

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

MINUTES of February 19, 2014

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: President Bruce Knippenberg Vice President Lisa Cotton
 Scott Etling Ed Shutty Vince Murdocco

Alternate Absent: Cheryl Rueschman

Staff: Dick Messner, Zoning Inspector
 Wendi O’Neal, Zoning Secretary

Visitors:

NAME	TITLE	COMPANY	PHONE	FAX	EMAIL
Patrick Thornton	Principal	Sixmo Inc	216-767-5400	216-767-5477	pthornton@sixmoae.com
Joe Mosyjowski	Owner	Mosyjowski & Assocs. Engs.	330-628-2516	330-628-2656	jmosyjowskit@cs.com
Brain Giles			330-673-2407	330-677-1987	Bgiles2417@gmail.com
Ernest Giles			330-699-6344		
Bob Giles			903-786-7817		Ernest.Giles@gmail.com
Dave Giles			330-678-3196		Dgiles8302@aol.com
Daz Jeffery	Consultant	Hudson Const.	216-409-6049		Daz.Jeffery@gmail.com
Al Klaben	Owner	Klaben	330-202-5333	330-677-2899	jr@klaben.com
Alex Flox	Attorney at Law		330-762-877	330-762-4401	arfolx@hotmail.com
Carla Caskey	Office Manager	Klaben	330-677-2877		

CALL TO ORDER:

Bruce Knippenberg calls the Wednesday, February 19, 2014 meeting to order at 7:00 pm.

Bruce Knippenberg does roll call:

Cotton = Here **Etling** = Here **Knippenberg** = Here
Murdocco = Here **Shutty** = Here

MOTION#2014-0008

A motion is made to accept the Agenda by **Scott Etling**, seconded by **Vince Murdocco**. Motion carries. Extra copies are on the podium.
 Dually Advertised? Yes.

MOTION#2014-0009

A motion to accept the Minutes of the January 15, 2014 Board of Zoning Appeals, motion is made by **Ed Shutty**, seconded by **Scot Etling**. Motion carries.

SWEARING IN OF APPLICANTS AND COMMENTERS:

Bruce Knippenberg states: “This Board is a Quasi-Judiciary Board, anyone speaking before the Board, please consider yourself to be under oath. The meeting is being recorded. But it is being

recorded and anyone speaking is to be considered under oath, if you do need to speak, if you need to ask a question, please ask any questions to the Board. Those questions will be answered or forward to people that could answer it. Also, when you are ready to speak give your name, address and that you do agree that you are under oath and you answer to the best of your ability.

APPLICATIONS:

VARIANCES:

ONE VARIANCE:

Automobile Sales and Services in a General Commercial District

Applicant: Klaben Property Management, LLC

1250 West Main Street Kent, Ohio 44240

Location: 4151 Mogadore Road Kent, Ohio 44240

Parcel Number: 04-035-00-00-003-001 04-035-00-00-003-002

Bruce Knippenberg: Asks who is here to represent Klaben?

Al Klaben responds: My name is Al Klaben.

Bruce Knippenberg: Again, briefly if you would give us your name and address and a brief description of what you'd like.

Al Klaben: My name is Al Klaben; the address is 1250 West Main Street Kent, Ohio. We are looking for a Variance for the property 4151 Mogadore Road to build a stand-alone used car facility to sell and service vehicles. That's brief.

Bruce Knippenberg: Ok. Mr. Zoning Inspector, start us off with any background or any information you may have.

