

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
MARCH 26, 2014

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
MARCH 26, 2014**

Present: Messrs: Gary Wilner, Neil Rubin, Brian Davis and Ed Kancler

Absent: Mr. Tom Brown

Also Present: Mr. Russ Rodic, Building Commissioner
Mr. Larry Finch, City of Twinsburg Director of Community Planning and Development

Ms. Amy Mohr, City of Twinsburg Engineer

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
MARCH 26, 2014**

The board of Building and Zoning Code Appeals met in a public work session on Tuesday, March 26, 2014. The Chairman, Mr. Rubin, called the meeting to order at 6:40.

Mr. Finch's ARB and BZA Actions page marked as EXHIBIT A.
Ms. Muter's S.R. 91 Roadway Improvement Potential Impact marked as EXHIBIT B.

Mr. Rubin stated that the BZA is not here tonight to decide anything about a round-a-bout or who has jurisdiction over signs.

Mr. Finch spoke regarding the variances needed as result of the Capital Improvement Project widening S.R. 91 between Glenwood Dr. and Post Rd.

- The Board has received a copy of the Right of Way plans and a list of the anticipated variances. The plans are final; the variances that have been requested are accurate with what will be required.
- The purpose of granting these variances is to allow negotiations to begin with property owners being impacted.

Mr. Kancler clarified that this board has nothing to do with eminent domain or compensation to property owners. That is the responsibility of other departments and Probate Court, if necessary.

Mr. Finch agreed, the Ohio Department of Transportation is managing the project and we are responsible for acquiring right-of-way.

- The City has gone to lengths to identify any variances that might be required.

There was a discussion regarding non-conforming properties and what the result of variances will be on these properties. The conclusion was that the Board is responsible for deciding on a variance that would allow increased non-conformity.

Mr. Kancler clarified that the Board is only considering variances for setbacks at this time.

Mr. Kancler asked what percentage of the project is federally funded.

Ms. Mohr replied that it is 80% Federal money.

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Mr. Kancler asked if the money is dependent on the variances being granted, therefore stopping the project if variances are not allowed.

Ms. Mohr answered that she believes that the project would continue without variances, but would create non-conformity for the properties involved.

Mr. Rubin discussed the S.R. 91 Roadway Potential Impact page and the information supplied on it.

Mr. Rodic suggested that the Board address the properties in the order that they are listed on the agenda.

Mr. Rubin asked why agenda items 7 through 10 are discussion only.

Ms. Mohr answered that item # 10 has not been advertised and has been added to the agenda to give Board members information on the variance request prior to the next meeting.

- Items 7 through 9 are 10135 Darrow Rd., which is the property most impacted by the project. It is listed as discussion only because there will be a final site plan created with the property owners which will determine the actual variance measurements required.

Mr. Rubin explained that the items that are specific and able to be voted on are agenda items # 1, 2, 3, 4, 5, 6 and 9. Numbers 7, 8 and 10 are to be discussed only.

Mr. Kancler inquired as to what hardships will result if the variances are not granted.

Mr. Finch replied that sign variances are necessary because there would be no available space for signs aside from in the parking lots.

Mr. Kancler asked if the variances are not granted, would it close down the project, delaying things substantially and likely increase the cost of completing the project in the future.

Mr. Rubin added that it would affect the ability of the City to improve the safety of the Community.

Mr. Finch answered that the current safety and congestion problems would continue until the project was able to be completed.

Mr. Rubin asked if there is any substantial detriment to the community if variances are not permitted.

Mr. Kancler answered that with the variances the traffic flow is improved, increasing the safety of citizens.

Mr. Rubin asked if there is any material impairment of the purpose of the Code with the variances.

Mr. Kancler answered "No".

Roxanne Barringer 9886 Darrow Rd. asked what the site distance will be with the signs given a variance,

- Will people be able to see well enough to pull onto the road safely?

Ms. Mohr replied that there are areas that would be suitable for the signs and that the property owners will have to go through the Architectural Review Board prior to putting up the new signs.

- The Code requires 10 feet off the road and the variance is only modifying that slightly.

Ms. Barringer is concerned that putting the signs closer to the road will make it more difficult to see traffic when pulling onto the road.

Mr. Finch replied that the regulations require the variances to consider the Sight Distance Triangle when permitting a sign location.

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No other members of the public wished to speak.

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MEETING MINUTES
MARCH 26, 2014**

The Board of Building and Zoning Code Appeals met in a public work session on Tuesday March 26, 2014. The Chairman, Mr. Rubin, called the meeting to order at 7:05p.m.

Mr. Rodic administered the Oath Ms. Mohr and Mr. Finch.

