

**BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS**

**MEETING MINUTES of November 18, 2015**

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

**Present:** Chairman Bruce Knippenberg Lisa Cotton Vince Murdocco  
Ed Shutty

**Alternates:** Cheryl Rueschman

**Absent:** Scot Etling

**Staff:** Dick Messner, Zoning Inspector  
Wendi O’Neal, Assistant Zoning Inspector

**Public Present:**

Name	Phone	Company / E-mail
Bob Korkan	330.801.3018	BK1Success@gmail.com
James & Kay McGuire		
Tom Fioritto	330.221.4159	

**CALL TO ORDER:**

**Bruce Knippenberg** calls the Brimfield Township Board of Zoning Appeals to order at 7:15 PM at the Wednesday, November 18, 2015 meeting.

Roll Call:

**Cotten** = Here                      **Etling** = Absent                      **Knippenberg** = Here  
**Murdocco** = Here                      **Shutty** = Here  
**Rueschman** = Here

**Cheryl Rueschman** does reserve voting rights this meeting, in lieu of an absent board member.

**MOTION#2015-0048**

A motion is made to accept the Agenda as presented by **Vince Murdocco**, seconded by **Lisa Cotten**. Motion carries.

**MOTION#2015-0049**

A motion was made by **Vince Murdocco** to approve the October 21, 2015 Meeting Minutes, seconded by **Cheryl Rueschman**. Motion carries.

**Dick Messner** dually notes that the meeting has been advertised per the Ohio Revised Code and neighboring properties notified.

**SWEARING IN OF APPLICANTS AND COMMENTERS:**

**Bruce Knippenberg** states that the Board of Zoning Appeals is a quasi-judicial board. Anyone having any statements, comments or questions to make tonight shall be directed towards the Board and we ask that you state your name, address, and that you swear or affirm that all the statements that you are making are true to the best of your knowledge; everyone is considered under oath.

**PUBLIC COMMENTS: NONE**

**APPLICATIONS:**

**Variance Application:**

**Applicant:** Robert & Andrea Korkan  
**Location:** 3836 Willow Brook Dr.  
**Parcel:** 04-045-00-001-011  
**Zoning:** R-1, Low Density Residential  
**Section:** 303.03.G.  
**4’ Side Setback Variance**

**Dick Messner** gives a brief power point presentation:

- Variance of Section 303.03.G, 4' side setback for an accessory building.
- Korkan, 3836 Willow Brook Dr., R-1 Low Density Residential
- Shows location on zoning map, aerial and tax map of the property.
- Idea is a 26'x48' with a 6' lean-to for extra storage and garage space and/or motor home storage location with the driveway being extended to the accessory building. Driveway is consistent with zoning resolution.
- Encroachment is made on the side setback requirement of 15' and the applicant is asking for a four foot variance on the side line property; therefore the accessory building will be 11 feet from the side property line.
- We have not heard from any of the neighbors until recently. There is a letter in your packets that was brought in tonight with the applicant. This neighbor states they have no objections to the accessory building and is the neighboring property closest to the variance.
- Unless there is something we haven't seen or heard, the zoning department has no objections for the consideration of the variance.

**Bruce Knippenberg:** John Huck, is that the neighbor that would be most affected by the building?

**Bob Korkan:** Yes.

**Bruce Knippenberg:** Do you have anything to say? What is the building going to be used for?

**Bob Korkan:** Just vehicles and storage.

**Bruce Knippenberg:** Is it going to look like the house?

**Bob Korkan:** Yes, I'm going to make it look just like the house; same look.

**Bruce Knippenberg:** Same type of outside material and so forth?

**Bob Korkan:** Yes.

**Bruce Knippenberg:** Okay. Are you planning on any lighting on the building?

**Bob Korkan:** Yes, inside.

**Bruce Knippenberg:** Okay, just inside? No big security lights or any flashing lights?

**Bob Korkan:** No.

**Bruce Knippenberg:** Okay. What about the down spouts run off?

**Bob Korkan:** There will be a six foot lean-to on the left hand side. And probably down spouts on the left hand side and probably the front I would imagine.