Dick Messner: Ok, the property in question is General Commercial. General Commercial would require a variance for auto sales and services which is what the applicant has applied for. We are still waiting for a couple comment sheets to get back from departments at the county level. The County Engineer regarding ingress and egress to Mogadore Road, and any other areas the engineer would comment on and also Soil and Water Conservation District who will do a summary and review of the storm water post protection plan that Mr. Mosyjowski is working on. We have not heard back from either one of them. We expect to have the comment sheets back from the Engineer. Mr. Mosyjowski may have further information on that. The Engineer should have information back to this Board this week. Soil and Water is probably going to be a week to ten days before we get anything back from them. And you might take that into consideration on whatever you decide, you may set that as standards or conditionals on what the reports come back from those two agencies. Sewer department from water resources not involved at this particular time. That will be coming out with the improvement plans. Health Department is not involved. There will be a temporary well in there with the possibility of tying into a water system at a later date. On the drawings that you have, all of the area requirements meet those of the general commercial district. The building setbacks look good. One of the areas is that there has to be an extra buffering on any residential district or residence and on the north end of the property there is a residence for residential even though it's in a light industrial district. And if you look at the drawings you will see the buffering according to the Brimfield Township Zoning Resolution to take care of that. Any questions?

Lisa Cotten: Is that the house, are you referring to the house?

Dick Messner: Yes, the house on the north side on Mogadore.

Lisa Cotten: Ok.

Bruce Knippenberg: And the exact purpose of the variance in the General Commercial district?

Dick Messner: General Commercial district.

Bruce Knippenberg: If you would, Mr. Klaben, please give us a little more information about what exactly it is, you did say it's going to sales and service on it.

Al Klaben: Do you want me to stand up and talk?

Bruce Knippenberg: Yes, please.

Al Klaben: Ok, a little history. We have been looking at this property for a number of years. Owned by the bank, the bank had taken possession of it from the previous owner. I realized the lot is in a terrible location for really any type of a business because of the way Mogadore road opens up to the freeway. And I realized for our type of business it would work out just fine. Because we are not going to have a 100 people an hour coming in and going out, I mean we would be luckily if we get 20-30 people a day, hopefully it is more than that. It is not going to that high intense use. The other disadvantage I saw with this property is going to be hard to get to. But every time I drove down the expressway, coming from the west going east that house was right in front of my eyes. It just stands out. It's like you're driving straight into the house until you start turning to the east again. So I felt that it may be a difficult property to get into but people are going to see the building. They are going where it is at; it's going to be awfully hard

to miss it especially coming from that direction. So after some long discussion with my brothers, we decided to make an offer and we ended up purchasing the property. Now the more I looked at the property I was trying to figure out, ok now what is going to work with this property the way it sets. And what we came up with was to use a service road because this area of Mogadore road is going to be awful to have a lot of out and in points. Pulling in and out of a business, you would like a lot of entrances and exits but it really would be a hazard because the type of property. So what I envisioned was that we built a service road, basically that parallels Mogadore road on the inside of the property here. We did an entrance and exit at the one end as far as to this direction as possible. So that sight distances and everything are going to be good for a person coming and going out here. And also at the far end almost lined up with, where you would be coming off the high way, where the exit crosses the street and it's all really confusing in there. So basically, an entrance/exit that lines up with the roadways down there. And then also just having this be a service road. As for setting the building I'm not sure if anybody drives by that area, but we sent the first year pretty much gutting the house. Really, really nice house. I have always tried to save, save something that is quality built, just has heritage, and history to it. The problem was that, the house has a lot of advantages but too many disadvantages to trying to save it. We would need too much daily babysitting to make it work, so unfortunately we would have to take that house down. That house was built, the base was built in 1901 built with amazing construction for the time frame but I wanted to make sure we were in the same location as the building because I know that has great visibility from the highway. So the idea was that we set the actual sales and service facility right here with parking in the front. And the service road will go around. And this area down here, I guess they tell me used to be an old muffler shop, gas station or something. Once this is done, I think this becomes appealing for low-intensity retail, strip possible, like a three unit strip center. But our plans right now are just to leave that open. And just see how everything works out because like I say, once this is done, the road is in this might be more appealing to something that doesn't need high intensity a lot of in and out, attractive to someone else; but planning ahead. Now the one thing that we do, and I have an architect that bust his butt over the past two weeks to get us ready and the renderings done, the conversations that we have been having is that we sat that we are going to put in a used car lot, and I'm just so worried, that the first thought that comes to their mind is a typical used car lot. Which is a little brick building with stringer lights out front, a bunch of streamers and a guy sitting with a cigar at the front desk and maybe one garage? Ok, that is not what we are planning on putting on this property. So I would like to show you the picture, and I was told that this was not necessary at this point in the meeting, but just so you are aware this not going to be just a used car lot. This will definitely, probably be the nicest stand-alone used car lot in Ohio. There are some nice ones but I think this one will probably be one of the nicer ones. What are looking at here is a facility that will have ten service stalls, essentially in the back of the building where you don't see it. And there will be a buffer between there and the houses and then the in front we will have a large showroom and parking for you know cars out front and decent lighting. And, I'm actually quite thrilled with, because I drew up some rough drawings on how I want the building to look and they basically turned into exactly I had what I had hoped. This is what I say in my mind and they turned into to something.

