

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

MEETING MINUTES of January 20, 2021

Virtual Meeting via Zoom due to COVID-19 Guidelines – 7:00 pm

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

Alternates: Clayton Popik

Absent: William Kremer

Staff: Michael Hlad, Economic Development Director and Zoning Inspector, Lauren Coffman, Zoning Secretary, Brian Gardner, IT Director, and Mark Guidetti, Township Lawyer

CALL TO ORDER:

The Brimfield Township Board of Zoning Appeals meeting was called to order at 7:00 PM on Wednesday, January 20, 2021.

Roll Call:

Etling = Here

Knippenberg = Here

Murdocco = Here

Phillips = Here

Shutty = Here

Kremer = Absent

Popik = Here

MOTION#2021-01

Scot Etling made a motion to approve minutes from December meeting. **Sean Phillips** seconded his motion. All members were in favor. Motion passed.

MOTION#2021-02

Ed Shutty made a motion to amend the proposed agenda and move Mr. Hershberger's application to the top. **Scot Etling** seconded his motion. All members were in favor. Motion passed.

MOTION#2021-03

Ed Shutty made a motion to accept the amended agenda. **Bruce Knippenberg** seconded his motion. All members were in favor. Motion passed.

Zoning Variance Application:

Applicant: Rick L. Hershberger

Owner: Rick L. Hershberger

Address: 3217 Woods Trail, Kent, OH 44240

Parcel: 04-057-00-00-003-013 Zoned: R-1

Variance Request: Applicant is requesting a 4.5 foot variance for his existing structure. **Zoning Resolution Section 510.03. A.1., It shall not be located closer than fifteen (15) feet to any principle building and five (5) feet from all other non-inhabitable buildings and from side and rear property line.**

Mr. Knippenberg stated that the first item on agenda was the Hershberger application

Mr. Hershberger explained that he would like to remove the truss and the back 2 feet of the building in order to comply with the zoning resolution.

Mr. Knippenberg questioned if he was just going to shorten the building instead of moving it.

Mr. Hershberger stated that moving the building was too pricey.

Mr. Knippenberg stated that the applicant was looking for a 4.5 foot variance.

Mr. Hershberger stated that he would like to cut down the building and remove the rear two feet.

Mr. Hlad explained that removing the back two feet of the building and the 4.5 foot variance would be enough to keep the building on his property.

MOTION#2021-04

Scot Etling made a motion to grant the 4.5 foot variance after removing the back part of the building. **Ed Shutty** seconded his motion. All members were in favor. Motion passed.

Zoning Conditional Use Application:

Applicant: Sheetz, Inc.

Owner: Brimfield Crossings, Ltd.

Address: 195 S. Main Street, Suite 200 Akron, Ohio 44308

Parcel: 04-032-00-00-052-000 Zoned: T-C

Conditional Use Request: Applicant is requesting a Conditional Use Permit to operate a gasoline service station within the T-C district. **Zoning Resolution Section 308.02 3. T-C Zoning District, Uses not covered come before the BZA for ruling.**

Mr. Hlad explained that he had received a letter from the Sheetz engineer who met with ODOT – They are willing to approve the signal at the developers cost. The light must be linked with the 76 interchange. If Sheetz is approved, then light would proceed.

Mr. Rinker began by stating that he was part of the land use council for Sheetz. The primary reason Sheetz asked for a continuance was to pin down issue with ODOT. Mr. Rinker restated the Sheetz proposed location, site plans, architectural features, and fuel canopy setbacks. Mr. Rinker pointed out that the zoning code has unusual perimeter fencing, stating that the site has a mature line of trees. Sheetz is requesting a total of 5 variances. The site would be very well set up, and a convenience store would be permitted in the town center district. This site is designed to operate functionally, and a timed light would be put in to help with traffic flow

MOTION#2021-05

Scot Etling made a motion to enter the letters of opposition from residents into record. **Vince Murdocco** seconded his motion. All members were in favor. Motion passed.

Mr. Knippenberg asked for any questions or comments from the board.

