

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

MINUTES of July 16, 2014

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: President Bruce Knippenberg Vice President Lisa Cotton
Scot Etling Vince Murdocco Cheryl Rueschman

Absent: Ed Shuttly

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

Public Present:

Name	Phone	Company / E-mail
Richard A. Bowling Pres.	330.724.2149	R.A.B. Trucking
Tona Delong Safety Director	330.724.2149	R.A.B. Trucking

CALL TO ORDER:

Chairman Bruce Knippenberg calls the Wednesday, July 16, 2014 meeting of the Brimfield Township Board of Zoning Appeals to order at 7:03 PM.

Bruce Knippenberg does roll call:

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

Cheryl Rueschman has voting rights this meeting.

Chairman Bruce Knippenberg dually notes that the meeting has been advertised per the Ohio Revised Code.

MOTION#2014-0029

A motion is made to accept the Agenda by **Scot Etling**, seconded by **Vince Murdocco**. Motion carries.

MOTION#2014-0030

A motion to accept the Minutes of the June 18, 2014 Board of Zoning Appeals is made by **Vince Murdocco**, seconded by **Scot Etling**. Motion carries.

PUBLIC COMMENTS: None pertaining to the agenda.

SWEARING IN OF APPLICANTS AND COMMENTERS:

Chairman Bruce Knippenberg states that the Board of Zoning Appeals is a quasi-judicial board, with hearing this case today we have an application for a conditional use permit. Anyone having any statements or comments to make tonight, we ask that you state your name, address, and confirm that all the statements that you are making are true to the best of your knowledge.

APPLICATIONS:

Conditional Use Zoning Certificate Code Section 314.B.2, 314.B.7

Applicant: **Richard A. Bowling, R.A.B. Trucking, Inc., R.A.B. Express Inc.**

Location: **1247 Eastwood Ave. (REAR) Tallmadge, Ohio 44278**

Parcel: **04-054-00-00-013-000**

Dick Messner gives brief overview with presentation.

- Richard Bowling owns two companies
- Occupied land is Samuel Keller, or Keller Hall
- First part of property in Tallmadge, 17 acres in Brimfield Township
- Main entrance off Eastwood in Tallmadge
- Zoning- Heavy Industrial (H-I)
- Current Use: Contractor yard, heavy equipment, misc., storage buildings for Keller Hall, which was there before zoning.
- Buffering- I-76 to north, N & W Railroad to south and east
- Suitable Use – Conditionally permitted uses for contractor yards and storage yards, (314)
- Automobile Trailer Hauling industry, and Repair
- Offices in Tallmadge, Storage and Service building for trailers and rigs in Brimfield
- Approximately 18 employees to start.

Richard A. Bowling, 4929 Christman Road, Akron, Ohio. Owner and President of R.A.B Trucking and R.A.B. Express. We were expanding and looking for more property, this lot is 21.3 acres. Trucking company is growing, we needed a facility that we could bring everyone to, and service our trucks and equipment. We know that Keller, right has cranes and forklifts and everything like that, we don't any equipment laying like that. Our stuff moves in and out. Probably about 10% of the time is when all over our equipment would be in; usually on holidays, sometimes on the weekends, or for service. We have, in our Express, we have three mechanics, three office people, and now we have 20 trucks. So total we have 26 right. 20 some acres is what we need to grow. We don't want to have 100 trucks, but 30 to 40 trucks would be a good number for us. It is a way bigger piece of property than anticipated in the beginning. I was trying to find a eight to nine acre property, but this property just came around at the right time talking to Mr. Keller. He is retiring. It just works for us, the offices are nice, our equipment won't just sit. We looked around tonight and within a mile radius there is all kinds of things just sitting, where the grass is higher than the equipment. I don't run our operation that way, we keep things clean, and we are actually hiring a maintenance guy to go around and clean up the landscaping as a lot of grass is over grow and a ton of weeds. Our short term we would like to build a driveway to Mogadore Road. Talking with Tallmadge, we need to do that and would be

safer that way. Samuel Keller has been there for 40 years, and I don't the number of equipment that he's got there but it looked like a lot. One more thing, I have another company that is a repair shop, so ideally we need to bring it all under one roof. So that will be another eight or nine employees on top of what we have now. So about 35 employees, there is plenty of room for parking, plenty of room for equipment to come in and out. And again, they don't come in everyday, most of them are on the road. When they come in they take their 40 hours or 36 off and then they have to go back out. We have been in business 20 years, this is a big step for us, this property is more than we can bite off in the very beginning but I think it is necessary.

