

**BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS**

**MEETING MINUTES of June 19, 2019**

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

**Present:** Scot Etling, Vince Murdocco, Ed Shutty, Sean Phillips

**Alternates:** Michelle Walker

**Absent:** Chairman Bruce Knippenberg, Clayton Popik

**Staff:** Michael Hlad, Zoning Inspector and Jendy Miller, Secretary to the Board

**CALL TO ORDER:**

The Brimfield Township Board of Zoning Appeals meeting was called to order at 7:00 PM on Wednesday, June 19, 2019.

Roll Call:

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

**MOTION#2019-45**

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

**APPLICATIONS:**

**CONDITIONAL USE APPLICATION:**

**Applicant: Holiday Industrial Park LLC Ste A**  
**Owner: Holiday Industrial Park LLC**  
**Address: 1162 A Holiday Drive, Kent, OH 44240**  
**Parcel: 04-032-00-00-034-002 Zoned H-C**  
**Conditional Use Request: Request for warehouse storage which is already in use and is not a permitted use in the H-C District.**

Mike Hlad explained that the matter came to his attention from the Building Department after the applicant had applied for an occupancy permit without Zoning Department approval. The applicant did apply immediately; however, the business’s use does not comply with the H-C District. There was no one present to represent Holiday Industrial Park LLC.

**MOTION#2019-46**

**Vince Murdocco** motioned to table the application until the next meeting since there was no applicant present to discuss the case. **Sean Phillips** seconded his motion and all members were in favor.

**CONDITIONAL USE APPLICATION:**

**Applicant: Holiday Industrial Park LLC Ste A**  
**Owner: Holiday Industrial Park LLC**  
**Address: 1162 B Holiday Drive, Kent, OH 44240**  
**Parcel: 04-032-00-00-034-002 Zoned H-C**  
**Conditional Use Request: Request for warehouse storage which is already in use and is not a permitted use in the H-C District.**

**MOTION#2019-47**

**Scot Etling** motioned to table the application until the next meeting since there was no applicant present to discuss the case. **Vince Murdocco** seconded his motion and all members were in favor.

**CONDITIONAL USE APPLICATION:**

**Applicant: Pet IQ**  
**Owner: Wal-Mart**  
**Address: 250 Tallmadge Road, Kent, OH 44240**  
**Parcel: 04-037-00-00-003-013 Zoned I-C**  
**Conditional Use Request: Request for Conditional Use Permit to operated Pet IQ veterinary services inside Wal-Mart which is not a permitted use in the I-C District.**

Bill Gillway representing Pet IQ was present and provided the Board with additional materials. He explained there are many of these businesses inside Wal-Marts across the country and they hope to have a total of 114 open by the end of the year. They provide minor wellness services for dogs and cats and do not board or groom. Hours of operation are Tuesday through Saturday from 10AM to 7PM and they will have a separate entrance and exit so customers will not enter through Wal-Mart. Appointments are not required and biohazard materials are picked up by a contracted company and removed from the site.

**MOTION#2019-48**

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

**CONDITIONAL USE APPLICATION:**

**Applicant: Blonder Development Corporation**  
**Owner: H. Bruce Blonder**  
**Address: 3884 Ranfield Road, Kent, OH 44240**  
**Parcel: 04-042-00-00-025-004 Zoned R-1**  
**Conditional Use Request: Change from R-1 Condominium Detached Single Family Home to R-1 Planned Residential Development Detached Single Family Home (PRD)**

Bruce Blonder was present and explained that banks will currently only give loans for single family condominiums if the applicant is constructing the homes. Since he is recently retired and plans to sell the lots to a developer, he plans to replat the lots as single family homes. Regional Planning will still need to approve the project. All homes will be two stories and of similar style and HOA regulations and architectural standards are in place. The cul-de-sac will be constructed for proper emergency access.

A few nearby property owners were present with questions and concerns. It was pointed out that Mr. Blonder is able to construct thirty homes on the property but is only proposing twelve unlike the other developers working in the Township. Mr. Blonder agreed to install a gravel walking trail around the pond, connecting one sidewalk to the other.

**MOTION#2019-49**

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

**ZONING VARIANCE APPLICATION:**

**Applicant: Blonder Development Corporation**  
**Owner: H. Bruce Blonder**  
**Address: 3884 Ranfield Road, Kent, OH 44240**  
**Parcel: 04-042-00-00-025-004 Zoned R-1**  
**Variance Request: Requesting variance to change PRD requirement of 20 acres to 8 acres.**

There were no additional questions from the Board members regarding this topic.

**MOTION#2019-50**

A motion to grant the variance request to change the PRD requirement from 20 acres to eight acres was made by **Scot Etling**. **Vince Murdocco** seconded his motion and all members were in favor.

