

# BOARD OF ZONING APPEALS

## Minutes of Meeting

August 18, 2020

4:30 pm

**Attendance:** Members Dave Lundgren, Chairman; Mike Aeling, Vice Chairman; Billy Ray; Eddie Williams. Zoning Inspector Shane Howard, Assistant Law Director William Morris, Candice Martin Engineering Clerk

**Meeting held by telephone conference due to COVID-19 pandemic:** The meeting was called to order by Chairman Lundgren at 4:30 pm. Due to the COVID-19 pandemic, BZA members participated by Zoom conference. All members present minus Arnold Hirvela.

Virtual Kiosk:

No one attended.

### **1. Minutes from the July 21<sup>st</sup>, 2020 meeting:**

Williams makes the motion to approve the minutes with Aeling seconding. Roll call Vote. Motion passes. Minutes approved.

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

Lundgren mentions the Alihassan Appeal and states that even though The Alliance Review and The Canton Repository had significant articles indicating it had been approved, it was approved subject to variances by the Planning Commission. The variances that it was subject to were not approved at our meeting. The papers have been notified about the error in reporting but at this point there has not been a corrective article.

### **2. Cashland Financial Services Inc.– 2215 S. Union Ave. -- Appeal #20-008**

Accessory Use Variance for a licensed firearm dealer in a B-3. Sec.1122 Land Use Table

Shane Howard is sworn in: Zoning Inspector, 504 E. Main St. Alliance, OH 44601. Cashland is looking for a use variance. The only zone that currently allows a licensed firearms dealer or gunsmith is B2 zone and it is a conditional use. It is not permitted in any other zone. That is why they are looking for a use variance.

Melissa Thompson is sworn in: property manager and real-estate coordinator with Cashland Financial, 1600 W. 7<sup>th</sup> St. Fort Worth, TX 76102. What they need are inspections for gun sales: ATF. They are asking for a variance to be able to sell firearms at this location.

Lundgren asks if they would still consider the use of the building at 2215 S Union Ave for financial services. Also asks if it is common to have a firearms sales and financial services at the same location.

Ms. Thompson clarifies that it is a pawnshop.

Williams asks whether they are currently selling firearms at this location or are seeking to start.

Lundgren restates the question as “do you currently sell firearms at this location” because it was difficult to hear Williams due to his connection.

Ms. Thompson says yes they do.

Lundgren asks how long this has been going on.

Ms. Thompson doesn't know how long the pawn shop has been in place. But the question was raised when the fire arm inspection needed the zoning letter stating it was ok to have firearms at the store. She believes they have been there about 4 years. She can check that for accuracy.

Lundgren asks what types of firearms will be sold.  
Ms. Thompson explains that rifles and pistols will be sold.

Cecile Scott Sexton is sworn in: director of firearms sales at First Cash, 1600 W. 7<sup>th</sup> St., Fort Worth, TX 76102. . He explains they have 800 locations across the country where they pawn, buy, and sell firearms. Ammunition is not sold. The main business is a pawn shop. This allows people to pawn their firearms. They also purchase new firearms from other distributors to increase selection. The main firearms sold are long guns such as rifles and shotguns and sporting guns, other are referred to as ARS which are semi-automatic rifles that shoot 2-2-3 or 5-5-6 or 300s. They stay away from the AK 47s, Mac 90s, and SKS firearms that you hear about that are typically related to crime. They do not sell those types of firearms.

Ray asks who holds the ATF dealer license and during the inspection by ATF were there any other issues brought up. Mr. Sexton explains the application is under the Cashland Financial Entity but the company that is the legal entity that will hold the license is FCS Ohio. The inspection was the application not an inspection in compliance with undergoing business. It was just an initial meeting. Once applied for the FFL they then have a meeting with the ATF and they go through the meeting and ask questions. There were no other issues brought up. There were no infractions found based on the interview or meeting.

Williams states that say they are applying for the FFL but he thought Ms. Thompson made the claim that they have been selling firearms.

Mr. Sexton says that they are not selling firearms at this location. This is a new application. They had 20 locations in Ohio that currently have existing applications for firearm licenses and they were adding an additional 20 locations in Ohio that did not and were not doing business and this is part of that 20 that they were adding. They were not selling firearms at this location.

Ms. Thompson apologizes.

Mr. Sexton states that during that process of meeting with the ATF and looking at the zoning and the requirements that they had to meet, it was discovered that the zoning was not in line with what they were wanting to do.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one comes forward.  
Declares this public portion of the meeting now closed.

#### Board Members Begin Discussion

Lundgren explains that gunsmith's license and sales are allowed in a B2 only. He goes on to describe the difference between B2 and B3. With the location he believes it seems like it is in a commercial district and it doesn't seem to be inappropriate to have that type of sale.

Williams asks Howard with the conditional use is there any distance requirements from other businesses that would apply. Howard states there are none. He also states that the other pawn store in town is in a B1.

Lundgren says that the two locations are very similar and has a hard time seeing any difference between the two. They need a variance because it is not in the code.

Ray says that his brother-in-law used to be a firearms dealer and the ATF is very strict on how these people regulate and what they do. It is a pawn shop and that is part of pawn shop business. He agrees with Lundgren that it is in an area that is mostly if not all commercial business.

Ray motions to approve the use variance. Williams seconds. Roll call vote. All are in agreement. Motion passes.

### **3. Jon Molnar/Omni Orthopaedics – 2211 W. State St. -- Appeal #20-009**

Additional 4ft in height for a ground sign. Sec.1134.06(e) Table

Howard says the ground sign they installed there is 10 ft. tall and where it is setting it is about 5 ft. above street level. They are seeking to raise the monument sign another 4 ft. so you can see it.

