

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

MEETING MINUTES of March 20, 2019

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

Present: Chairman Bruce Knippenberg, Scot Etling, Vince Murdocco, Ed Shitty

Alternates: Michelle Walker

Absent: Sean Phillips, Clayton Popik

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, March 20, 2019.

Roll Call:

Etling = Here	Knippenberg = Here	Murdocco = Here
Phillips = Absent	Shitty = Here	
Popik = Absent	Walker = Here	

MOTION#2019-21

A motion to accept the agenda as presented was made by **Vince Murdocco**. **Scot Etling** seconded his motion and all members were in favor.

APPLICATIONS:

CONDITIONAL USE APPLICATION:

Applicant: Jodi Thur
Owner: David Krieger
Address: 1292 Tallmadge Road, Kent, Ohio 44240
Parcel: 04-041-00-00-046-000
Conditional Use Request: Resolution Chapter 3, Section 308.02 B 3 “Uses not covered come before the Board of Zoning Appeals for ruling.”

The applicant is proposing to open a grooming and doggy daycare at the address listed. All requirements have been met with the exception of the use, and since the use is not covered in the code she is required to obtain a conditional use permit. Jodi Thur was present to answer questions and stated she would be doing minor repairs to the home as well as installing a fence. The maximum number of dogs in the daycare will be five per day and her hours of operation will be 8:00 AM – 6:00 PM.

MOTION#2019-22

A motion to approve the conditional use permit with hours of operation from 8:00 AM – 6:00 PM was made by **Vince Murdocco**. **Scot Etling** seconded his motion and all members were in favor.

CONDITIONAL USE APPLICATION:

Applicant: A & S Properties
Owner: A & S Properties
Address: For Village at Marsh Landing off Powdermill Road (Condominium Development)
Parcel: 04-009-20-00-007-000

Conditional Use Request: Resolution Chapter 3, Section 305.02 B 5 “Planned Residential Developments, subject to the provisions of Chapter 4 and Section 400.10 B 56.”

Engineer Brent Artman and Dave Krammel from Pleasant Lakes were present to discuss their conditional use request for Village at Marsh Landing. They stated there is approximately 15.95 acres remaining in the subdivision and 13 of those do not have roadway or infrastructure improvements. They were previously granted conditional use approval, but the approval has lapsed. The previous proposal allowed homes to be ten feet apart but they are now proposing fifteen larger homes at twenty feet apart. The applicant does not need any variances, just conditional use approval for fewer homes than what was previously approved.

MOTION#2019-23

Scot Etling motioned to accept the conditional use permit for fifteen new condominiums in Marsh Creek as presented. The variances granted by the Board of Zoning Appeals on March 19, 2001 remain. **Vince Murdocco** seconded his motion and all members were in favor.

CONDITIONAL USE APPLICATION:

Applicant: S & B 33 LLC, Bridge and Spicer McDowell – Continued from 2/20/19 Hearing

Owner: Barbara Edmunds: 04-011-00-00-004-000, 04-011-00-00-004-001.

Daniel and Lisa Herchick: 040-011-10-00-045-024 (Zoned R-2)

Address: Meloy Road, 2040 Meloy Road and 4811 Brower Tree Lane, Kent, Ohio, 44240

Parcel: 04-011-00-00-004-000, 04-011-00-00-004-001, 040-011-10-00-045-024

Conditional Use Request: Subdivision, PRD subdivision – Resolution Chapter 3, Section 304.02 B “Planned Residential Developments, subject to the provision of Chapter 4, Section 400.10 B 56.”

As requested from the February Board of Zoning Appeals meeting, developers Spicer and Bridge McDowell were present along with Jason Brenner of Lewis Land Professionals to answer questions about their project. Many residents from the February meeting were also in attendance. Regional Planning Commission has since granted conditional approval for the subdivision and their recommendation was read into the record. The residents of Sugar Maple Hills were unhappy with the name proposed in February, so the developer has renamed the project Hickory Creek Subdivision.