Scott Etling: Where's the snow?

Al Klaben: We have taken snow into consideration. All the light poles are in to the side because you don't want to plow around anything, plow around light posts and everything else gets to be a pain in the rear. So I guess if you have specific questions I could probably answer them.

Bruce Knippenberg: The lighting is this something that you plan on having on 24 hours a day, all night long or is it going off when the business shuts down?

Al Klaben: I have a lot in Cuyahoga Falls. And I cut the light posts off; I cut them down because I didn't want to pay for lights forever. I'm thinking this is going to be a location where the lighting will be on probably until 10 or 11 o'clock at night and probably to a lesser extend throughout the night because I really envision this stand-alone facility but I see it as advertising for our grand primer. So I would like to have some type of lighting and when we get to that point we will have all the necessary information on that. Yes, intend on all all-night lighting at this point.

PUBLIC COMMENTS:

Bruce Knippenberg: Do we have any other questions right now from the Board members? Any questions from anyone in the audience that may be interested or have comments about what we are discussing here?

Brian Giles: Yea I might.

Bruce Knippenberg: Ok, please state your name and address.

Brian Giles: Brian Giles, this is my father Ernie Giles. He's probably been a small business owner in Brimfield longer than anybody else in this room has paid taxes in this township. I haven't lived here since 1981. He started his business in what, 1956 here in Brimfield? He's had four of them, businesses in Brimfield. My concern is that they wouldn't re-zone his property without ever notifying him of the investment properties, he's 84 years old. Had the property sold, and that came down to the fact that, ya know, Brimfield turned him down because they re-zoned it without him even knowing. We just had a recent personal direction of it, for a used car lot and they turned him flat down. So here is a guy that's been in Brimfield all his life, employed people in Brimfield of four different businesses, was involved in the community his whole life.

Bruce Knippenberg: You are referring to this property?

Brian Giles: Well yea, across the street. He's had Ernie's body shop, he's had Emma Jean's Ice-cream, Giles Truck Equipment, and so he's been with this township all his life. Employed people all his life. He buys a property for an investment property and they take it and re-zone it on him without him knowing about it.

Bruce Knippenberg: So you are referring to then to the property on

Brian Giles: 43, and exit of 76 and route 18

Bruce Knippenberg: on the southeast side?

Brian Giles: Right

Vince Murdocco: That one right there in the corner, used to be

Brian Giles: Absolutely. Used to be Emma-Jeans ice-cream, Giles Trucking. He owned the properties on the other side of the freeway, that circle to the vc, Ernie's body shop, he had all that. So he's been an active member of the community, employing people in the community. And here he buys a piece of property and they completely shut him down.

Bruce Knippenberg: Now your comments are regarding this particular project?

Brian Giles: No, absolutely no.

Bruce Knippenberg: Ok, well again right now we are discussing this particular property. If you have...

Brian Giles: But we are still talking about the used car lot right? We are talking about a used car lot and we were turned down for putting a used car lot in at that corner.

Bruce Knippenberg: And his remedy would be to bring it towards the Board. He was turned down by our zoning inspector,

Brian Giles: Right.

Bruce Knippenberg: He can make an appeal for this Board. All he has to do is put in an application with our Zoning Inspector. He's not going to turn down your appeal; he brings the appeal to us. And that would be the proper procedure for that.