**Bruce Knippenberg:** Do you have a drain back there now or is it just going to drain out into the yard?

**Bob Korkan:** Probably just into the yard.

**Bruce Knippenberg:** And that won't affect your neighbors? In other words, you're not uphill from your neighbors?

**Bob Korkan:** No.

**Bruce Knippenberg:** What side of the building is the doors going on? Do we have any kind of rendering on this building?

**Bob Korkan:** This is a rough image. (hands the board the rough image rendering).

**Bruce Knippenberg:** Okay. So the garage doors will be facing the street?

**Bob Korkan:** Yes.

**Bruce Knippenberg:** Okay, and the man-door will be facing your house or the pool?

**Bob Korkan:** Yes.

**Bruce Knippenberg:** Okay. Is this construction that you are doing yourself or are you having someone else build it?

**Bob Korkan:** Some of it myself, but I haven't hired anyone to build it yet. So far I have only gotten estimates.

**Bruce Knippenberg:** Okay, are you going to extend the driveway back?

**Bob Korkan:** Yes, it is going to be connected.

**Bruce Knippenberg:** So you will extend the driveway, back around to the two doors?

**Bob Korkan:** Yes.

**Bruce Knippenberg:** And what is the overall height?

**Bob Korkan:** I'm not exactly sure; it will have a ten foot ceiling.

**Bruce Knippenberg:** And plus the peek, okay.

**Bob Korkan:** I don't imagine it being any higher than the house.

**Lisa Cotten:** So the wall height goes ten foot?

**Bob Korkan:** Yes.

**Bruce Knippenberg:** Anyone have any more questions? Any questions from the public?  
(No response).

**MOTION#2015-0050**

A motion is made by **Lisa Cotten** to grant the four (4) foot side setback variance to Robert and Andrea Korkan’s property address 3836 Willow Brook Dr. Kent, Ohio 44240 with the following requirements:

- Accessory building be built with materials that conform and match the dwelling (house).
- There will be no intrusive lighting on the exterior.
- The side wall(s) does not exceed ten (10) feet in height.
- The location of the accessory building has to be built in the location presented and as presented in the rendering submitted to the board.
- Any runoff water has to remain on the owner’s property.
- The use is as stated for storage and vehicles.
- The driveway extension must stay in conformity of the zoning resolution, two (2) feet minimum separation from the property line.

Motion was seconded by **Vince Murdocco**. Motion passes unanimously.

**Conditional Use Application:**

**Applicant:** Thomas Fioritto  
**Location:** Mogadore Rd.  
**Parcel(s):** 04-053-00-00-011-002, 04-053-00-00-011-003  
**Zoning:** H-I, Heavy Industrial  
**Section:** 314.02.B.2 – Conditionally Permitted

**Bruce Knippenberg:** Mr. Fioritto, tell me what you want to do?

**Thomas Fioritto:** I want to put up a contractor’s yard.

**Vince Murdocco:** What are you going to store or put on the property?

**Thomas Fioritto:** A few pieces of equipment, some trucks, materials.

**Dick Messner** gives a brief power point presentation:

- Mr. Fioritto has submitted an application for a construction yard under Section 314.02.B.2 which is conditionally permitted in the heavy industrial district.
- The location is on Mogadore Rd. in a similar area where Serle has their office and the Recycling Center.
- The property has been owned by R&R Refuge Company, that has merged with Republic and the owner is trying sell this property in question.
- Shows the Zoning Map location, south of Tallmadge and north of Old Forge Rd. on the east side of Mogadore Rd.
- Shows the tax map, which shows the subject two properties. The railroad is in the rear of the property.
- Shows the property lines according to the County Auditor’s report.
- Shows the current picture of the property, which has many violations due to the dumping grounds it has become and is an eyesore.
- Anything that goes in there will be better than the current state, as the business would landscape and fix up the property.
- Shows the layout design that was submitted by the applicant.
- Fence line is shown in red dotted lines along the north and south side with no fencing along the rear. The fence would face Mogadore Road.
- Shows existing parking, the gate and how the applicant plans to set up the land.
- The land total is 4.22 acres; current owner is Gregory Kennell whom was the past owner of R&R Refuges Company.
- It has been dually advertised and we have not heard from anybody in the area regarding the permit.