Scot Etling spoke on his neighbors behalf and requested a landscape barrier be installed in the 50’ of space between Hickory Creek and Sugar Maple Drive and that it be maintained by the Hickory Creek HOA. Representatives for Hickory Creek agreed to the request. Conditions that were discussed and agreed upon by the applicants at the previous meeting were landscape screening/mounding, signage, and a walking trail. Many residents spoke out against the project, voicing concerns with traffic, on-street parking, home values, and aesthetic standards.

MOTION#2019-24

Michelle Walker made a motion to approve the conditional use application for Hickory Creek including stipulations discussed for mounding, landscape screening, signage, and a walking trail. **Vince Murdocco** seconded her motion. All members were in favor except for **Scot Etling** who abstained.

ZONING VARIANCE APPLICATION:

Applicant: S & B 33 LLC, Bridge and Spicer McDowell – Continued from 2/20/19 Hearing

Owner: Barbara Edmunds: 04-011-00-00-004-000, 04-011-00-00-004-001.

Daniel and Lisa Herchick: 040-011-10-00-045-024 (Zoned R-2)

Address: Meloy Road, 2040 Meloy Road and 4811 Brower Tree Lane, Kent, Ohio, 44240

Parcel: 04-011-00-00-004-000, 04-011-00-00-004-001, 040-011-10-00-045-024

Variance Request: 5-foot variance for side setback from 15 feet to 10 feet.

Resolution 400.10 56 L 3 “The minimum setback from the restricted open

space for all buildings, structures and other improvements shall be fifteen (15) feet.”

The applicants were requesting to decrease the sideyard setback requirement in order to allow for wider homes. If granted, the building envelopes will increase from 30’ to 40’. Mike Hlad stated that 20’ between buildings was the minimum distance the Fire Chief would accept.

MOTION#2019-25

Vince Murdocco made a motion to grant the variance as requested and **Ed Shutt** seconded his motion. All members were in favor except for **Scot Etling** who abstained.

ZONING VARIANCE APPLICATION:

Applicant: S & B 33 LLC, Bridge and Spicer McDowell – Continued from 2/20/19 Hearing

Owner: Barbara Edmunds: 04-011-00-00-004-000, 04-011-00-00-004-001.

Daniel and Lisa Herchick: 040-011-10-00-045-024 (Zoned R-2)

Address: Meloy Road, 2040 Meloy Road and 4811 Brower Tree Lane, Kent, Ohio, 44240

Parcel: 04-011-00-00-004-000, 04-011-00-00-004-001, 040-011-10-00-045-024

Variance Request: 15-foot variance building separation from 35 feet to 20 feet – Resolution 400.10 56 L5 “Principal Building Space Requirements: The minimum separation between dwellings shall be thirty-five (35) feet.”

There were no questions or comments from the board members or public regarding the requested variance.

MOTION#2019-26

Vince Murdocco made a motion to grant the variance as requested and **Ed Shutt** seconded his motion. All members were in favor except for **Scot Etling** who abstained.

ZONING VARIANCE APPLICATION:

Applicant: GBC Design, Inc.

Owner: Maplecrest LLC

Address: 1201 South Main Street, Canton, Ohio 44720

Parcel: 04-036-00-00-017-002 (Zoned GC)

Variance Request: For Burger King Lot 6: Requesting 0.05 acre variance – Resolution Section 309.03 – GC Zoning requires a one-acre lot and the lot for Burger King is 0.9555 acre.

Gary Rouse with GBC Design and Bob Storie with Carrols (franchisee for Burger King). The lot was platted with .95 acres and the code for General Commercial requires a minimum of one acre. All other code requirements are being met and the members did not have questions for the applicant.

MOTION#2019-27

Vince Murdocco made a motion to grant the variance as requested. **Scot Etling** seconded his motion and all members were in favor.

MOTION#2019-28

Vince Murdocco made a motion to set the next meeting for Wednesday, April 24, 2019 at 7:00PM. **Scot Etling** seconded his motion and all members were in favor.

MOTION#2019-29

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

Chairman Bruce Knippenberg

Sean Phillips

Scot Etling

Ed Shetty

Vince Murdocco