Brian Giles: Ok, I just, it was pretty bad. Like I said he's 84 years old and been in Brimfield for many years. In the end you don't care about the property and we are talking about different things.

Bruce Knippenberg: Ok, I understand about your property but, ya I know, at some point, like I said if you want to file an appeal, against the decision that our zoning inspector made that, please bring that, ya know, the proper way. To file an application for an appeal.

Brian Giles: Ok.

Bruce Knippenberg: And then you would have your time to come in and speak to us.

Brian Giles: Do you guys have anything y'all want to say about that?

Bruce Knippenberg: So ok, again any other comments this?

Brian Giles: I believe that business with Klaben, my family has worked for Klaben. So I don't have anything to say at all.

Bruce Knippenberg: Thank you. Ok, let's see. The only comment I have on it is again the used car lot with the garage in the back and so forth are things, well you know, we have zoning districts for that. So this particular zoning district does not allow it, I mean that is why they are here for a variance. I guess the question I have would be normally a used variance or an area variance is based on some kind of hardship that the zoning has placed on your property things that you may or may not have had knowledge of at the time it was purchased, though that generally isn't a complete reason for hardship. Do you have a specific hardship or something in mind about the variance itself?

Al Klaben: To make sure I understood your questions, you are referring to the service part of it or the whole thing?

Bruce Knippenberg: Well actually the whole thing is, you could have gone to the Zoning Board to have it rezoned to general highway or highway services which is where this would then

it would be allowed. So in this particular zone, although it might fit, generally for a variance I don't like to do what I consider spot zoning. So what is the hardship that you?

Al Klaben: I think I can answer your question. There is no hardship because we don't have to do anything with the property. And that's the long and short of it, I mean we just leave it set. But, as far as getting it rezoned, with our discussions and with Mr. Messner just the whole process, I want to move forward on this. And with what I have, with what we have going on in our organization right now ok, because we are going to be doing a 65,000 square foot addition or actually a new building on the service facility in Kent. These are all things that are going to start tripling in effect for the next 12 – 18 months. I have a window right now where this would work. And I have the people in place, just been blessed with a lot of good people who are ready to go to work. So rather than go through trying to get you guys to change the whole zoning for that corner, it was our hopes with us making the proper investment. We really didn't have to go this big and this bold, but yet I wanted to make sure it was going to be valuable to us and to the community too. Because like I said, if it looks shotty it is going to be a reflection of us, if it looks really really good it's going to be a reflection of everything, of us and the area. And that corner which is basically unusable, in my opinion becomes more desirable. And once you get people coming to a location, even it is minimal amount of people coming to this location. I mean, we use the opening for something to go into this location, where nobody's going to want to build something by itself because who will turn the corner for this business only? But the idea is to get the traffic going in there, come up with something that works for everybody. Because I don't need a service road, a service road is more practical for the long run, for everybody, for the people that are going to be using it and so forth. So as far as hardship goes, there is no hardship. I don't have to build this building. We got a lot of other things we can put our money towards right now.

Lisa Cotten: Do you feel you would have a hardship if you were denied the variance and tried to market that property? Based on limited uses?

