the east side property line.

Rufener stated it would probably be graded to the property on the east side property line.

Moushey asked about entrance to well that is located on the property off the north side of the site.

Rufener stated they would probably have access along the easement.

Edward questioned what kind of buffer is required along the grading.

Hawley stated there is no buffer required between B-2 and B-2 zoned areas.

Lundgren asked if trees could be planted in the buffer for that area.

Rufener stated he would think there could be.

Lundgren asked if they could accommodate the neighbors on the east side with trees.

Rufener stated it would be looked at.

MOTION: Hirvela made a motion to allow the variance of two stories to four stories. The motion was seconded by Edwards. Aeling and Moushey voted no. Edwards, Hirvela and Lundgren voted yes. The motion was approved by a vote of 3-2.

Hirvela made a motion to grant the secondary entrances that face a residential area. Seconded by Edwards. Moushey voted no. Aeling, Edwards, Hirvela and Lundgren voted yes. The motion was approved by a vote of 4-1.

5. Other Business.

Chairman Moushey asked for other business. There being none, the meeting was adjourned at 5:58 pm.