

## **Board of Zoning Appeals**

**May 28, 2015**

Mr. Emch called the meeting to order at 7:010 PM

**Roll Call:** Paul Emch- present, Judith Beaumier-present, Sharon Moster-present, - present, Al Tolchinsky – absent, Lisa Hernandez – absent.

**Council Representative:** Charles “Skip” Boehnlein - present

**Visitors:** Lenore Pikus, Clerk, Rick Gruber, Zoning Inspector, Jarred Flynn, Legal Counsel, Tom Clark, Mary Ann A., Joe Belhobek, Robert Phillips, Mark Freiling, Pat Linn, Cindy Linn, Pat Hauser, Carleen Exline, Brandon John, Jim Wohlken, Michelle West, Lisa A., Shaileen Love, Heather Tromba, Kevin Freeman, Kellie Andre.

Mr. Flynn, Legal Counsel read the oath and swore in all visitors.

Ms. Beaumier moved to approve March 19, 2015 meeting minutes as amended, Ms. Moster seconded. By voice, all agreed.

### **Zoning Inspector:**

#### **Discussion:**

Mr. Emch reported that Mr. Tom Clark and Mr. Freiling filed a permit on February 25, 2015 asking for a conditional use permit for 14595 Baird St. regarding the light duty assembly and Girl Scout Troop Office. The fees of \$565.00 were paid on May 1, 2015.

Ms. Beaumier asked if the unsafe storage of items next to the building mentioned at the last meeting had been looked in to. Mr. Gruber did contact Mr. Freiling and reported that the items he saw were grass clippings setting on the trailer and signs stored in the back of building. Mr. Gruber did state he personally did not see containers and will check out the outside of the building in the near future.

Mr. Flynn asked that the applicant, Mr. Freiling speak and explain the permit. Mr. Freiling stated he has been there for 11 years and has used the facility for circuit board assembly, embroidery, and Girl Scout storage and meetings.

Ms. Moster asked to explain the nature of the use of this conditional use permit and explain the light assembly process. Mr. Freiling stated that they hand assemble the components into and thru the board at Baird St. and slide them into racks and transfer the circuit boards to his Middlefield business. He explained it is strictly light assembly.

Ms. Beaumier asked if there was any access from his business to the Child Care and if the door is secure. Mr. Freiling said he was aware of one other access door in his facility and that gains access to the upstairs. Ms. Exline explained there is a door with a nail in it and Mr. Freiling’s air compressor sits next to the door. Mr. Beaumier asked if the children have any access to Mr. Freilings facility. Ms. Exline again stated the door is nailed shut.

Mr. Flynn, Solicitor asked that anyone wishing to speak to please state their name before speaking so we can keep accurate records.

Mr. Frieling went on to explain one third of the building is for light manufacturing, one third is used for Girlscout storage and prep work for Girlscout arts and crafts.

Mr. Emch again asked if he does any type of soldering. Mr. Freiling replied that there is hand soldering for individual parts taking place with lead free and organic soldering materials. Ms. Moster asked how many employees work at the facility. Mr. Freiling mentioned it's mostly his wife and himself and the building itself can only hold about 6 to 8 people on a shift. Ms. Beaumier asked if he has a fan for ventilation and fire extinguisher for safety. Mr. Freiling replied that he does have ventilated air conditioning in the window and his own fire extinguisher.

Mr. Emch asked Mr. Gruber if he and the Fire Chief have been through the building. Mr. Gruber reported: That Fire Chief Lewis did look at the parking lot and facilities and found no unsafe conditions.

Ms. Exline explained she is a licensed Childcare and the State of Ohio requires that there are no unsafe conditions for the children. She mentioned in the pictures you will see storage of signs, trailer and a broken basketball hoop.

Ms. Moster explained the BZA is here to decide whether to grant a conditional use permit to Mr. Frieling to continue light manufacturing assembly. Mr. Freiling mentioned that Rick Gruber came to the sight and zoning did not have an issue with a basketball hoop and the trailer which is used for the business.

Mr. Emch mentioned in a multi-tenant building the trailer issue and parking should be taken up with the owner, and there is no ordinance against trailers.

Ms. Moster asked how many emergency exits are in the building. Ms. Exline said there are 3 exits.

Mr. Flynn, Solicitor mentioned with a conditional use permit we can talk about safety, fire hazards and other pertinent items. Mr. Flynn read the Zoning Code 1151.02, standards for issuing a conditional use permit and mentioned that these are the parameters for a proposed conditional use.

Ms. Moster asked Mr. Freiling what permits he holds. Mr. Freiling mentioned all his permits are at his main facility in Middlefield.

Mr. Flynn mentioned a conditional use can have conditions.

Ms. Moster asked what his hours of operation are. Mr. Freiling responded the hours vary.

Ms. Beaumier asked when Mr. Freiling moved in to the building. Mr. Freiling responded 2005.

Ms. C. Lynn who has worked in the past for a compressor company in California. She explained that there are certain conditions for a portable compressor. Mr. Freiling explained he has a small Craftsman compressor with safety measures.

