

BOARD of ZONING APPEALS
MINUTES of MEETING
May 20, 2014
4:30 p.m.

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

1. Minutes from the April 15, 2014 meeting.

Lundgren made a motion to table the minutes along with March minutes. Seconded by Hirvela. Minutes tabled till next meeting.

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

2. John Swansinger Esq., of Buckingham, Doolittle & Burroughs, LLC for Drummond Financial Services, LLC – 105 W. State St. -- Appeal # 14-008 – Notice by the appellant to withdraw the appeal of the site plan denial by the Planning Commission at the March 19, 2014 Planning Commission meeting, located in a B-3 zone.

Moushey stated there was a letter received to notify the board the appellant withdrew the appeal.

3. Saed Khatib – 444 S. Arch Ave. -- Appeal # 14-012 – Use variance to allow a tire shop, located in a B-4 zone.

Zoning Inspector Bill Hawley, 504 E. Main St. was sworn in by Chairman Moushey. This appeal went to planning commission a couple years ago as a proposed drive thru and never completed. The owner would like to make a tire repair shop. There would be more variances before this would be passed through planning commission to operate as a minor tire repair shop. This would be a B-2 use, minor repair.

Lundgren questioned the interpretation for B zoning.

Hawley stated it is opposite of the previous zoning code.

Saed Khatib, 667 S. Meridian Rd, Youngstown 44509, was sworn in by Chairman Moushey. He wasn't able to get the liquor license for the drive thru, so stopped building over five years ago. Looking for a business he can have in that area.

Moushey stated this type of use is not permitted there and we would like the details for what you're doing there so the board can grant or not grant the variance necessary for this area. He asked if Khatib would be operating this business himself.

Khatib state he would.

Moushey asked about the equipment, number of employees and how this is going to work.

Khatib stated there would be one employee and a small compressor.

Moushey asked if there would be selling tires there.

Khatib stated they would only sell used tires.

Edwards asked if they would store any tires there.

Khatib stated the used tires would not be stored there.

Lundgren asked if anything would be outside the building, storage of tires or equipment.

Khatib stated nothing would be stored outside, that there was enough space inside the building to store everything.

Moushey asked if vehicles left there over night or over a long period of time would there be enough room inside the building to store them.

Khatib stated yes there is room for more than two cars at the same time.

Lundgren stated a certificate of occupancy would need to be obtained.

Hirvela made a motion to grant the variance to allow minor repair service and all vehicles, inventory and equipment are stored inside the building. Seconded by Edwards. Motion approved.

4. Akins Land Surveying for the University of Mount Union - 1972 Clark Ave. -- Appeal # 14-013 – 10' building setback for the Family Dollar, 1945 S. Union Ave. as the result of a replat , located in a B-2 zone

Hawley stated there is a correction on the agenda for B-3 here not B-2. The replat is a lot that doesn't conform and the property line needs a ten foot building setback even though the same person owns the two lots.

Robert Akins, 776 N. Union Ave, was sworn in by Chairman Moushey. Due to the rentals of the property this property is under ownership of Raiders Corners. The replatted N corner of this property is for parking and under the ownership of University of Mount Union.

Moushey asked if the lot line was changing.

Akins state the lot line would stay the same.

Hirvela made motion to allow setback to be granted. Seconded by Edwards. Motion approved.

5. Agile Sign and Lighting Co. for Rohit Patel - America's Best Value Inn - 2330 W. State St. – Appeal # 14-014 – Appeal to alter two non-conforming ground signs, located in a B-2 zone.

Hawley stated this is for a non-conforming sign alteration. The curve on the sign is a trade mark and must be altered not refaced. The other small sign can be altered, so we change the appeal to one ground sign being altered.

Moushey asked if that would be the pole sign out front.

Hawley stated yes.

Lou Blaknap, 32580 Lincoln Blvd, was sworn in by Chairman Moushey. The owner would like to reuse the same pole sign that has been there for the last 20 plus years. The franchise is being given up and the sign needs changed. There would be a face change on the current pole sign.

Moushey asked the price if they moved the sign and put a new one in.

Blaknap stated it would be about \$20,000 to remove the sign and start new.

Moushey asked if the America's Best Value Inn had a franchised sign.

Blaknap stated he could not answer that, but the America's Best Value Inn is allowing this change of the pole sign and ground sign.

Lundgren made motion to allow the variance to keep the pole sign and allow the changes.

Moushey stated he would like to take this opportunity to have the sign conform to the zoning code, since the neighbor, Blue Fig, has conformed.

Seconded by Hirvela. Edwards and Moushey voted no and Aeling, Hirvela and Lundgren voted yes. Motion approved.

6. Neal Veverka – 643 Vincent Blvd. - Appeal # 14-015 – Appeal for an addition to a non-conforming detached garage, located in an R-1 zone

Hawley stated this is a detached garage and they would like to add eight feet, so need a three foot side yard setback on east wall.

Dale Veverka, 6934 Brookside Rd, Independence 44131, was sworn in by Chairman Moushey. Dale is speaking on behalf of son. Son needs the room to park a motorcycle, car and lawn mower.

Lundgren stated the increase for a setback is in the owner's yard, so won't affect the neighbors.

Edwards made motion to allow a 3' variance. Seconded by Lundgren. Motion carried.

7. **Raymond and Brenda Johnson – 1401 Auld St. - Appeal # 14-016** – 4’ front yard setback, 32’ rear yard setback and 7% lot coverage variances for a single family dwelling, located in an R-1 zone

Hawley stated house was destroyed by a fire and will be razed. Owner now wants the frontage on Willow St. and due to the covered porch a four foot setback is necessary. There needs to a rear yard variance of 32 feet. The building to lot percentage occupancy is 32% and should only be 25%.

Raymond Johnson, 8511 Short Hills Dr., Maryland 20735, was sworn in by Chairman Moushey. Lot is a corner lot and wants to rebuild the home for personal occupancy. Due to the age of the lot it is small 50’X 105’ that causes the percentage of building to lot ratio so high. The new home is about the same size as the current building.

Hirvela makes a motion to allow all three variances. Seconded by Aeling. Motion approved.

Other Business.

Chairman Moushey asked for other business. There being none, the meeting was adjourned at 5:36 p.m.