**Bruce Knippenberg:** To the north is what? Jeff Eddy?

**Dick Messner:** To the north would be Serle, Jeff Eddy would be south.

**Bruce Knippenberg:** Okay. The fence line, are you taking it all the way back to the rear property line? On the drawing here, it just shows a couple of feet.

**Thomas Fioritto:** Yea, the only stickler with this whole idea I have here for this location is the fence line. You know, it could be a deal breaker because of the cost. Privacy fence on an average costs \$20 a foot. So with the 1000 feet on one side, and I don’t know what it is on the front, I forgot, but maybe 900 feet; so call it a total of 2000 feet. At a total of 2000 feet times 20

dollars is a lot of money. I would prefer if all goes well, I would have to get in there and strip some of the top soil off to make the parking lot. So I could make landscape mounds, which I feel would be more presentable for a lot less cost.

**Bruce Knippenberg:** So you would put earth and berms on each side?

**Thomas Fioritto:** Yes, and you know have evergreens on top of it. Like I said with the linear footage being as it is and the approximate cost of twenty dollars a linear foot; it adds a whole bunch of money. And I personally, think it would look better. It would be more attractive, you know put some rocks up in it.

**Bruce Knippenberg:** Probably.

**Vince Murdocco:** Yes, it would look better than a fence.

**Bruce Knippenberg:** So then your plans would be then to just put a fence across the front?

**Thomas Fioritto:** A gate.

**Bruce Knippenberg:** A gated fence to keep people out.

**Thomas Fioritto:** A gate and probably some stones and whatnot. And then for the rest of the distance a landscape mound.

**Bruce Knippenberg:** So everything that you are talking about will be there permanently? I am sure that you would be moving it from the lot as you need to use it but the equipment is going to be stored there?

**Thomas Fioritto:** Yes, moved in and out when needed on projects.

**Bruce Knippenberg:** Right

**Thomas Fioritto:** You know when it gets slow in the winter time it would be there for a longer period of time.

**Bruce Knippenberg:** Sure. And how many pieces of equipment are we talking about? You have a truck parking area and equipment area.

**Thomas Fioritto:** Yea at this stage in the game, I am just a little guy. I have like six (6) trucks and half a dozen of pieces of equipment. Couple excavators, couple backhoes and skittzer.

**Bruce Knippenberg:** And then the other area is just going to be stone, sand, gravel and top soil?

**Thomas Fioritto:** What are is that?

**Bruce Knippenberg:** The material area?

**Lisa Cotten:** The southern end part area.

**Thomas Fioritto:** Yea, you know I do projects and a lot of the time when the projects done I will have left over material, which I might bring back in. Then we would stock pile it and then when I get another job bring it back out to that job.

**Bruce Knippenberg:** It is not going to be debris or waste?

**Thomas Fioritto:** Oh no, no, no! Water line pipe, plastic pipe, sewer line pipe, and you know maybe a load or two of stone.

**Bruce Knippenberg:** You are not going to be storing aluminum siding there?

**Thomas Fioritto:** No, I'm not in that bracket. Like Dick said it is kind of unsightly right now.

**Vince Murdocco:** Yes that it is.

**Wendi O'Neal:** It has been a dumping ground.

**Thomas Fioritto:** Yes hot water tanks, tires, hot tubs and everything you can think of on the other side of those barrier walls. I don't know what possess people to go down there and chuck that stuff over.

**Bruce Knippenberg:** Yea, well there isn't anybody there to stop them.

**Vince Murdocco:** It is an easy way to get rid of it, I guess.

**Dick Messner:** Usually it is what the recycling center won't take.

**Thomas Fioritto:** I guess so.

**Bruce Knippenberg:** What about lighting? Do you plan to have any?

**Thomas Fioritto:** We shouldn't need any lighting at this point.

**Bruce Knippenberg:** Okay, and you have a future building site, what kind of building?

**Thomas Fioritto:** Similar to Kline & Kavali's building if you are familiar with the face of that, contractors store; like the face of that building.