Mr. Etling made a point that any business can be located there, but that specific location for a gas station is not conducive to the downtown Brimfield feeling.

Mr. Balko explained that although Sheetz is a self-serve fill station, it does not fall into a typical idea of that a gas station is. It is a restaurant with a drive through as well as a convenience store. Any retail in the spot in question will generate more traffic in the area. With a traffic light installation, Sheetz would provide a better flow of traffic through the area. Sheetz is an overall safe operation with a proven track record in safety.

Mr. Knippenberg explained that although he understands the safety concerns and that Sheetz would be putting in a traffic light, that the town center was never intended to have a gas station.

Mr. Phillips expressed his concern with Sheetz trying to come into the community based off the need for a traffic light.

Mr. Rinker stated that the goal of Sheetz was not to create resentment in the community, and that no retail use would prevent the rise in traffic and cause a need for a light. Having the traffic light is critical to Sheetz placement in that area.

Mr. Knippenberg stated that it is listed under uses not covered to come before the board in the zoning resolution.

MOTION#2021-06

Scot Etling made a motion to deny Sheetz Conditional Use Application to operate a gasoline service station within the town center district. **Ed Shutty** seconded his motion. All members were in favor. Motion to deny passed.

Zoning Variance Application:

Applicant: Sheetz, Inc.

Owner: Brimfield Crossings, Ltd.

Address: 195 S. Main Street, Suite 200 Akron, Ohio 44308

Parcel: 04-032-00-00-052-000 Zoned: T-C

Variance Request: Applicant is requesting a 30' setback variance for the location of the fuel service canopy. **Zoning Resolution Section 400.10.B.1, All structures and activity areas shall be located at least 100' from all property lines.**

MOTION#2021-07

Scot Etling made a motion to deny Sheetz Variance Application requesting a 30' setback variance for the location of the fuel service canopy. **Vince Murdocco** seconded his motion. All members were in favor. Motion to deny passed.

Zoning Variance Application:

Applicant: Sheetz, Inc.

Owner: Brimfield Crossings, Ltd.

Address: 195 S. Main Street, Suite 200 Akron, Ohio 44308

Parcel: 04-032-00-00-052-000 Zoned: T-C

Variance Request: Applicant is requesting a 3' 3 ¼" variance for the height of the fuel service canopy. **Zoning Resolution Section 510.03 A. 3., Accessory structures in association with a principal building shall not exceed 18' in height.**

MOTION#2021-08

Ed Shetty made a motion to deny Sheetz Variance Application 3' 3 ¼' variance for the height of the fuel service canopy. **Vince Murdocco** seconded his motion. All members were in favor. Motion to deny passed

Zoning Variance Application:

Applicant: Sheetz, Inc.

Owner: Brimfield Crossings, Ltd.

Address: 195 S. Main Street, Suite 200 Akron, Ohio 44308

Parcel: 04-032-00-00-052-000 Zoned: T-C

Variance Request: Applicant is requesting a variance to allow 12 parking spaces along the north edge of the parking field facing Falcon Drive. **Zoning Resolution Section 400.10. B.49 I., Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.**

MOTION#2021-09

Ed Shetty made a motion to deny Sheetz Variance Application to allow 12 parking spaces along the north edge of the parking field facing Falcon Drive. **Sean Phillips** seconded his motion. All members were in favor. Motion to deny passed.

Zoning Variance Application:

Applicant: Sheetz, Inc.

Owner: Brimfield Crossings, Ltd.

Address: 195 S. Main Street, Suite 200 Akron, Ohio 44308

Parcel: 04-032-00-00-052-000 Zoned: T-C

Variance Request: Applicant is requesting limited fencing and alternative screening and landscaping. **Zoning Resolution Section 400.10. B.13, The area of use shall be completely enclosed by a fence, a minimum of 6' to a maximum height of 8' in areas where permitted, and appropriately landscaped to be harmonious with surrounding properties.**

Motion#2021-10

Scot Etling made a motion to deny Sheetz Variance Application requesting limited fencing and alternate screening and landscaping. **Vince Murdocco** seconded his motion. All members were in favor. Motion to deny passed.