Dick Messner states that Tallmadge City Council will be hearing a conditional use application from Mr. Bowling, in August.

Lisa Cotten: From my understanding, based on the letter you are in the car hauling trucking business? So you have car-haulers, is that what you deal with?

Richard Bowling: Yes, we transport cars from auctions to dealers, like Klagen Ford. If they buy 20 – 50 cars, we go pick them up and drop them off.

Lisa Cotten: My one concern is primarily is the number of trucks, you said they would mostly be on the road, but how many trucks and trailers would be exiting? Because they will have to exit from Eastwood and I live right down the street from there, the tracks are there and it's an awkward spot.

Richard Bowling: We would be going right out the drive. Take 532 and then get back on 76. Once we get the position, hopefully soon we will be able to put a driveway in through on Mogadore road also.

Lisa Cotten: Yes, because that would be the easiest.

Richard Bowling: I guess they are going to change that inter-change.

Dick Messner: States that the preliminary drawings on that inter-change are at the state, no estimation as to when anything will actually change.

Lisa Cotten: That's an interesting area.

Richard Bowling: I think it is safer to come in from the other direction at this point in time. Until it gets figured out.

Lisa Cotten: Yea.

Richard Bowling: Espeically truck traffic coming through here.

Lisa Cotten: Yes, because I couldn't see a truck making a left when the driveway is kind of going this direction. That would be really challenging and some of those people come over those railroad tracks.

Richard Bowling: I don't think Mr. Keller did anything in that direction.

Lisa Cotten: No, we never seen anything go out that way.

Richard Bowling: I think it is much safer.

Cheryl Rueschman: A quick question, regarding that it will eventually be Mogadore Road, it is not going to be Old Forge, it is not going to be Eastwood, you're not going access the express way going down Eastwood, going up 532 and catching the Expressway that way, is that my understanding?

Robert Bowling: Yes.

Cheryl Rueschman: Ok, thank you.

Bruce Knippenberg: Are you still working with ODOT, well that's not, is that the county then for the road cut or curb cut?

Dick Messner: We did contact the County Engineer and there is sufficient frontage on Mogadore, and the county engineer, that is a county road has no problem with it, as long as the

curb cut for the driveway satisfies county standards. And there is more than adequate frontage to do that.

Bruce Knippenberg: Now your operation is it generally 8 – 5, is it 24 hours a day?

Robert Bowling: Well the trucks run 24 hours a day, but no it is 8 to 5, she comes in at 8 and the other girls come in at 9 and work until 5 or 5:30.

Bruce Knippenberg: So the trucks don't all return there?

Robert Bowling: No. Some of the guys take their trucks home, and again will only come in for service. The repair shop that we had talked about, Dick and I, that will also have equipment parked on the property that they are repairing.

Bruce Knippenberg: This would be other equipment or your equipment?

Robert Bowling: Other.

Bruce Knippenberg: Other equipment, and that would just be..

Robert Bowling: We have two locations now, both in Akron and that's why I said we are just trying to put everything under one roof, it makes, you know we can watch everything.

Scot Etling: When talking about equipment, are you talking about car haulers? Just car-haulers.

Robert Bowling: and freight trucks.

Bruce Knippenberg: Are talking about the car-haulers that hold 8 to 10, not the two car roll-offs?

Robert Bowling: 8 to 10, that is correct. Again as you see what they have out there now, they have all kinds of equipment that sits, or whatever they do, I don't even know what they do.

Vince Murdocco: Yes, it looks terrible.

Robert Bowling: Like I said, we are going to keep everything turning so they come in, they get their truck repaired and they go back out.

Bruce Knippenberg: You are not going to be leaving junk trucks sitting around for parts or anything like that?

Robert Bowling: No. It won't be a junk yard. We will keep the place cleaned up and the place won't look like the ones surrounding. We are in the transportation business.

Bruce Knippenberg: How many of the vehicles do you anticipate leaving, say outside over night? Just an average.

Robert Bowling: Well, every day or weekends? I don't know maybe 20, there is a lot of property.