**Bruce Knippenberg:** Is it store front or garage?

**Thomas Fioritto:** It would be a garage with an office.

**Lisa Cotten:** Like a warehouse?

**Thomas Fioritto:** Garage with an office entrance, if things work out for me.

**Bruce Knippenberg:** So it will be more for indoor storage?

**Thomas Fioritto:** Yes and repairs and a little area for office.

**Bruce Knippenberg:** Okay. Do you have any idea how big of building you are looking at? Two or three bays?

**Thomas Fioritto:** Yes, maybe 60 x 100 or something like that or even 50 x 100. It is a little difficult right now because there are no utilities on the street. There's no sanitary, there's no water hopefully if we get lucky in the near future, we will get some of that down that way.

**Vince Murdocco:** You might not live that long! Just saying it could take a long time for utilities.

**Thomas Fioritto:** And that's okay too!

**Dick Messner:** If a building goes up, he would have to satisfy the health department.

**Lisa Cotten:** So basically any of the materials that are going to be stored there are going to be useable materials that you could use on a job somewhere?

**Thomas Fioritto:** Right.

**Lisa Cotten:** No trash or old drywall?

**Thomas Fioritto:** No, I don't do that kind of work anyways. I'm a sewer contractor majority of the time.

**Lisa Cotten:** Okay.

**Ed Shetty:** Do you plan on having any fuel tanks or anything of that sort?

**Thomas Fioritto:** Pardon?

**Ed Shetty:** Like diesel fuel tanks?

**Thomas Fioritto:** Yes, I would like to but at that time I would get with the fire department and make sure it would be double wall storage unit; not elaborate, just something small 500 gallons maybe. Nothing huge.

**Cheryl Rueschman:** I see up here it says truck parking area, is that where you will park your five to six trucks?

**Thomas Fioritto:** Yes, there is plenty of room there. To be honest with you, the stuff that I have, I could crunch it all in that one spot there, but again I don't have a whole lot of equipment and/or trucks.

**Bruce Knippenberg:** Okay, so basically you are stating that you will have a fence as shown here, and the rest of the north and south borders will have some kind of earth and berm with trees on top of it.

**Thomas Fioritto:** I would like to use mounds on the frontage on Mogadore Rd.

**Bruce Knippenberg:** Okay. So you are going to use the earth and berm as opposed to the fence?

**Thomas Fioritto:** Yes, other than the gate area.

**Bruce Knippenberg:** I was just wondering because the drawing show the fence all the way across the front.

**Thomas Fioritto:** Well I didn't know how to really list it at the time, so I just wrote fence down in there. But again that might be the deal breaker because of the cost of that.

**Bruce Knippenberg:** Okay, how high are you talking or thinking?

**Thomas Fioritto:** I think at least five (5) feet, with the height of trees on top. I know your fence is six or ten or eight. The landscaped mounds there is no height requirement.

**Dick Messner:** The landscape mound has to be a minimum of five (5) feet setback from the road right-of-way and then landscaped with trees.

**Bruce Knippenberg:** And then the berm would have to be at least five feet back from the road right-of-way.

**Lisa Cotten:** Five Feet?

**Dick Messner:** from the road right-of-way.

**Thomas Fioritto:** I was just thinking ahead and trying to eliminate as much room as possible for people pull over. I mean right now it seems there is a ton of room for people to just pull over and dump.

**Dick Messner:** Well Mogadore Rd. is a 60 foot road right-of-way, that the road itself is 24', so if you go to the middle of the road and take the tape out 30' then you would be at the end of the road right-of-way of the county road system. So roughly 18' from the edge of pavement belongs to the county then adding five feet.

**Bruce Knippenberg:** You would have to check with the county to get the exact road right-of-way there.

**Dick Messner:** It would show up on the tax maps. After reviewing the tax map, it is confirmed that Mogadore Rd. does have a sixty (60) foot road right-of-way.