Al Klaben: No, because I wouldn't even screw around, I wouldn't even mess around with it. I would just hold on to it for a number of years and see what happens. Maybe somebody wants to come in and turn that house into a restaurant someday. The problem is with all the properties that we own, over the last 6 or 7 years, people that want to come in and put a nice little restaurant in that house, ya know, fix the floors up, and have a big old ceiling, ok. People with the best ideas unfortunately have no money to spend. I have heard a lot of great ideas, for not only this property for couple other impatiens that I am currently in the process of doing something with myself or marketing or selling and everyone that has a great idea has no money to spend. And everybody that has money to spend is afraid to spend it right now. So it comes down to, we can make the investment or not make the investment. My plate will be just as full. It's not like, it's either you give it to us or not, it wouldn't be any hard feelings at all. If you don't give us a variance, there would be no hard feelings, I've never said anything about you guys. Your whole office has been very supportive of us, and putting this together in the last two weeks, we have spent a lot of time directing us, helping us to do the right things. But as far as me coming up with some bs story about a hardship, I realize it is recording, but there isn't. Because like I said we will just sit on it. I mean it's been vacant for how many years; it will stay vacant till somebody actually has some money in their pocket, because I don't want to go in and refurbish the house. I've done it, I've done it many times. I've refurbished a lot of old homes and old buildings but unfortunately they consume too much of my particular time. And I got to the point where'd I rather just give somebody some plans and say here, build a building. But as far as it being a sales and service, I mean the only reason it's going to be service and sales is because that makes it more appealing to a consumer to purchase. Most places where you buy a used car, you have to have it serviced somewhere else or not have it serviced very well. And sometimes the service business gets you the sales. And not getting into a long story of our car business, but they work together, so you need, it would be very beneficial to have the service and the sales at the same location.

Bruce Knippenberg: How many individuals, what do you figure you will be doing as far as employment?

Al Klaben: We will be starting off, probably about 14 people is what I estimated. I'm estimating between 6 – 8 people out in the front and probably 8 in the back to start with, between technicians and selling, so anywhere from 14 – 16 people when we open the doors. And we have already set that process in motion, we are already hiring people into our dealership so that they could be trained in how we run business and you know we have a very strict business plan that we follow which is very customer oriented. So if this does take place, we already have people in place, so when we do open up no one will be fumbling around not knowing what's going on,

when we open it will be like we have been in business for 10 years and that's what we are trying to accomplish there.

Vince Murdocco: Stupid question, but how many cars do you see on that lot?

Dick Messner: 88

Al Klaben: Ya know, when we were young, I'm going to tell a story real quick. My dad had about, well I don't know he worked for new car dealers, he was never in the car business until he came to Ohio and owned his own building. But he had 4 or 5 used car lots and you know I have two younger brothers, my dad would drive by a place that was for rent or for sale and he would say that would make a nice used car lot, how many cars could you fit in there? My youngest brother could look at it and know it right away. I'm guess, I'm hoping we can keep somewhere between 75 – 100 used vehicles. Some will parked out front, some will be inside in the show room and all around, but I'm hoping to have a marketable quantity of cars, somewhere around 100 vehicles there.

Bruce Knippenberg: And you still have adequate parking then for costumers?

Al Klaben: Yea, because there is going to be parking in the front. Like I said, this drawing is not tweaked perfectly but considering the fact that they put it together in less than 10 days or less, we didn't get to sit down and actually tweak the parking spaces and so forth. But there will be parking for costumers all along the front of the building.

Bruce Knippenberg: And as far as debris, waste, whatever from the service facility?

Al Klaben: This whole area over here, which is vacant over here would be privacy walls with waste containers and so forth on that end. So you are going to have buffer zone in here and then privacy wall then whatever for the different type of trash, well for old oil storage and stuff.

Bruce Knippenberg: You won't be storing any dead cars, turd cars, anything like that?

Al Klaben: They are worth so much money now-a-days, that cars that aren't worth reselling, scrap is. you know, 400 – 600 sometimes and they come and tow them away and give you a check.

Bruce Knippenberg: Ok, anything else?

Scot Etling: Can we talk about this one?

Bruce Knippenberg: Ok, we can do that at request. We would like to take a brief recess to discuss this quickly. It is probably easier for us to step out.

MOTION#2014-0010

A motion is made by **Lisa Cotten** to take a brief recess for discussion, seconded by **Vince Murdocco**. Motion carries.

Reconvene meeting at 7:50 PM.

Bruce Knippenberg: Basically the discussion that we had there was some clarification points and then if the Board were to grant variance any conditions that might be on that decision. The first point we would like to enter some of the, just any other discussion that we had we need to get that into the record. So if we would, if you would like to start with the comments you had.