**ZONING VARIANCE APPLICATION:**

**Applicant: Blonder Development Corporation**  
**Owner: H. Bruce Blonder**  
**Address: 3884 Ranfield Road, Kent, OH 44240**  
**Parcel: 04-042-00-00-025-004 Zoned R-1**  
**Variance Request: Requesting Variance to change open space requirement from 20% to 6% (0.5 acres).**

Vince Murdocco felt that since the applicant is proposing a reduced number of homes on half-acre to one-acre lots, property for recreational use is not as necessary as in high density developments with small lots.

**MOTION#2019-51**

A motion to grant the requested variance was made by **Vince Murdocco**. **Sean Phillips** seconded his motion and all members were in favor.

**ZONING VARIANCE APPLICATION:**

**Applicant: Rick Hershberger**  
**Owner: Rick Hershberger**  
**Address: 3217 Woods Trail, Kent, OH 44240**  
**Parcel: 04-057-00-00-003-013 Zoned R-1**  
**Variance Request: Requesting Variance for setback as part of an existing garage that was constructed on an adjacent property without a zoning or building permit.**

Rick Hershberger was present to discuss his case. He stated that he had offered to purchase a portion of his neighbor's property but she was not interested in selling, so he has begun looking for a company to move the garage. Because his backyard is small, he requested the board allow him to contain the garage to his property only but with a lesser setback than the required fifteen feet.

The adjacent property owners were present and were not in favor of selling property to Mr. Hershberger. They had several surveys done and told the Board that the two-story garage is sitting on a five-foot gas line easement. Mr. Hershberger said he has over \$20,000 invested in the building already and was concerned with how much cost could be incurred in relocating. The Board explained to Mr. Hershberger that the building needs to be relocated or a portion removed either way because of the encroachment on the neighbors and easement.

**MOTION#2019-52**

**Scot Etling** made a motion to continue the case until the next meeting to allow Mr. Hershberger to come up with a course of action. **Vince Murdocco** seconded his motion and all members were in favor.

**ZONING VARIANCE APPLICATION:**

**Applicant: Steven Babel**  
**Owner: Steven Babel**  
**Address: 3331 Mogadore Road, Kent, OH 44240**  
**Parcel: 04-055-00-00-019-000 Zoned R-1**  
**Variance Request: Requesting area variance of 0.355 acres for lot size. R-1 District requires 1.5 acres and existing lot is 1.145 acres.**

Steve Babel said he purchased this property at an auction and has been renting of the homes to someone who is now interested in buying. He plans to provide her an acre and a half after combining her lot with the adjacent half acre. This will cause her lot to meet the frontage requirements while having some additional greenspace. There were no questions or concerns from the members of the Board.

**MOTION#2019-53**

A motion to grant the requested variance was made by **Vince Murdocco**. **Sean Phillips** seconded his motion and all members were in favor.

**ZONING VARIANCE APPLICATION:**

**Applicant: Julie Brant**

**Owner: Julie Brant**

**Address: 3885 Ranfield Road, Kent, OH 44240**

**Parcel: 04-042-10-00-138-000 Zoned R-4**

**Variance Request: Requesting a 12-foot variance for rear setback of a garage. The Zoning Code requires a 25' setback and the proposed setback is 13'.**

Julie Brant explained that moving the garage to an area that would decrease the amount of variance will either cause her to relocate her electric meter or block her entrance door. The attached two car garage that she is proposing will match the existing house. Mike Hlad agreed that her property is unique and had no concerns with her request. Scot Etling asked about exterior lighting and Ms. Brant said there would be two lights on the front of the garage and one at the man door.

**MOTION#2019-54**

A motion to grant the variance was made by **Vince Murdocco**. **Sean Phillips** seconded his motion and all members were in favor.

**ZONING SITE REVVIEW/REPLAT APPLICATION:**

**Applicant: CESO Inc.**

**Owner: Speedway LLC**

**Address: 4261 State Route 43, Kent, OH 44240**

**Parcel: 04-032-10-00-001-003 Zoned H-C**

**Replat Request: Applicant is proposing to exchange property with McDonalds to make conforming parcels.**

Nate Hershberger with CESO (engineers for Speedway) was present to discuss the case. Mike Hlad explained that based on the code, he was unable to sign off on their plat without this approval from the Board. There was some confusion as to what had been altered since there had been so many adjustments to their drawings during the course of the project. After a brief recap of the project, the Board was comfortable with the proposed exchange in property with McDonalds.

**MOTION#2019-55**

A motion to grant the variance was made by **Vince Murdocco**. **Sean Phillips** seconded his motion. All members were in favor except for **Scot Etling** who abstained.

**MOTION#2019-56**

**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 Shuttery

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