Zoning Variance Application:

Applicant: Sheetz, Inc.

Owner: Brimfield Crossings, Ltd.

Address: 195 S. Main Street, Suite 200 Akron, Ohio 44308

Parcel: 04-032-00-00-052-000 Zoned: T-C

Variance Request: Applicant is requesting to erect one monument sign, their logo on the canopy, and three logo wall signs. **Zoning Resolution Section 700.16 A, Only one type of sign shall be used to identify the occupants of a commercial building or development.**

MOTION#2021-11

Scot Etling made a motion to deny Sheetz Variance Application requesting to erect one monument sign, their logo on the canopy, and three logo wall signs. **Sean Phillips** seconded his motion. All members were in favor. Motion to deny passed.

Mr. Knippenberg stated that the next application was a Zoning Conditional Use application from Blonder Development.

Mr. Blonder explained that his applications were renewals of his previous approved applications, due to COVID-19 his applications had expired, without being able to build.

Mr. Hlad explained that the difference is that the engineering drawings are more in depth that prompted some of the variances being applied for. Any future builds that require more variances would require Mr. Blonder to return to the BZA for further approval.

Mr. Knippenberg asked if the building plans fit into zoning requirements.

Mr. Hlad stated that the building plans are in compliance and are available online to view.

Mr. Blonder stated that the road would be widened ten (10) feet to meet county standards and all utilities were already in place.

Mr. Hlad stated that at the previous meeting, neighbors were concerned with the architectural features of the home and that they would all be fluid.

Mr. Blonder stated that the new homes may be a little bit more modern, with a minimum of 2400 square feet. Each home has a minimum amount of stonework as well. The space is developable for up to 30 homes but only 12 are being built. Each lot ranges from an acre to a half-acre in size.

Zoning Conditional Use Application:

Applicant: Blonder Development Company
Owner: H Bruce Blonder, President Blonder Development Company
Address: 2524 Guilford Rd, Cleveland Heights, OH 44118
Parcel: 04-042-00-00-025-004 Zoned: R-1
Conditional Use Request: Applicant is requesting a Conditional Use Permit to change from a condominium to 12 single family detached homes PRD. Renewal of #2019156 **Zoning Resolution Section 400.10.B.56., Planned Residential Development PRD.**

MOTION#2021-12

Ed Shetty made a motion to approve Blonder Development Company Conditional Use Application to change from a condominium to 12 single family detached homes PRD. **Vince Murdocco** seconded his motion. All members were in favor. Motion passed.

Zoning Conditional Use Application:

Applicant: Blonder Development Company
Owner: H Bruce Blonder, President Blonder Development Company
Address: 2524 Guilford Rd, Cleveland Heights, OH 44118
Parcel: 04-042-00-00-025-004 Zoned: R-1
Variance Request: Applicant is requesting a Conditional Use Permit to change PRD from 20 acres to 8.2257 acres. Renewal of #2019157. **Zoning Resolution Section 400.10. B.56.C., The size of a tract of land proposed for a PRD project should be a minimum of twenty (20) acres, but shall not include any area within any existing public street rights-of-way. Parcels under twenty (20) acres may be deemed appropriate based on individual merits provided that the project shall meet the minimum open space requirements of this Section and the Portage County Subdivision Regulations.**

MOTION#2021-13

Scot Etling made a motion to approve Blonder Development Company Conditional Use Application to change PRD from 20 acres to 8.2257 acres. **Vince Murdocco** seconded his motion. All members were in favor. Motion passed.

Zoning Conditional Use Application:

Applicant: Blonder Development Company
Owner: H Bruce Blonder, President Blonder Development Company
Address: 2524 Guilford Rd, Cleveland Heights, OH 44118
Parcel: 04-042-00-00-025-004 Zoned: R-1
Variance Request: Applicant is requesting a Conditional Use Permit to change the open space from 20% to 6%. Renewal of #2019158. **Zoning Resolution Section 400.10. B.56.F.1.b., Twenty (20%) Percent Open Space Area Allocation.**

MOTION#2021-14

Ed Shuty made a motion to approve Blonder Development Company Conditional Use Application to change the open space from 20 -6%. **Sean Phillips** seconded his motion. All members were in favor, Motion passed.

