

Board of Zoning Appeals
March 19, 2015

Mr. Emch called the meeting to order at 6:06 PM

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

Visitors: Rick Gruber, Zoning Inspector, David Ondrey, Legal Counsel, Paul Taylor, Lowell Taylor, Brian Johnston, Barb Kleve, Carlene Exline, Pat Linn, Charles Foye, Heather Higg, Heather Tromba, Nick Tromba, Adam Andre, Kellie Andre, Jason Burton, Tom Clark, Brandon John.

Council Representative: Charles "Skip" Boehnlein - present

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

Ms. Beaumier moved to approve October 20, 2014 meeting minutes and Mr. Tolchinsky seconded. By voice, all a

Mr. David Ondrey swore in all visitors regarding Lowell Taylor

Zoning Inspector:

Mr. Gruber mentioned that Mr. Freiling did not pay his fee for his conditional use and will not be on the Agenda at this meeting.

Mr. Emch reported that Mr. and Mrs. Lowell Taylor are requesting a variance at 13631 W. Spring St. for a front porch. Mr. Rick Gruber explained: The required right-of-way for this location are 45' from the right-of-way. The existing house is 49' 6" from the right-of way. With the porch addition the measurements will be 40' 6" from the right-of-way. The variance requested is to allow the encroachment of the addition to be 4.5' in to the right-of-way.

Ms. Moster asked if any neighbors were present and if they disagreed. Ms. Beaumier is a neighbor and was the only neighbor present. She had no issues with the variance. Mr. Paul Taylor, son of Mr. and Mrs. Taylor explained and brought photos of the home. Mr. Taylor explained that he would like to transform the house and retains the old character of the old farmhouse style. He mentioned on the North side of the street most houses were encroaching the right-of-way. Mr. Johnston thanked the Taylor's for fixing up the home. Mr. Johnston did question the driveway encroaching on his property line. Mr. Gruber mentioned that there are no restrictions on driveways regarding side property lines. Mr. Emch mentioned there is nothing on this variance regarding the driveway. Mr. Ondrey asked if there was any construction planned for the driveway/apron. Mr. Taylor explained that he will be updating the driveway, since it is 100 years old. Mr. Ondrey mentioned that we cannot make any decisions on the driveway at this meeting. After discussion, Mr. Tolchinsky made a motion to accept the variance for the front porch addition at 13631 W. Spring St., Ms. Moster seconded. By voice, all agreed.

Mr. Emch reported that Ms. Carlene Exline had filed a conditional use for 14595 Baird St. Mr. Emch stated that this business has been in existence for years.

Mr. Ondrey swore in all visitors regarding Ms. Carlene Exline.

Mr. Gruber mentioned that Mr. Freiling did not pay his fee for his conditional use and will not be on the Agenda at this meeting.

Mr. Gruber explained: This location is zoned B2 Highway Business. The business is not listed as one of the B2 permitted uses in Section 1135.03 of the Burton Village Zoning Code. Ms. Moster asked for explanation of what is Highway Use. Mr. Ondrey explained that this list was made years ago, but after discussion with Mr. Gruber the business could be defined as a retail business. Mr. Ondrey stated the definition of retail business listed in the code is a business normally found in Highway Business. Mr. Emch made a suggestion to send this section to the Planning Commission to review and update this section. Mr. Gruber agreed and would discuss this with the Planning Commission.

Ms. Exline spoke and gave a detailed history of her business. Ms. Exline has rented the building since 2001. She started renting the upstairs in 2001 and in 2006 she moved to first floor. She has 30 preschoolers and the many programs before and after school. Ms. Exline is licensed as an Art Studio/Child-Care center and has recently been approved by the state to continue classes through the entire year. Ms. Exline has been a business owner here in Burton for over 15 years.

Ms. Moster spoke and had some concerns with the light manufacturing business next door. She was concerned for the children's safety as was Ms. Exline. Ms. Moster asked that the Fire Department do an evaluation of this address. After an extended discussion of the concerns regarding Mr. Freiling's business next to Ms. Exline, Mr. Ondrey asked that we hear from the other visitors regarding Ms. Exline's conditional use permit. Mr. Freiling's business will be discussed at another time. Mr. Emch asked if there was any discussion or comments from the visitors regarding Ms. Exline.

Ms. Linn responded in reading a letter from Miss Mandy Randles, Principal of Burton Elementary. Ms. Randles thanked Ms. Exline in the letter for giving Burton Village the before and after care for her students that was needed for the parents of the school.

Ms. Beaumier commented and asked about the unsafe storage of items outside of the building and thought that should be taken care of because there are children outside playing. Mr. Gruber indicated he would check in to that situation.

Mr. Ondrey asked that we must assume the building is safe and make a decision on this conditional use permit.

Ms. Beaumier made a motion to accept this conditional use permit for Ms. Exline at 14595 Baird St. and Mr. Tolchinsky seconded. By voice vote, all agreed.

Other Business:

Mr. Emch made a motion to adjourn and Ms. Beaumier seconded. Meeting adjourned at 7:22 PM.