Lisa Cotten: I, my comment is that the practical difficulty with this property, we talked about the hardship. The practical difficulty with this property from an economic development stand point is that there is not a lot of good uses, that can be or not a lot of good. And you mentioned that when you considered buying the property.

Al Klaben: And when you left room, I hate to drop, but let me just mention that when you left the room, when I hear hardship I was like, would it be a hardship for us to just leave this property undeveloped, and we are blessed to be in a position where we could leave in undeveloped. And not thinking of the fact that it is a difficult property.

Lisa Cotten: That's why I asked if you were to put it on the market. I was trying to lead you there but..

Al Klaben: For me to make this work, with all the extras I have to do, the service road, the buffers, everything else to help make this pay to help make this work I mean I can't just pay to have somebody put a restaurant in there; they're not going to do it.

Lisa Cotten: Right

Al Klaben: It has to be something that is going to generate enough income to pay for all the extras that we have to do to make that corner work.

Lisa Cotten: Well not only that, we have several problems with that property. We have the traffic patterns there, and we don't want a use there such as an office where you have 50 people coming in between 7 – 8 AM and 50 people leaving between 5 – 6 PM. So with the, you know, the way people will come in and out of that property is perfect for that spot because of the way the intersection is there and so to me that is the hardship of that property. Is that not anybody

could go in there and purchase that and be able to develop it with a use that would be good at that intersection. So I just wanted to get that on the record.

Vince Murdocco: That's kind of the way I felt. I didn't feel that based on the way it is right now it is not very marketable for anything else. I think what you are presenting would be an attraction to that piece of property and it would provide the usage without causing any traffic problems because you are putting in a service road. If you didn't do that, I don't know what else that property; ya know what they could use it for. So that's my opinion.

Scot Etling: For me it was the architectural side of me said it's a great use of space and you are doing exactly what Lisa said the property is being used the way it should be. The Board of Zoning Appeals side of me says this is spot zoning by definition and that's the problem I am having because I am still honestly don't know. I absolutely agree with what you are doing, I just don't know with the way it's being done. And that's my problem.

Al Klaben: Can I just ask a question about?

Scot Etling: Sure.

Al Klaben: So it is something that you have the option of doing but you are uncomfortable with doing it that way?

Scot Etling: Yes. That is the best way to put it.

Al Klaben: I just wanted to make sure because there is a reason I wanted to present it this way because like I said, time frame, if we are going to do this. I want to be able to have functioning facility by mid-summer.

Scot Etling: Right

Al Klaben: And after that, is that my time is no longer available until probably 2 years.

Scot Etling: Understood. I just, my concern comes in when you open that door. That's my issue.

Bruce Knippenberg: Some of the concerns I have with that would be because it is right on the express way. Like you said, as soon as you come off the express way you can see that building and coming down the express way I wouldn't want any kind of, you know anything there that is going to be distracting for the safety reasons.

Al Klaben: We have already thought about things like that. I want it to be noticed but I don't want it to be blinding a guy thinking that is the road as they are coming down on a snowy night too. And one of the nice features now-a-days with the lighting that it is available it can be very directional. It's not like has to stick and illuminate the whole sky. Basically I can light the cars, I can have a nice sign on the front of the building, yet not be looking like a landing strip.

Bruce Knippenberg: Ok. That was one of my pets, that's why I was asking about the lighting because I noticed.

Al Klaben: That's what, yea one of the things that is nice with the lighting now. It's a nice feature that's available now it can be very directional. We don't have illuminate the night sky to illuminate the lot.

Bruce Knippenberg: And then two, I don't know about flags and balloon-age and things of that nature. That's not something that you will be using on your lot?

Al Klaben: As you have probably, if you drive through Kent, that's kind of old school.

Bruce Knippenberg: Well I understand but..

Al Klaben: If you go outside when there is dollar show bonuses, and you know little plaques and things like that, but no there, I'm not really into the things that go up and down like they're flopping all over the place or things on the building. The idea is to let the building be the attraction.

