

BOARD OF ZONING APPEALS

Minutes of Meeting

March 21, 2023

4:45 pm

Attendance: Members – Mike Aeling, Brent Barnes, Vice Chair, Dave Lundgren, Chairman; Billy Ray; Eddie Williams; also present are Zoning Inspector Shane Howard, Assistant Law Director William Morris, Engineering Aide Kim Palmer

Meeting held in person in the second-floor conference room of the City Administration Building: The meeting was called to order by Dave Lundgren at 4:45 p.m. Roll is called. All are present.

1. **Minutes from the October 18, 2022 meeting:**

With Aeling, Barnes, and Williams present, a quorum is met for tabled minutes. Barnes moves to approve minutes. Williams seconds. Roll is called for Aeling, Barnes, and Williams. All in favor; minutes approved.

2. **Minutes from the November 15, 2022 meeting:**

With Aeling, Lundgren, and Ray present, a quorum is met for tabled minutes. Aeling moves to approve minutes. Ray seconds. Roll is called for Aeling, Lundgren, and Ray. All in favor; minutes approved.

*****Lundgren reads the Board of Zoning Appeals procedures including appellant recourse*****

3. **Property Owner – 2812 Belleflower Dr. – Appeal #23-001**
Appeal for pool and deck on an empty lot. Sec. 1130.08(d)

Shane Howard is sworn in. Zoning Inspector: 504 E. Main St. Alliance, OH 44601. Howard explains this appeal is for a pool and deck on a separate parcel than the building parcel. The deck will impede on the rear building line.

Williams asks if the proposed structure crosses the property line. Howard describes and states it would be 2' from the property line.

Lundgren asks if the owner were to replat the lots, would this eliminate the need for the appeal. Also asks if this type of appeal has been approved previously. Howard answers yes.

Juliann Shonk of 2812 Belleflower Dr. is sworn in. Shonk explains they would like a pool for their children. The best location is the spare lot. They did look into having parcels combined but is costly.

Ray asks Shonk if they own all three lots. Shonk answers yes.

No one else to speak in favor of the appeal. Lundgren asks if anyone in opposition. Howard distributes copies of a letter from a neighbor which is read.

Lundgren gives Shonk the opportunity to speak again.

With no others coming forward in opposition, the public portion of the meeting is declared closed.

Board Members Begin Discussion

Lundgren asks Morris' opinion on replat. Morris feels they are asking for a waiver. If replatted, one of the appeals would not be necessary.

Aeling states it is a pool and does not see it as a building. Williams agrees. Aeling asks if replatted, would they still need an appeal. Howard answers yes. A variance is needed to place the pool and deck in a side lot.

Lundgren understands costs for replat. He is concerned the house could sell without the parcel containing the pool. Feels this is more an economic issue.

Aeling states he would see the issue if it were a structure. Williams agrees with Aeling that an above ground pool is not a permanent structure.

Aeling moves to grant appeal. Ray seconds. Williams asks if two variances are required. Howard states only one. Roll is called: Aeling, Ray and Williams vote yes with Lundgren and Barnes voting no. Motion passes 3 to 2.

**4. Vive Auto Sales LLC – 1731 W. State St. – Appeal #23-002
44ft. variance to the north and 47ft. variance to the east of outdoor sales and display Sec. 1162.31(a)**

Howard presents appeal for outdoor sales and display. He explains the variances and states the church to the east is zoned R-1 as is the parcel to the rear.

Lundgren clarifies the appeal in regard to the lot lines. Ray asks if Dairy Queen had to get the same variance as they are on the opposite side of the church. They were not required a variance as they do not have outdoor sales.

Lundgren asks if there is anyone to speak in favor.

James Meck of 1101 Glen Dr. NE, New Philadelphia, OH is sworn in. Meck explains Vive Auto closes the gap for affordable transportation. Understands the church is zoned R-1. There is an elevation difference to help create the separation. Based on the current plan, the lot will accommodate 80 cars. This plan abides by the 50' clear zone for a corner lot. The rear property is owned by the company they are leasing their lot from. Intends on cleaning and maintaining that lot.

Barnes questions the use of a fence. Meck states there will be a fence to keep separation along the church. The tree line and existing plants will remain as well. Barnes questions a fence for the north lot line. Meck answers there will be none.

Williams asks why screening along the north lot line has not been considered. Meck explains they hope to put a playset back there for customer use. Ray confirms cars will not be on the back lot. Meck agrees. There will not be cars placed on grass per state codes.

Barnes counted 25 car spaces vs. 80 if this appeal is not approved. Meck confirms. States they have come up with a plan to stage cars elsewhere if that should happen. Feels this would create more issues.

Lundgren asks about the fence. Meck says it will be a lengthy fence. They will try to keep it along the existing tree line. States there is also a 6' grade elevation for separation. Lundgren confirms with Meck that if a stipulation of approval is the installation of a fence will he be okay with that. Meck agrees.

Lundgren asks if anyone else would like to speak in favor.

Phillip Mastroianni of 1840 W. State St. Suite B, Alliance, OH is sworn in. He is with Alliance Ventures, the property owner. Supports Vive Auto and feels they will fill a gap in the auto market. Would like to point out there is an anomaly on the east side with the church being zoned as an R-1. Confirms with Howard that churches are permitted in an R-1. Mastroianni explains the R-1 parcel directly behind the Vive Auto parcel was purchased with the intention to create a buffer between residents and commercial property. Alliance Ventures is willing to add screening to the north. Adds that the distance between the parking lot and the first true residential property is 91ft.

Lundgren asks if anyone else to speak in favor or in opposition. No one comes forward. Public portion is closed.

Board Members Begin Discussion

Williams feels the tree line is very dense along the east side and the fence will only further enforce a separation. Lundgren agrees and likes the idea of children not being able to meander over.

Barnes would like to see screening on the north. Believes less desirable vehicles usually end up in the back of the lot. Would like to protect the view to the homeowners. Lundgren agrees. Aeling questions screening or fencing. Barnes is fine with screening. Discussion regarding other projects requiring screening. Howard points out that screening is a Planning Commission requirement that would have went through at last week's meeting if it were needed. Barnes and Lundgren state while the fence may not be needed, it can be a contingency to their approval.

Meck describes how they take pride in their dealerships with how clean their cars and lots are kept. Vive Auto immediately transports all trade-ins to a wholesale lot in New Philadelphia.

Mastroianni states their company will provide the screening, if required.

Aeling makes a motion for approval subject to the fencing on the east side starting approximately 50' from the edge of State Street to the back property line as well as evergreen screening along the north property line. Williams seconds. Roll call vote. All in favor. Motion passes.

5. Other Business

Lundgren states he will be unavailable for 8 weeks starting April 3, 2023 therefore he will not be able to attend the April and May meetings.

Barnes moves to adjourn. Ray seconds. Roll call vote. All agree. Motion passes.

Meeting adjourned at 5:30 p.m.

Respectfully Submitted by:
Kim Palmer
Engineering Aide