Lundgren says it appears to be the same sign and the same stone structure they are just adding elevation.

Howard verifies it is. He says in the code it takes an average height of the site to base the height of the sign and that is why they have a 10 ft. ground sign. That was their average height to get it to where the height is there. In Section 11-3406 E Table 3 it says the maximum height is 10 ft.

Ashley King is sworn in: Marketing Specialist for Omni Orthopaedics, 4760 Belpar St. N.W., Canton, OH 44718. They have had feedback from their patients and employees that they have a hard time finding the business. Also, turning around on State St. can be a nightmare. They are trying to make it easier for their patients to find them.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one comes forward.  
Declares this public portion of the meeting now closed.

#### Board Members Begin Discussion

Ray agrees with Howard that the sign sits well below the grade of the road and it sits back plenty where there is no obstruction of looking up and down State St. It should be raised up.

Lundgren says that he thinks of variances in terms of unique circumstances and there is a pretty big drop off at that point. It is pretty low.

Williams makes the motion to approve the height variance of an additional 4ft. Mike Aeling seconds. All are in agreement. Motion passes.

### **4. Tashisa Wyche – 807 Ohio St. -- Appeal #20-010**

Additional 1.5% total lot coverage in R-1. Sec.1124 Table. Rear yard set back 20ft in R-1. Sec.1124 Table

Howard explains that the homeowner is planning to add on their house. They are planning on connecting the primary structure which is the house with the garage. When doing that the garage becomes part of the primary structure. In this case they would be going over the total lot coverage allowed which is 25% according to section 1124. Once the two structures are connected they are looking at 26.5% lot coverage; therefore needing a variance for an additional 1.5%. Also, once the two are connected the rear setback becomes an issue. It should be 40 ft. but it will only be 20 ft. from the rear of the garage to the rear of the property line. Consequently they will need a 20 ft. variance for that.

Mr. Lundgren summarizes that there are two variances:

- 1.5% additional lot coverage.
- 20 ft. rear yard setback and 40 is required.

Tashisa Wyche is sworn in: homeowner, 807 Ohio St., Alliance, OH 44601. It is an outside room and she would like to attach it to the garage for snow purposes and for convenience.

Ray asks if it will be a room or an enclosed porch.

Ms. Wyche says yes an enclosed porch. They would like to be able to enjoy the outside without being out in the cold.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one comes forward.  
Declares this public portion of the meeting now closed.

## Board Members Begin Discussion

Ray says they have done a nice job remodeling the property.

Lundgren mentions that he drove by and doesn't believe the addition to be out of character with the other homes in the neighborhood and the 1.5% additional lot coverage is minor. Regarding the 20 ft. setback, there is an alley back there. It seems like a reasonable request.

Ray asks if Howard has seen plans for it.

Howard says he has not seen 100% definitive plans. He has given the committee an overhead drawing of where it is going in showing where the house and garage will be attached. It will be post construction connecting house and garage.

Ray asks is there a fire barrier that has to be included.

Howard says that is a building question and not so much zoning. He is unsure.

Aeling moves to allow 1.5% additional lot coverage. Ray seconds. All are in agreement. Motion passes.

Aeling moves to approve the 20 ft. rear yard setback. Williams seconds. All are in agreement. Motion passes.

## **5. Deborah Rhome – 114 South St. – Appeal #20-011**

Detached accessory building in a side yard in R-1. Sec.1130.08(c)

Howard explains that Sec. 1130 states that an accessory building must be built behind the rear property line. The only way it is permitted to be on the side is for it to be attached to the house. The overhead rendering submitted to the board illustrates that the building would come up to the front building line of the house. It will not pass it.

Lundgren asks if the proposed construction will be on the side of the house by the ravine.

Howard says yes. There are no more houses on her street. It dead ends there.

Deborah Rhome is sworn in: Homeowner, 114 South St., Alliance, OH 44601.

Ms. Rhome wants a garage to put her car in so she doesn't have to clean off her car in the winter. She doesn't have access in through the back of her house. She uses the front door. Her driveway is right there. She would have to move her driveway otherwise.

Ray asks if there was a garage on the backside of the property at one time.

Ms. Rhome says there was an upholstery building but that wasn't hers. It belonged to the people who owned the property of the house that was torn down and she bought the property. They tore down the upholstery shop years ago and her husband bought the property it was on. She also bought the property at 104 when they tore that house down 4 or 5 years ago. She already owned all the way around it. So she bought the middle section so she owned the whole thing.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one comes forward.

Declares this public portion of the meeting now closed.

## Board Members Begin Discussion

Lundgren states with having the ravine and being the last house no one will be on the other side unless they can build up from a very steep ravine. She is the last house and no one else is going to be inconvenienced in anyway nor will it look out of place because of her location.

Ray wants to make sure the garage will not sit in front of the house, closer to the road.

Ms. Rhome says the contractor spoke to Howard and she is confident he will put it where it needs to be.

Howard says that he spoke with Accent Construction and the contractor indicated that with the grading it won't allow it to go any further than the front of the house. The front building line of the house is the furthest it will go.

Ray asks if the front of the structure is the front line of the house or is it the wooden ramp or stairs that go in front of the house.

Howard clarifies it is the primary building wall that is considered the front line of the structure.

No further comments.

Ray makes the motion to allow an accessory building in a side yard contingent it does not exceed the front line of the primary structure. Williams seconds. Roll call vote. All are in agreement. Motion passes.

**6) Other Business**

No further comments or questions.

The meeting adjourned at 5:32 pm.

Respectfully Submitted by:

Candice Martin

Engineering Clerk