Ms. Moster made a motion to deny the variance. Motion failed for lack of second. Ms. Beaumier mentioned she would like to go through the items Mr. Flynn previously read. Mr. Emch asked Mr. Clark if he would like to comment. Mr. Clark said he did not plan

on speaking. Mr. Emch mentioned he is the landlord and thought he should comment. Mr. Flynn swore Mr. Clark in at that time. Mr. Clark stated that both tenants have been there quite a few years and there has not been an issue until October of 2014. Being a landlord there has been a variety of issues over the years with his tenants.

Ms. Moster made a motion to deny the conditional use permit for Mr. Freiling at 14595 Baird St., because he does not meet the parameters mentioned in section 1115.02. Motion failed for lack of second.

Ms. Beumier stated he has had this business for ten years. Mr. Emch read section 1115.02. After discussion, Mr. Flynn suggested that the Board go into executive session to deliberate and discuss any questions or legal concerns regarding the conditional use permit.

Ms. Beaumier moved for the BZA Board to enter in to Executive Session at 7:40PM, Ms. Moster seconded. Roll Call: Mr. Emch – Yes, Ms. Moster – Yes, Ms. Beaumier - Yes

Ms. Beumier made a motion to end Executive Session at 8:07pm and continue the meeting. Ms. Moster seconded. By voice all agreed.

Mr. Emch mentioned to Mr. Clark as the owner he has responsibilities that he must address because he does have a Child Care facility as a tenant in his building. Mr. Emch mentioned the board would consider granting the conditional use permit with certain conditions.

Mr. Flynn mentioned the tenant must comply with these requirements or the conditional use may be revoked.

Mr. Emch made a motion to grant the conditional use permit for Mr. Freiling at 14595 Baird St., with the following conditions:

1. No unattended vehicles or idling vehicles within 10 feet of any entrance or exit of the building and may not be parked for more than 10 minutes, if there is a delivery for his business, Mr. Freiling may be within 10 feet during unloading and loading to his entrance only. 2. Any permits or licenses must be provided. 3. The owner and tenant must comply with any State or local laws regarding proximity to a Child Care/School. Ms. Moster seconded. Roll Call: Paul Emch – Yes, Sharon Moster – Yes, Judy Beaumier – Yes. Conditional use for Mr. Freiling at 14595 Baird St. was granted.

Mr. Emch reported that the next item on the agenda is a variance request for the Geauga County Fair Board for a new sign to replace the existing sign. Mr. Phillips was the representative for the Fair Board and explained the photos and drawings of the electronic sign. The existing sign is 23 ft. from the curb and the Board would like the new sign to be 18 feet from the curb. Mr. Phillips stated that the Fair is reaching 200 year celebration for holding a continuous Fair and the Fair is trying to update the grounds. He also added some facts that the Fair Board works on approximately \$120,000 budget and the Grandstands was built in 1953. The old sign will be placed in a building at the Fairgrounds. Ms. Beaumier asked if there was a time limit how long the sign could be illuminated. Mr. Phillips stated they could turn the sign on and off without any trouble.

Mr. Emch asked if there were any other comments. Mr. Belhovek at 14362 N. Cheshire, which is located across from the Fairgrounds mentioned that the sign presented was not

Historical and was not sure if the BZA was interested in staying Historic. He stated from a residential standpoint that an illuminated sign did not fit in to the area.

Mr. Emch mentioned that KSU does turn off the sign in the evening. Ms. Hauser mentioned that there are LED signs at Berkshire High School and Kent State.

Mr. Flynn asked what are the specific variances are they seeking. Mr. Gruber replied that the size is larger, regulation is 75 square feet and this is 110 square feet total including masonry structure. The regulation height is 8 foot and this sign is proposed at 9 feet. The current sign is over 9 feet high. The setback regulation is 15 feet from the right-of-way. The right of way on N. Cheshire is 132 feet, from road center line back is 66 feet. The sign would be 34 feet in front of the right-of-way and 18 feet back from the curb and 31 feet from the road center line.

Mr. Emch mentioned that there was a trailer issue back in 2004 on the Fair Board that was not taken care of over the years. Mr. Phillips mentioned that trailer is back by the old horse barn. Mr. Phillips did mention there are two modular buildings there but he was not involved at that time.

Mr. Flynn read the regulations when considering a variance.

After discussion, Ms. Moster made a motion to grant the sign variance to the Fair Board and incorporate Ms. Beaumier's request to have the top of the sign arched. Mr. Emch seconded. Roll Call: Mr. Emch – yes, Ms. Moster – yes, Mrs. Beaumier – yes.

Mr. Flynn swore Mr. Emch in to serve as a Board Member for Burton Village Zoning Appeals for a four year term.

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Mr. Boehnlein passed along a message from the Mayor. The village is working on a Strategic Plan and asked that the BZA meet once a month to reconsider zoning in Burton Village.

**Other Business:**

Ms. Beaumier made a motion to adjourn and Ms. Moster seconded. Meeting adjourned at 9:00 PM.

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BZA Chairman

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Clerk