Vince Murdocco: Are you going to pave all of it, or are you paving any of it?

Robert Bowling: I wish I could afford to pave it. If we do proceed with the driveway, then I don't know what they will ask for, do you Dick?

Dick Messner: Yes, we have specifications for driveways. It starts with the apron width that is the key one, going off of the road.

Robert Bowling: They just don't want us to drag debris out on the road, basically?

Dick Messner: Yea, there will be an apron width from county standards, in Brimfield and I'm sure Tallmadge has the same thing. There is no through fair within a couple hundred feet, the county does have standards for a heavy use driveway and how close you can come to a major intersection. So there is some of that, so there is nothing on that what so ever on that strip right by the railroad tracks where his property is. That would not be a problem.

Bruce Knippenberg: So the variance you are referring to would be the outdoor parking of the vehicles.

Dick Messner: Yea, if you get into Chapter four on 400.10.B.18 trucking parking lanes, and so forth covers the public thoroughfare signed to cause no interference with the safe and

convenience movement of automobile and pedestrian traffic; not going to be a problem. The last sentence: it shall not be, the site should not be used for the storage of trucks and trailers and this would infer to long-term. I think in your judgment and so forth what would be constitutes something of that nature, time-wise, that you would have to consider under number 18 with the use of a variance.

Lisa Cotten: Are the trucks and trailers that you are going to have on your property, all of them owned by your company? You are not going to have any that are paying to park there on a monthly bases?

Robert Bowling: No, the only ones, we would owe everything, except the trucks that are being repaired by the repaired show.

Lisa Cotten: Right, and nobody in other words, would be paying to keep their truck on the site?

Robert Bowling: No.

Lisa Cotten: Because I think there is a difference between operating a business and having the trucks and trailers versus generating revenue by having people come and store their stuff there.

Robert Bowling: That is not going to generate enough money for that property.

Scot Etling: Do you store trailers there? I mean besides your own trailers, do you have a full trailer needs parked there for a month?

Robert Bowling: Well right now we have one trailer that we have all or some of our equipment in. That facility has almost 30,000 square foot, I think can figure out some where to put that.

Scot Etling: Yea, I guess what I'm asking, say you get a trailer full of toilet paper, and somebody says I need to park them for a month and leave them there.

Robert Bowling: We don't do that.

Scot Etling: Ok, that's what I was asking about.

Robert Bowling: I guess I shouldn't say that we would never do that, we don't do that now.

Bruce Knippenberg: Now when you are doing the car-hauling that is just from site from A to B it doesn't come to your place?

Robert Bowling: It may come loaded, we don't unload and reload. Again, I don't want to say we never do it, but we do that one percent of the time.

Bruce Knippenberg: My interest would be, would be that some of the vehicles that you carry there, I'm assuming are working vehicles? None of them would be leaking fuel or oil or anything on your property?

Robert Bowling: Yes. I hope not. Most of the cars go to new car dealers. Like they might go to an auction, say Columbus, and buy a number of cars and then we deliver them. Klaben is a big account, Fred Martin is another big account. Park Ford in Tallmadge, we ship cars there. Serpetini, so they call and say hey we have 20 cars in say New Jersey, where ever it may be, you know get them back for us. We get them back and we deliver. To leave them sit on a truck or trailer or on a truck in our yard for a week, the guy better not have paid me, usually we have to deliver them the next day or two. Again, we have never done it yet, but to keep somebody's cars that didn't pay us, I can't say that wouldn't ever happen.

Bruce Knippenberg: Well that one just keep inside overnight.

Robert Bowling: 30,000 square feet, I could keep a lot inside.

Bruce Knippneberg: We have I think fairly adequate buffering around, although a lot of it is going to be seen from 76, that is most of the visible site line. You're not going to be having signs or I mean you don't have any reason to advertise, I guess.

Robert Bowling: The only sign on the property is where you first pull in and it is on the Tallmadge side.

Bruce Knippenberg: Well I mean, if you are going to bring your road around to the other side.

Robert Bowling: I don't think that, well again we are not advertising to the public. We have specific clients that we deal with and they are not individuals usually.

Bruce Knippenberg: Well I was getting at, you say that you repair trucks so guys coming down 76.

Robert Bowling: We have three major accounts and that takes care of it. There is always room for more.

