

**BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS**

**MEETING MINUTES of January 23, 2019**

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent, Ohio 44240

**Present:** Chairman Bruce Knippenberg, Scot Etling, Vince Murdocco, Sean Phillips

**Alternates:** Clayton Popik, Michelle Walker

**Absent:** Ed Shutty

**Staff:** Michael Hlad, Zoning Inspector

**CALL TO ORDER:**

The Brimfield Township Board of Zoning Appeals meeting was called to order at 7:00 PM on Wednesday, January 23, 2019.

Roll Call:

<b>Etling</b> = Here	<b>Knippenberg</b> = Here	<b>Murdocco</b> = Here
<b>Phillips</b> = Here	<b>Shutty</b> = Absent	
<b>Popik</b> = Here	<b>Walker</b> = Here	

**Election of Officers:**

*First Call for nominations for Chairman:*

**Vince Murdocco** nominates and motions that **Bruce Knippenberg** remains as chairman, seconded by **Scot Etling**.

*Second call for nominations for Chairman:*

NONE; being none, no need for third call.

Passes unanimously.

Chairman for the calendar year 2019 will be **Bruce Knippenberg**.

*First Call for nominations for Vice Chairman:*

**Scot Etling** nominates **Ed Shutty** for Vice Chairman, seconded by **Vince Murdocco**.

*Second call for nominations for Vice Chairman:*

NONE; being none, no need for third call.

Passes unanimously.

Vice Chairman for the calendar year 2019 will be **Ed Shutty**.

**APPLICATIONS:**

**VARIANCE APPLICATION:**

**Applicant: Biltmore Healthcare LLC**

**Owner: Jansmiler Properties LTD LLC**

**Address: State Route 43, Kent, Ohio 44240**

**Parcel: 04-005-00-00-039-000**

**Eight (8) Various Variance Requests: Regarding number, location and size of various signage, parking variance request for parking in front of building, and height and locations of Porte Cochere.**

Attorney Dave Mitchell was present on behalf of Biltmore Healthcare to propose a 90-bed skilled nursing facility located in the JEDD. He explained the purchase of the 9.28-acre property is contingent on zoning approval which requires a conditional use permit and several variances. Project Engineer Mike Wohlwend and Project Architect Dan Circ were also present to answer any questions that may arise. The proposed facility is 17,000 square feet and will also be used for outpatient care including physical therapy. They plan to move between 20 and 50 beds to this location immediately and then once they are up and running they will move the remainder. The code requires a 100-foot setback for conditional use requests in the district. Mr. Mitchell said the

facility would bring approximately ninety jobs with a four million dollar payroll and would not be an increased burden on the schools or a substantial increase in traffic. He also mentioned the possibility of a small memory care area in the future. The board members and those present at the hearing did not have any additional questions in regard to the conditional use permit.

**MOTION#2019-01**

A motion to approve the conditional use permit was made by **Scot Etling**. **Vince Murdocco** seconded his motion and all members were in favor.

***Variance #1: Proposal to locate the porte-cochere in the front yard.***

The applicants feel the porte-cochere is a necessary feature of the building as patients are being dropped off or picked up at the front entrance. It is not attached to the building but the overhangs keep patients and guests sheltered from weather at all times.

**MOTION#2019-02**

A motion to approve the porte-cochere in the front yard was made by **Scot Etling**. **Vince Murdocco** seconded his motion and all members were in favor.

***Variance #2: Proposal to locate the porte-cochere within fifteen feet of the main building.***

Mr. Mitchell said the porte-cochere is needed to be closer than fifteen feet to the building to keep continuous shelter from weather. Mr. Circ felt the code is attempting to keep main structures safe from accessory structures in the case of a fire; however, the proposed structure will not have any flammable materials stored inside. The Fire Department did not have any concerns with the porte-cochere.

**MOTION#2019-03**

A motion to approve the porte-cochere within fifteen feet of the main building was made by **Vince Murdocco**. **Scot Etling** seconded his motion and all members were in favor.

***Variance #3: Proposal to allow the porte-cochere to exceed eighteen feet in height.***

Mr. Mitchell said they are hoping to make this a primary focal point of the building to make the entrance easily identifiable. Mr. Circ said they could flatten the roof but it would be much less appealing. The height of the structure is 23' 4" at its highest point.

**MOTION#2019-04**

A motion to approve the height of the porte-cochere was made by **Vince Murdocco**. **Sean Philips** seconded his motion and all members were in favor.