**Bruce Knippenberg:** Does anyone have any further questions?

**James McGuire:** 3789 Mogadore Road, We are diagonal across from this property. Do you plan on parking any vehicles close to the curb? Because we have like 53 semis running down that road. The other day I caught one doing sixty mph. And we have a lot of dump trucks that utilize that road every morning, we are lucky to be 300 feet back from the road. If you plan to

take off at 5:30 – 6:30 in the morning, it's going to be busy. The road probably needs paved, especially with all the trash trucks too.

**Thomas Fioritto:** There is a lot of traffic down through there now.

**James McGuire:** Yes, quite a bit.

**Thomas Fioritto:** Maybe that is why that barrier wall is there. Maybe I will have to scoot them up closer to the road then.

**Kay McGuire:** Well if they don't end up in that field, they end up in our field.

**James McGuire:** Well in the winter time, they come around the corner and they keep sliding into the field.

**Thomas Fioritto:** So everything just need tucked back inside.

**James McGuire:** But it's on a curb there and I would caution. He mentioned 60 feet, but with most of the large semi's that drive down there, they drive the yellow line. That's the way it is primarily and I don't know why, maybe they don't want to take the leaves of the trees or something like that.

**Kay McGuire:** There is a water issue there too, but I'm sure if you have construction equipment and stuff like that I would hope that you would take care of the water issue?

**Thomas Fioritto:** Yea, I don't want to be floating around myself. But yea, it needs work that property. And it needs cleaned up.

**Dick Messner:** All properties that are new or are going to be redeveloped come under the EPA's Phase II, which has been in effect in Portage County for eight or nine years, which means it controls inflow and outflow of water on it. It is enforced by the Portage County Soil and Water Conservation District. So any water problems that would come about on the property would come under their jurisdiction.

**Lisa Cotten:** Now you mentioned moving the top soil around, will he have to get a permit or go through soil and water?

**Dick Messner:** If he buys the property, he can do whatever he wants on his property as long as it does not contaminate neighboring properties.

**Bruce Knippenberg:** Because there are no wetlands or nothing wet on the property?

**Kay McGuire:** There used to be.

**Dick Messner:** We didn't see anything on the map, but that is not saying that there isn't something there.

**Kay McGuire:** There is a lot of fill; all the way from Jeff Eddy's down.

**Thomas Fioritto:** They filled that at one time, did they?

**James McGuire:** Yes.

**Cheryl Rueschman:** Do you have runoff on your property from anything around there? At all?

**Kay McGuire:** Oh yes, we have. When they don't clean the ditch, there's a ditch up the way, and if they don't keep that ditch cleaned out, that water goes back to the railroad and we end up with all that water.

**Lisa Cotten:** You know, I am just saying this as a real estate professional, did you get an environmental site assessment done on that property?

**Thomas Fioritto:** No, not yet.

**Lisa Cotten:** I'm not saying you have to but you might want to consider that.

**Thomas Fioritto:** You know this is my first step, before I go any further. I have learned my lesson.

**Lisa Cotten:** Because if you order that yourself you will be protected.

**Thomas Fioritto:** Right.

**Lisa Cotten:** Given who has owned it in the past and working at the bank, we have had some serious issues with properties that have been filled.

**Kay McGuire:** Not only that, but the water comes across the road from all that gravel bank. There is a lot of water that comes in through there on to that property.

**Thomas Fioritto:** That's higher ground isn't it?

**Kay McGuire:** Yes. And it used to go under the railroad tracks, at one time, right across from the building there, the riding stable building. There used to be a thing that went under the railroad tracks that took the water to the other side of the railroad tracks but they changed it.

**Bruce Knippenberg:** And now it goes in your yard?

**James McGuire:** No.

**Kay McGuire:** No well as long as they keep that ditch cleaned, it goes down to the railroad tracks on the other side; it is fine.

**Bruce Knippenberg:** Okay, do we have any more questions about the property in question? So at this point we don't need anything from soil and water?

