

# **Board of Zoning Appeals**

**April 21, 2016**

Mr. Emch called the meeting to order at 7:00 PM

**Roll Call:** Paul Emch- present, Judith Beaumier-present, A. J. Bissell– present, Al Tolchinsky – present, Sharon Moster-present

**Council Representative:** Charles Boehnlein - present

**Visitors:** Rick Gruber, Zoning Inspector, Todd Hicks, Legal Counsel, Marcianne Kimpton, Pat Preston, Rhonda Kokochak, Mr. Kokochak, Sue Wayman, Jim Koster, Jim Wohlken, Lisa Hernandez, Dragan Sugar

Mr. Todd Hicks swore in all visitors and asked them if and when they speak to please state their name and address.

Ms. Beaumier moved to approve the July 13, 2015 meeting minutes as written, Mr. Tolchinsky seconded. By voice, motion carried.

## **Discussion:**

### **PRESTON**

Mr. Emch asked Mr. Preston to present his variance. Mr. Preston explained he would like to park cars on the property located at 14638 Rapids. The house on the property will be renovated into an office and the exterior will be landscaped. He would like to build a garage behind the house.

Rick Gruber explained that Mr. Preston filed a variance for commercial (B-2) use for the small residential (R-1) property at 14638 Rapids in front of the two properties currently used for the KIA dealership and parking. The two properties used for parking now are non-conforming lawful use that have been in place before zoning existed. If the use is approved for this property then a variance must be approved for the building he would like to place on the property.

Mr. Hicks clarified that the parcel in question is a single lot. Tonight we are asking that we allow a variance to 14638 Rapids Rd. from Residential (R-1) use to Commercial (B-2) use.

Mr. Boehnlein asked that there are two lots listed. Mr. Preston stated he listed 14624 Rapids so that there was clarification of the joining lots. He is asking that 14638 Rapids have a variance to be used as commercial.

Mr. Kokochak, 14676 Rapids Rd. asked that 14638 Rapids stays Residential use. He does not want his lot to be changed to commercial use.

Mrs. Kokochak 14676 Rapids Rd. She spoke to Mr. Chuck Bower, Ohio Ethics Commission and he advised her to ask if any elected or appointed officials are related to Pat Preston or his family in anyway. There were no officials related to Pat Preston or his

family at this meeting. She explained her concerns about the variance: Pollution, car exhaust, paint fumes, traffic at Rapids and 87, car carriers at 4:30am dropping tailgate and the speaker system is jarring. Mr. Preston stated that he understands her concerns. He explained the access road has been there for 30 years. He spent \$30,000.00 to clean up the area. Unloading carriers is a function of the dealership and they are trying to direct the carriers into the lot to unload the cars. There is no painting at the location, there are no oil spills and they do have to follow EPA rules and regulations. The loud speakers have been corrected. Mrs. Kokochak mentioned her concern for re-sale of her home. Mr. Preston explained that the property was a Country Ford dealership for years and had an inventory of 600 cars in that lot at time. He does not have the volume of cars that the previous dealership had in the parking lot. Mr. Preston explained that he has purchased many properties in the area that were in disarray and has renovated the properties with the approval of the Zoning Inspector and the Zoning Ordinances of Burton Village.

Mrs. Hernandez at 14628 Evergreen Dr. expressed her concerns and explained that visibility is blocked when stopped at 87 and Rapids Rd. when a carrier is parked on 87 and unloading cars. She is recommending that the carrier unload in the lot or have a Preston employee direct traffic.

Mr. Tolchinsky made a motion to grant a use variance from R-1 Suburban Residence to B-2 Highway Business for the existing house on 14638 Rapids Rd. to be used as an office and allow construction of service bay garage not to exceed 5640 sq. ft. Seconded by Paul Emch. Roll Call: Al Tolchinsky - yes, Paul Emch – yes, Judy Beaumier – yes, A.J. Bissell - yes, Sharon Moster – abstained.

### COFFEE CORNERS

Mrs. Sue Wayman explained that she would like to place a fence outside of her coffee shop where she can place tables. The tables that are currently outside would be where the fence would be located. The reason for this is so she can allow clients to sit out and have a glass of wine/beer outside on the sidewalk. The state does require a fence if serving alcohol outside. The fence will be removable for the winter months and the post holes will be capped for the snow plow.

Mrs. Moster asked if the fence had to be permanent. Mr. Hicks mentioned that the fence would meet the requirements. Mr. Emch asked that the measurement of the fence from the building be 5 ½ ft. Mrs. Moster had concerns that the fence would be blocking the sidewalk and the other restaurants may want a seasonal fence and that would blocking the sidewalk for pedestrians. She was concerned that the fence would prevent window shopping. Mr. Hicks mentioned that Mrs. Wayman's reason for being here is that she has a liquor license and she must have a fence to serve liquor outside. Mrs. Beaumier asked about the height of the fence. There is no mention of the height in the drawing presented. Mr. Gruber asked if the state required a certain height. Mrs. Wayman mentioned once approved here at the Village she will check with the state. Mr. Hicks recommended to put the height of the fence in the motion. Mayor Koster mentioned his concern was uniformity of these fences along the sidewalk. Mr. Gruber mentioned that fence height in residential is 3 feet in height for residential. Mr. Hicks said to state a height in the motion. Mrs. Moster asked what type of material is the fence.

Mrs. Beaumer made a motion to grant a variance for a black metal fence as shown in the drawings not to exceed 42" that will be installed 5 ½ feet from the building. The fence should be installed April 1<sup>st</sup> and removed November 1<sup>st</sup> and the owner will be responsible to install flush caps for the sidewalk after the removal of the fence. Seconded by Mr. Bissell. Roll call: Judy Beaumer – yes, A.J. Bissell – yes, Paul Emch – yes, Sharon Moster – yes, Al Tolchinsky – yes.

**Other Business:**

Mr. Emch reminded the group that there will be a joint meeting with BZA and the Planning Commission meeting on Thursday, May 5 at 7:00 PM at the American Legion.

There was discussion regarding a change of the date, time and place. Ms. Pikus will look in to other dates, times and places to hold future meetings.

Mr. Emch made a motion to adjourn and Mrs. Moster seconded. Meeting adjourned at 8:01 PM.

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BZA Chairman

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Clerk