Bruce Knippenberg: Ok, I just wanted to make sure you weren't trying to get the average joe on the road to come in for repairs.

Vince Murdocco: You are not going to have any major bright lights shining on the express way or anything like that? Distract the people driving?

Robert Bowling: No. I don't think I need that signage. Again, we have our own costumers, we are always looking for something new to come allow, but we have enough costumers right now to maintain.

Dick Messner: Any signage directed at the interstate would require a letter of release from ODOT before we would even look at it.

Bruce Knippenberg: What do you have planned for the drive along Mogadore road or any?

Robert Bowling: Well we have talked about it, but I guess we have to talk to somebody else so that they can tell us which we can go, either north or south side. The south side isn't that where the railroad tracks are at?

Dick Messner: Yes.

Robert Bowling: There is a number of trains that go down that a day, so we would have, there was a driveway there at one time, and it is half-way there now. So cost wise it might be sufficient if we tried to make it the south side of Mogadore. Dick and I talked about the northern half, by the retention pond, by my luck someone would end up in it. So I would like to do on the south side if we could, I don't know the next step in how we go about putting that in there.

Bruce Knippenberg: So your operation really won't be visible that much from Mogadore road.

Robert Bowling: No, probably not at all.

Lisa Cotten: It would just be like an access line.

Dick Messner describes on the map where the proposed drive would go.

Bruce Knippenberg: How much of this land do you anticipate as parking? No, for trailers. And you are talking about the driveway somewhat going along the tracks and coming out on Mogadore?

Robert Bowling: Between, are you talking about for employees? Most of this land is wooded, but we are going to clear about six acres out, soon, leaving the rest wooded. Since we have grown, we are moving the proposed over about six acres here, which again is still plenty of acreage left.

Dick Messner: At the lower part is where the residential housing is, which is blocked by trees and separated by the train tracks.

Robert Bowling: With noise factor, is not like we have ten trucks an hour.

Lisa Cotten: Well you already have noise coming from the express way, and the train.

Robert Bowling: How many trains do you think go through daily?

Dick Messner: I would say around six to eight per day.

Wendi O'Neal: Is there any plan to ever use the railroad?

Robert Bowling: No, not in my lifetime. Most of our cars come from auctions so we wouldn't have no reason for that. And one of our biggest freight companies that we haul for is Smithers

out of Kent, if you have heard of them, that is our biggest account for general freight. They are very good people. We have been there 12 years, we do a really good job for them, so they let us do whatever we want. They are very good to us.

Bruce Knippenberg: Are you anticipating future expansion towards Mogadore or not?

Robert Bowling: I don't know, I have a lot of building to fill here.

Bruce Knippenberg: I understand that but if,

Robert Bowling: Of course we would like to if we need to, I think there is plenty of property there to do what we need to do with it. Especially along the, where those other two buildings are, not the main buildings, but the other two beside that there is plenty of room to but in another building.

Bruce Knippenberg: But for now your plans are an additional six (6) acres of clearing parking lot?

Robert Bowling: And to put in the drive way. We don't know all the requirements are, but we will have to get to that.

Lisa Cotten: What is the acreage amount of that existing that you have there on the proposed, that you have drawn of the parking area there?

Robert Bowling: I was thinking around nine (9) acres total. The good thing for us is that is property is enough that we can grow into.

Bruce Knippenberg: At this point what would the longest period of time that you would need to store a single trailer on site?

Robert Bowling: A week, but I don't want them to be there a week.

Bruce Knippenberg: I understand that you don't want them to be there a week, but if one of the conditions were to be one single trailer could not be stored longer than a week, you won't object to that? Without going inside.

Robert Bowling: Yes.

Wendi O'Neal: Is the parking lot and everything going to be gravel then?

Robert Bowling: Yes.

Dick Messner: Would any of the rigs be there for any extended length of time?

Robert Bowling: We don't have anything down for any length of time, I guess I shouldn't say never.

Dick Messner: Normal repairs and then back out?

Robert Bowling: Yea, we like to when our drivers come in for their breaks, 36 hours, we try to do the repairs with those hours so they can get back out.

Dick Messner: Your contracted services for other trucks, are the same thing?

Robert Bowling: Yes.