**Dick Messner:** Nope.

**Bruce Knippenberg:** He might want it for his own protection.

**Dick Messner:** I think as Lisa mentioned before signing any papers to buy the property, it might be a good idea.

**Lisa Cotten:** It might be money well spent.

**Bruce Knippenberg:** But we don't need it for ours, because there is nothing on the map.

**Dick Messner:** Right.

**Kay McGuire:** I don't think that soil and water enforces anything anyway.

**Dick Messner:** Oh they do now. The EPA is all over them.

**Bruce Knippenberg:** I was going to say that they now have the Ohio EPA to go with it.

**Kay McGuire:** Oh, they do? For a long time they didn't. They just listen to you, listen to your sob story.

**Bruce Knippenberg:** Well they might just listen to your complaint, but they really listen to the EPA complaints and if that water even thinks about touching Lake Erie then it becomes a huge issue.

**Kay McGuire:** But I would hate to stop something that would be an improvement of what it is now.

**Thomas Fioritto:** It would be an improvement.

**Kay McGuire:** I have a question to, I thought that area is why you are having conditional zoning because it is originally light industry? Isn't that what it is now, Light Industry?

**Bruce Knippenberg:** No, actually the area is Heavy Industry.

**Kay McGuire:** They changed it?

**Dick Messner:** It was changed in 2004.

**Kay McGuire:** I was going to say, the last I knew it was light industry.

**Dick Messner:** Well when you knew it, we only had one industrial district zoning. In 2004 when we shut the whole township down for two years and re-did this map from four zoning districts to 14 what they did was make the light industry light purple and the dark purple heavy industry.

**Kay McGuire:** You just changed that without telling anyone in the area?

**Dick Messner:** Oh, for two and half years there were public hearings, citizen groups, and write ups in the paper and all kinds of community involvement and meetings and notices in the paper.

**Bruce Knippenberg:** It was well publicized.

**Dick Messner:** From 2001 to 2004 letters went out, meetings were published in the paper for numerous hearings, newspaper articles. Not only the record courier but also the beacon and it was all done by law.

**Kay McGuire:** We never got any letter.

**Dick Messner:** For two and a half years, every meeting had to be advertised.

**Bruce Knippenberg:** And there was a lot of meetings before that map got approved. Oh to answer your question, it is a conditionally permitted use in the heavy industrial area; that is why he is here. If it were a permitted use he would just get the permit from the Zoning Inspector, but as a conditional permitted use he has to come before the board.

**Kay McGuire:** So you can scrutinize what is going on.

**Bruce Knippenberg:** Correct.

**Dick Messner:** When the zoning book was put together, routine stuff that would go into each district is called permitted use, almost like a cookie-cutter for that district. They would come into the zoning office and we would review and make sure it fits the criteria before giving the permit. There are other areas in the book and it's all spelled out, conditional permitted, conditionally permitted means it comes to the Appeals Board in which they can set conditions that are reasonable to that property. So that is why Mr. Fioritto is talking to our Appeals Board right now. And being quasi-judicial, they carry the weight. There is nothing that our department or the elected officials can do to over-ride their decision. If challenged it would go to civil action in court.

**Bruce Knippenberg:** Just on the future building area, do you have a rough idea of when you might be looking to build? Because at that point in time you would have to have sewer, water or septic and water and I don't think that you will get septic approved anywhere on this. So you would have to have at least sewer, but any idea as to when you would be considering?

**Thomas Fioritto:** I mean the sooner the better for me.

**Bruce Knippenberg:** Right, well in the meantime what are you doing for enclosure?

**Thomas Fioritto:** I will probably have a small shed there; that I would keep hand tools in and such. I am not going to be retailing from it.

**Lisa Cotten:** Like a portable type shed?

**Thomas Fioritto:** Yea, I would hate to give you a time table on the building because it is just buried between getting utilities in there and having the funds for it.

**Bruce Knippenberg:** I guess that is what I am aiming for, what in the meantime, if any use that you would be using that building for what would be done in the interim. Where are you going to be housing that stuff? That is where I was heading with that question. You said you were going to use it to house things.

**Thomas Fioritto:** I mean, I don't have very many other things than hand stuff.

**Bruce Knippenberg:** But you did say you would use it to make repairs on vehicles stuff like that.

**Thomas Fioritto:** Well for a long time, I have been crawling underneath them wherever they are and if not I renovate or take it to a friend's place where he's already has a shop set up and lets me work on it. Weather permitting we will get underneath it, but I guess I know people in the business that will let me use their bays every now and then.