Zoning Variance Application:

Applicant: Blonder Development Company
Owner: H Bruce Blonder, President Blonder Development Company
Address: 2524 Guilford Rd, Cleveland Heights, OH 44118
Parcel: 04-042-00-00-025-004 Zoned: R-1
Variance Request: Applicant is requesting a variance to allow the home on Lot #7 to encroach over the 50' buffer. **Zoning Resolution Section 400.10. B.56.F.d.2., Open space buffers along the perimeter of abutting neighboring parcels. A buffer of fifty (50) feet wide shall be designed on the perimeter of the project having no frontage on an existing road.**

MOTION#2021-15

Scot Etling made a motion to approve Blonder Development Company Variance Application to allow the home on Lot #7 to encroach over the 50' buffer. **Vince Murdocco** seconded his motion. All members were in favor. Motion passed.

Zoning Variance Application:

Applicant: Blonder Development Company
Owner: H Bruce Blonder, President Blonder Development Company
Address: 2524 Guilford Rd, Cleveland Heights, OH 44118
Parcel: 04-042-00-00-025-004 Zoned: R-1
Variance Request: Applicant is requesting a variance to allow the home on Lot #10 to encroach over the 50' buffer. **Zoning Resolution Section 400.10. B.56.F.d.2., Open space buffers along the perimeter of abutting neighboring parcels. A buffer of fifty (50) feet wide shall be designed on the perimeter of the project having no frontage on an existing road.**

MOTION#2021-16

Scot Etling made a motion to approve Blonder Development Company Variance Application to allow the home on Lot #10 to encroach over the 50' buffer. **Ed Shuty** seconded his motion. All members were in favor. Motion passed.

Zoning Variance Application:

Applicant: Blonder Development Company
Owner: H Bruce Blonder, President Blonder Development Company
Address: 2524 Guilford Rd, Cleveland Heights, OH 44118
Parcel: 04-042-00-00-025-004 Zoned: R-1

Variance Request: Applicant is requesting a variance to allow the home on Lot #12 to encroach over the 50' buffer. **Zoning Resolution Section 400.10. B.56.F.d.2., Open space buffers along the perimeter of abutting neighboring parcels. A buffer of fifty (50) feet wide shall be designed on the perimeter of the project having no frontage on an existing road.**

MOTION#2021-17

Ed Shetty made a motion to approve Blonder Development Company Variance Application to allow the home on Lot #12 to encroach over the 50' buffer. **Vince Murdocco** seconded his motion. All members were in favor. Motion passed.

Zoning Variance Application:

Applicant: Blonder Development Company

Owner: H Bruce Blonder, President Blonder Development Company

Address: 2524 Guilford Rd, Cleveland Heights, OH 44118

Parcel: 04-042-00-00-025-004 Zoned: R-1

Variance Request: Applicant is requesting a variance to allow for a flag shaped parcel for PRD approved in variance #2019157. **Zoning Resolution Section 400.10. B.47.C., The pole portion of the lot must not be found narrower than sixty (60) feet of continuous frontage**

MOTION#2021-18

Scot Etling made a motion to approve Blonder Development Company Variance Application to allow for a flag shaped parcel for PRD. **Sean Phillips** seconded his motion. All members were in favor. Motion passed.

Bruce Knippenberg was nominated for president of the Board of Zoning Appeals by Scot Etling and seconded by Vince Murdocco. All members were in favor.

Scot Etling was nominated for Vice Chair of the Board of Zoning Appeals by Vince Murdocco and seconded by Bruce Knippenberg. All members were in favor.

Mr. Knippenberg asked for any other questions or comments from the board or for the good of the order.

Set February meeting – February 17th, 2021

MOTION #2021-19

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

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

Chairman Bruce Knippenberg

Vince Murdocco

Scot Etling

Sean Phillips

William Kremer

Ed Shetty