Bruce Knippenberg: Or the big pole sign that runs a movie that you can see it up and down 224. I mean

Al Klaben: At one point in time, I would entertain depending on how things work out because there is a blind spot from here and it would be nice to have to have some type of signage. But I'm thinking that once it's erected and I can see what happens with this side of the building, it may not be a necessity. Because like I said we are going to get so much exposure coming from the West that it wouldn't be that big of a problem making sure you get off at the right exit.

Bruce Knippenberg: Ok, any more discussions or questions for the Board? Anything else from the Zoning Inspector?

Dick Messner: Well the lighting you talked about and the signage. The signage in particular, we probably have the strongest Resolution on signs in the whole area. The people that wrote that in the Zoning Commission pretty much dictates to our department follow that signage Resolution with your ordinances and cities pretty close.

Bruce Knippenberg: Alright, do we have any motion concerning this evening's application?

Lisa Cotten: I make a motion that we grant a variance for sales and services for Klaben subject to some conditions: Subject to the approval of the lighting and signage by the Zoning Inspector, the lighting must be directional, as you indicated, and maintained within the property, no distractions in terms of flags, those little things you mentions, I don't even know what you call those, flashing signs or lighting or anything of that sort because we are concerned about the traffic flow there and people being distracted, also conditioned upon the fact that the building that you are going to construct and the layout will be similar to what you presented here tonight in terms of the placement of the structure, parking, service access road, the size and square footage of the building all that. I think that is it.

Bruce Knippenberg: The soil and water.

Lisa Cotten: Oh yea, I had that written down, to start with but I forgot about that. It is also dependent on the approvals from the Portage County Engineer's for the ingress and egress and the Portage County Soil and Water for the other approvals.

Bruce Knippenberg: So basically that means if you don't get the approvals from them, it would void the variance. Do you agree with any, or all or some of the conditions?

Joe Mosyjowski: 2615 Swartz Road, Hartville, Ohio 44632. We have submitted plans to soil and water. We submitted plans to the county engineer. We got minor review comments back from the county engineer with the drive through breach impeded. We are still waiting on soil and water.

Bruce Knippenberg: Ok. Do we have a seconded?

Vince Murdocco: I will second that.

Bruce Knippenberg: Ok we have a motion and a second; do we have any additional discussion, additional questions? Ok, believe we will go with a roll call vote.

MOTION#2014-0011

A motion was made by **Lisa Cotten** to grant a variance to Klaben Properties, LLC for the location of 4151 Mogadore Road for an Auto Sales and Service Facility and was seconded by **Vince Murdocco**.

ROLL CALL VOTE ON MOTION #2014-0011

Lisa Cotten: Yes	Scot Etling: Abstain	Vince Murdocco: Yes
Ed Shetty: Yes	Bruce Knippenberg: Yes	

MOTION #2014-0011 PASSES.

Bruce Knippenberg: Your motion passes. Please get with Mr. Messner at his convenience and good luck with the project.

Al Klaben: Thank you.

OLD BUSINESS:

The Board is request to review the amendment 520 – 520.09 Non-Conforming Uses and Structures that in process to become permanent in the Brimfield Township Resolution. Trustees have accepted the recommendations from the Zoning Commission and the Trustees elected to proceed with it as is and public hearing is scheduled before their next meeting.

NEW BUSINESS:

Also new updated printed copies of the Zoning Resolution will be printed and handed out soon.

Briefing of the H&M Rubber building, with the Taylor Construction Company.

GOOD OF THE ORDER:

Briefing over the latest Zoning Practice.

The signing of the donation of the land at Cranberry Creek is in the process.

SET NEXT MEETING:

Next meeting is scheduled for Wednesday, March 19, 2014 at 7:00 PM.

ADJOURN:

A motion was made by **Scot Etling** to adjourn the February 19, 2014 Board of Zoning Appeals meeting, and was seconded by **Ed Shutty** at 8:30 PM.

Chairman Bruce Knippenberg

Vice Lisa Cotten

Scot Etling

Vince Murdocco

Ed Shutty

Secretary Wendi O'Neal

Alternate: Cheryl Rueschman