**Bruce Knippenberg:** Okay, that is what I was getting at.

**Lisa Cotten:** So when he does get ready to build the building would he have to come back in at that time?

**Dick Messner:** The building has to follow the area requirements of that district and come in to get a building permit.

**Lisa Cotten:** Okay.

**Bruce Knippenberg:** Is there a road cut already there? Is he going to have a problem getting a curb cut?

**Dick Messner:** There is no curb, it's all open-ditch.

**Bruce Knippenberg:** Okay, so it is already there.

#### **MOTION#2015-0051**

A motion was made by **Lisa Cotten** to approve the conditionally permitted use of a construction yard per section 314.02.B.2 subject to Section 400.10. Subsections 1-11 on the property with parcel number(s) 04-053-00-00-011-002 and 04-053-00-00-011-003 for applicant Thomas Fioritto with the following conditions:

- In compliance with Section 400.10 Subsection 1 – 11
- In lieu of the required fence, the Board is approving a five (5) foot berm (mound) with landscaping with a minimum five (5) foot setback from the road right-of-way that fronts Mogadore Road, with the north and south property lines to have a landscaped berm (mound) that will remain on the owner's property
- Trees are to be planted on top of the landscaped berms (mounds).
- The owner is responsible for the upkeep of the landscaped berms (mounds).
- There will be no debris, junk, or trash stored on site.
- Materials stored on the site must be useable building materials.
- Any lighting on the property: light must be contained on the property.
- The presented diagram to be followed by the applicant.
- No lighting, no trash/debris or water leaving the property.
- Prior to bringing fuel storage tank upon the property it would be subject to approval by the Brimfield Township Fire Department and also approved by the Ohio EPA
- With the operational hours being 7:00 AM to 7:00 PM

Motion was seconded by **Vince Murdocco**. Motion passes unanimously.

#### **Zoning Appeal:**

**Applicant:** Mattress Factory Warehouse  
**Location:** 340 Tallmadge Rd.  
**Parcel:** 04-038-00-00-026-000  
**Zoning:** G-C, General Commercial  
**Section:** 700.13.C.4, Section 700

Dick Messner: Give a brief overview:

- Mattress Company Applied for two signs, applicant is in violation with all other signs.
- Manager turn-over high, ends up with the garage price signage put back up which was never approved.
- The wavy, and blow-up distractions will be set out by the road, which is not allowed.
- States the appeal is for Section 700.13.C.4. Sec. 7 as stated in appeal application form.
- Garages will be painted over, then someone will come and will but the signs back up on the garage.

- Appeal Application states: “STATEMENT OF REASON OF APPEAL: Signs- Sale 89 Any Size, I think these informational signs are legal. Area Businesses have similar signs, without permits or known violations.”

**MOTION#2015-0052**

A motion is made by **Lisa Cotten** to approve the legal actions taken by the Zoning Inspector whom is bound by the Brimfield Township Zoning Resolution in regards to the Appeal application filed by Mattress Warehouse, located at 340 Tallmadge Rd. as the complaint filed on the appeal application; the applicant failed to appear before the Board of Zoning Appeals for further justification of the appeal, motion was seconded by **Vince Murdocco**. Motion passes unanimously.

**AUDIENCE QUESTIONS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

**GOOD OF THE ORDER:**

The Board is briefed on the possible Bed and Breakfast establishment that is sought by Seven Chairs. The property borders the hotel district and it is a good possibility the owners will see the Board in the future.

**SET NEXT MEETING:**

Next meeting is scheduled for Wednesday, December 16, 2015, at 7:15 PM.

**ADJOURN:**

**MOTION#2015-0053**

A motion was made by **Lisa Cotten** to adjourn the November 18, 2015 Board of Zoning Appeals meeting, and was seconded by **Vince Murdocco** at 8:50 PM. Motion carries.

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Chairman Bruce Knippenberg

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Vice Lisa Cotten

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Scot Etling

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Vince Murdocco

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Ed Shetty

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Secretary Wendi O’Neal

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Alternate: Cheryl Rueschman