

Board of Zoning Appeals Meeting

July 12, 2012

ZA-05-12 (continuation)

Members/Attendance: X Hank Grover
X Jim Burgham
X Al Franceschelli
N/A Bill Custer
N/A Holly Grant
X Michael Johnston

Also in attendance: X Bob Monus, Zoning Inspector
X Michele Richards, Recording Secretary

Hank Grover called the meeting to order at 7:05 p.m.

1st Order of Business:

Hank Grover stated that the first order of business is to approve the minutes from the meeting held on May 31, 2012. Jim Burgham made a motion to accept the minutes from the May 31, 2012 meeting. All members were in favor. Minutes approved.

2nd Order of Business:

Case #ZA-05-12 – Is a continuation of a prior hearing held on May 31, 2012 for a request by Dustin Bach, DBA/East Ohio Properties, LLC, to obtain a required conditional use permit and a variance to build an automatic car wash. The property is owned by Larry Ornelas DBA as Ornelas Enterprises LLC, and is located at 3305 Center Road, known as parcel number 35-022-0-001.00-0, GL 26 and is two point seventy six (2.76) acres in size. It is the intent of the property owner to parcel off a thirty thousand (30,000) square foot portion of this parcel for the car wash to be built on contingent to the outcome of this hearing. Mr. Bach is requesting relief from access road requirements and also to permit the stacking of his vehicles to overflow onto the abutting lot known as Larry’s Place. In addition, he requests the minimum front yard setback to be reduced from one hundred thirty (130) feet to one hundred (100) feet. Any other requests from the owner or Zoning Commission Board that were discussed at the prior hearing will be addressed at this meeting.

Hank Grover stated that two Board Members are not present at tonight’s meeting. Hank stated that this meeting is a continuation of the meeting held on May 31, 2012. At the prior meeting, a motion was made by Jim Burgham and seconded by Bill Custer to continue the request at a future date to allow the appellant to provide additional information and a revised drawing that will address the concerns of the Board. Hank stated that the Board has received a revised drawing from the architect, Rich Yankel. There were two revised drawings received with the most recent drawing being dated July 2, 2012.

Grover asked if anyone would like to speak in regard to the changes that were submitted.

**Rich Yankel
8117 North Lima Road**

Yankel is the architect in this case. He stated that there have been a few changes made to the drawing since the last meeting. The setback was re-established at one hundred thirty (130) feet from the front property line. The revised drawing shows designated or reserved space for the green space for the parallel access road, and an additional green space in accordance with the zoning ordinance. The revised drawing also shows a cross easement in the back.

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Hank Grover stated that the easements in the back of the property are between the property owners. The Board is only concerned with the easements in the front of the property, which will allow the flow of traffic.

Hank Grover asked if anyone else would like to speak in favor of the case. No one responds. Hank Grover asked if anyone would like to speak against the case. No one responds.

The Board proceeded to discuss the case.

Jim Burgham stated that the revised drawing addresses his concerns, such as the setback and the exit route for the vehicles.

The Board discussed the cross easement language. Jim Burgham stated that if the property to the east is developed and they put in the parallel access road and tie it in with that property, the easement will still be there for them to get across to use the current exit. Burgham stated he would consider not putting in the parallel access road as long as the easement is granted for anyone in the eastern property to travel through there. Burgham stated that he hopes the drive thru car wash and the drive thru grocery store benefit from allowing the traffic to flow through there.

Dave Kosec
7428 Indian Trail

Kosec represents Ridgely Park. Kosec asked about the easement language for the Burger King and PNC Bank. Grover explained that those were all zoning regulations that were put in to allow access. Burgham stated that the difference is across the street (Burger King/PNC Bank) the access road runs all the way through the properties. In this case, there would not be that access road created with the curbs and the green space. Kosec stated that if it is a zoning rule, it should apply to both sides. Burgham stated in this case they are not being forced to put in actual curbing and green space.

Grover stated that right now there is nothing in place to get across the front of this property (Larry's Place and the car wash). The Board wants to insure that when the parcel between Larry's and Arby's gets developed and the parcel beyond gets developed, that there can be a continuous flow without going onto Route 224. The Board has no vehicle to insure that, unless there is an easement specifically shown on the plat that runs the whole way across the parcel that Mr. Ornelas owns right now. In the future, when those vacant lots are developed, there can be continuous flow, which is the intent of zoning.

Kosec asked again about the easement language. He asked easement to whom? Grover explained it is an ingress/egress easement to whoever is passing from one lot to the other lot. It is simply an ingress/egress easement; it is not for utilities or for anything else. It is just for vehicular and pedestrian access across the twenty-four (24) foot strip. (Zoning labels it an access road.)

Kosec asked if the language should be changed on the easement. Burgham stated it should say that the easement is granted to allow for full access of traffic from the west property line out through the east property line, and vice versa. Burgham stated with that he would then be willing to not require the actual hard curbing for the parallel access road.

After further discussion among the Board, the following motion was then made:

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Motion

Jim Burgham made a motion in Case ZA-05-12 to grant the conditional use for the construction of a car wash and to grant the variance to allow for the parallel access road and green space to be reserved, provided that the replat drawings would reflect the potential parallel access road be shown across the property occupied by Larry's Drive Thru, with an easement to the general public granting vehicular and pedestrian traffic traveling east to west to the adjoining properties. Mike Johnston seconded the motion.

Voting:

Yes Jim Burgham
Yes Mike Johnston
Yes Al Franceschelli
Yes Hank Grover

Motion carried.

Meeting adjourned at 7:50 p.m.

Submitted by:

Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (6)
Zoning Commission (6)
J. Granitto (1)
File (1)