Bruce Knippenberg: So it is all mechanical work on the trucks then, you are not doing body work? So you are not bringing in any wrecked vehicles or anything like that?

Robert Bowling: Not unless we wreck them.

Lisa Cotten: So sixty (60) percent you are thinking of that 17 acre parcel might be parking, if we put a max at this point and later if you wanted to expand then you would come back.

Robert Bowling: Yes, the idea is if we decide to grow, I didn't know if we would have to come back to get it rezoned or not, I'm not really sure but that was our thought in the beginning. And with this size facility we have to grow a little bit.

Bruce Knippenberg: What she is anticipating would be a condition that would allow you to cover 60% of your existing land, which means that you would need an additional permit to go beyond that 60%.

Lisa Cotten: If you, say five years from now wanted to expand out you would have to come in and we would have to reapprove whatever plan that you have at that time.

Robert Bowling: I guess I can't give you the exact number of acres that we need, we are thinking six more acres, first off because that is all overgrown and we would like to clean some of that up. And then you take the driveway into that.

Bruce Knippenberg: Excluding the driveway.

Lisa Cotten: I think what we are trying to avoid is a situation where we just kind of give you free rein and then the neighbor is interrupted and we don't know what happened.

Robert Bowling: That is fine.

Dick Messner: There is a percentage of restricted space regardless, so we can do a minimum.

Robert Bowling: I just don't want to restrict ourselves going in, I understand the thinking, but we grow way bigger we will have to come back in and say hey, we need to do this or this. I'm good with that.

Dick Messner: I came across a majority of 25 foot width minimum for the drive, with the curb and gutter. You wouldn't have curb and gutter but you would have a swale and such.

Robert Bowling: I wanted to mention that we already did an EPA report and it is the biggest report that I have ever seen. It was necessary for us.

Bruce Knippenberg: You said you are not going to do any paving right?

Robert Bowling: Not of the parking lot, I don't know though of the driveway entrance coming from Mogadore road.

Dick Messner: As you add on there will be some drainage ditches, that will come up above through the EPA, through Portage County Soil and Water Conservation District, but I think in that particular area, looking at the topo, it will give you an idea of any impervious surfaces that you might have come about.

MOTION#2014-0031

A motion was made by **Lisa Cotten** to grant the Conditional Use Zoning Certificate Code Section 314.02.B.2, 400.10A & B as required, to applicant Robert A. Bowling, R.A.B Trucking & R.A.B. Repair, located at 1247 Eastwood Ave (Rear) Tallmadge, Ohio 44278, Parcel Number 04-054-00-00-013-000 as presented here tonight with the following conditions:

- Applicant and Companies subject to Code Section 314.02.B.2, 400.10.A & B as required.
- No noise nuisances.
- No lighting nuisances (all lighting must remain on your property).
- No more than ten (10) days of storage for unit trailer on site.
- No more than sixty (60) percent of the Brimfield site can be used for initial development, parking and storage and that would exclude the proposed driveway onto Mogadore.
- Further development applicant shall return filing for addition conditional use permits.
- Normal repairs on trucks.
- No leasing of site for truck or trailer storage for temporary or permanent storage.
- Vehicles, trailers and/or rigs not be left outside for more than ten (10) days on the site at one time.

Seconded by **Vince Murdocco**. Motion passes carries.

Dick Messner: Mr. Chairman I take it from what you have said on your provisions for parking and everything that would negate the last sentence on number eighteen, shall not be used for storage of trucks and trailers, you just negated it by what you said.

Bruce Knippenberg: Correct.

Dick Messner: So there will not be a need for a variance.

Bruce Knippenberg: Ok.

AUDIENCE QUESTIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

GOOD OF THE ORDER:

Dick Messner gives an update of the current happenings within the Township.

SET NEXT MEETING:

Next meeting is scheduled for Wednesday, August 20, 2014 at 7:00 PM.

ADJOURN: MOTION#2014-0032

A motion was made by **Vince Murdocco** to adjourn the July 16, 2014 Board of Zoning Appeals meeting, and was seconded by **Scot Etling** at 8:45 PM. Motion carries.

Chairman Bruce Knippenberg

Vice Lisa Cotten

Scot Etling

Vince Murdocco

Ed Shetty

Secretary Wendi O’Neal

Alternate: Cheryl Rueschman