***Variance #4: Proposal to allow the porte-cochere to extend past the 100-foot setback.***

The primary building meets the 100-foot setback but they are unable to squeeze the porte-cochere inside the setback. They are requesting it be located 28 feet outside the setback. It is proposed to filter two lanes of traffic and is wider than a standard drive aisle.

**MOTION#2019-05**

A motion to approve the setback of the porte-cochere was made by **Vince Murdocco**. **Scot Etling** seconded his motion and all members were in favor.

***Variance #5: Proposal to allow parking in front of the building.***

The applicants envision the parking area in front of the building to be utilized by visitors and hope to lessen the walking distance from their cars to the entrance. There were no questions or concerns regarding this variance request.

**MOTION#2019-06**

A motion to approve parking in front of the building was made by **Vince Murdocco**. **Scot Etling** seconded his motion and all members were in favor.

***Variance #6: Proposal to permit parking within twenty feet of the building.***

Portions of the south and west sides of the site do not meet the parking setback. The reason for locating the parking area 18.5' from the south side of the building is to preserve an area for possible future development of a memory care facility. Mr. Mitchell said they could do without their request to locate parking 15' from the west side of the building but they would have to remove several mature trees. He also mentioned they proposed their main driveway to be further north but ODOT would not approve the location.

**MOTION#2019-07**

A motion to approve parking within twenty feet of the building was made by **Vince Murdocco**. **Scot Etling** seconded his motion and all members were in favor.

***Variance #7: Proposal to permit multiple signs on the site.***

The code allows one identification sign for non-residential uses but since the site is a corner lot, there are two front yards and two signs are being requested. Mr. Mitchell said they are unsure of what the signs will say or look like at this point and noted directional signage may be requested in the future.

**MOTION#2019-08**

A motion to approve two signs as shown on the site plan provided was made by **Scot Etling**. **Sean Phillips** seconded his motion and all members were in favor.

***Variance #8: Proposal for signage to exceed the permitted square footage.***

Mr. Hlad explained that the Planning Commission has currently adopted a new requirement for signage and the proposed 32 square foot signs now meet the code. The request is a non-issue and a variance is no longer required.

**CONDITIONAL USE APPLICATION:**

**Applicant: Copper Creek Lodge LLC**

**Owner: Copper Creek Lodge LLC**

**Address: Sanctuary View Drive, Kent, Ohio, 44240**

**Parcel: 04-022-00-00-002-027**

**Conditionally Permitted Uses: Re-approval of Conditional Use Permit**

Bobby Johnston with Mann Parsons Gray Architects and Surveyor Bob Yeager were present to discuss the request. Their original application was approved in 2014 when the area in question was planned to be used for assisted living, however, the housing units were so successful they decided to forego the assisted living and construct three story apartments. The applicant is proposing 24 one-bedroom units. Mr. Johnston noted that a larger fitness room will be constructed due to the increase in tenants. All the Fire Department requirements have been met.

**MOTION#2019-09**

A motion to approve the conditional use application was made by **Vince Murdocco**. **Scot Etling** seconded his motion and all members were in favor.

**CONDITIONAL USE APPLICATION:**

**Applicant: Dave Helmling**

**Owner: Helmling Trucking**

**Address: 4378 Mogadore Road, Kent, Ohio, 44240**

**Parcel: 04-035-00-00-011-012 Zoned LI**

**Conditionally Permitted Uses: Resolution Chapter Sec. 313.02 B-3 Mini/Self-storage facilities. Subject to the provisions of Chapter 4 Sec. 400.10:52.**

The applicant, Drew Helmling, is proposing to construct an 80’x100’ steel storage facility on his property. Mr. Hlad said he is following a recommendation from Dick Messner and has been very cooperative during the process. Once he receives conditional use approval he will have drawings created and will return for additional approvals. The building will hold the equipment currently being stored on the site and Mr. Helmling will not be leasing storage space to others. Cynthia Ward, 4223 Mogadore Road, said she would like the property to look nicer.

**MOTION#2019-10**

A motion to approve the conditional use application was made by **Scot Etling. Vince Murdocco** seconded his motion and all members were in favor.

**MOTION#2019-11**

**Scot Etling** made a motion to adjourn which was seconded by **Vince Murdocco**. All members were in favor.

**SET NEXT MEETING:**

Next meeting is scheduled for Wednesday, February 20, 2019, at 7:00 PM.

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Chairman Bruce Knippenberg

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Sean Phillips

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Scot Etling

\_\_\_\_\_  
Ed Shetty

\_\_\_\_\_  
Vince Murdocco

\_\_\_\_\_  
Clayton Popik, Alternate

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Michelle Walker, Alternate