Mr. Rubin asked Mr. Finch and Ms. Mohr if they would like to add or change anything that they said in the work session.

- Both replied "No".

1. Appeal # 01-2014
Variance 1147.04
9845 Darrow Rd., PP#64-01410

2.55 foot variance for existing building.

MOTION: TO GRANT VARIANCE #01-2014

MR. WILNER MOVED, MR. DAVIS SECONDED, UPON ROLL CALL THE MOTION PASSED UNANIMOUSLY.

2. Appeal # 02-2014
Variance 1148.13
10085 Darrow Rd., PP#64-07212

9.1 foot variance for parking lot on Darrow Rd.

MOTION: TO GRANT VARIANCE #02-2014

MR. KANCLER MOVED, MR. WILNER SECONDED, UPON ROLL CALL THE MOTION PASSED UNANIMOUSLY.

3. Appeal # 03-2014
Variance 1148.13
10085 Darrow Rd., PP#64-07212

13.1 foot variance for parking lot on Glenwood Dr.

MOTION: TO GRANT VARIANCE #03-2014

MR. WILNER MOVED, MR. KANCLER SECONDED, UPON ROLL CALL THE MOTION PASSED UNANIMOUSLY.

4. Appeal # 04-2014
Variance 1173.49

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10085 Darrow Rd., PP#64-07212

Variance for sign setback.

MOTION: TO GRANT VARIANCE # 04-2014

MR. KANCLER MOVED, MR. RUBIN SECONDED, UPON ROLL CALL THE
MOTION PASSED UNANIMOUSLY.

5. Appeal # 05-2014
Variance 1173.49
10071 Darrow Rd., PP#64-07762

Variance for sign setback.

MOTION: TO GRANT VARIANCE 05-2014

MR. DAVIS MOVED, MR. KANCLER SECONDED, UPON ROLL CALL, THE
MOTION PASSED UNANIMOUSLY.

6. Appeal # 06-2014
Variance 1148.13
10071 Darrow Rd., PP#64-07762

12.2 foot variance for parking lot setback.

MOTION: TO GRANT VARIANCE #06-2014

MR. KANCLER MOVED, MR. RUBIN SECONDED, UPON ROLL CALL THE
MOTION PASSED UNANIMOUSLY.

7. Appeal # 09-2014
Variance 1148.13
10135 Darrow Rd., PP#64-08056

22.89 foot variance for existing building.

MOTION: TO GRANT VARIANCE # 09-2014

MR. WILNER MOVED, MR. KANCLER SECONDED, UPON ROLL CALL THE
MOTION PASSED UNANIMOUSLY.

Mr. Rubin asked Mr. Kancler to describe the hardships which would occur if these variances were not granted.

Mr. Kancler explained that there have been practical difficulties and unnecessary hardships established in all of the cases in that, had the variances not been granted, the road widening of S.R. 91 from Post Rd. to Glenwood Dr. would not occur causing the traffic problems to continue. The widening of the road will be to the benefit of the citizens of the City of Twinsburg, there is no substantial harm being done to the Zoning Code and the interest of the public will be preserved.

MOTION: THAT THE ABOVE DESCRIPTION BE INCORPORATED AS THE FINDING
FOR EACH OF THE VARIANCES GRANTED ABOVE.

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MR. KANCLER MOVED, MR. RUBIN SECONDED, UPON ROLL CALL THE
MOTION PASSED UNANIMOUSLY.

Mr. Rodic inquired as to the time table for appeals #7 and #8 to be determined.

Ms. Mohr replied that they will be addressed after the City meets with the property owner to decide what the parking lot layout will be.

- That will likely occur next month.

Mr. Wilner asked if there will be curbs and sidewalks included with the project.

Ms. Mohr said that there will be sidewalks on both sides of the road with curbs and a wide shoulder for a "share the road" area for bikes to have space between the traffic and curb.

Mr. Wilner asked if Ms. Mohr will return to BZA for variances required on the other side of S.R. 91.

Ms. Mohr replied that there is one property on the west side of S.R. 91 that may require a variance.

MOTION: TO APPROVE MINTUES DATED FEBRUARY 12, 2014.

MR. KANCLER MOVED, MR. DAVIS SECONDED, UPON ROLL CALL THE
MOTION PASSED UNANIMOUSLY.

COMMUNICATIONS-

NONE

EXCUSE ABSENT MEMBERS

MOTION: TO EXCUSE MR.BROWN

MR. KANCLER MOVED, MR. RUBIN SECONDED, UPON ROLL CALL,
MOTION PASSED UNANIMOUSLY.

ADJOURNMENT-

MOTION: TO ADJOURN MEETING

MR. RUBIN MOVED, MR. KANCLER SECONDED

The meeting adjourned at 7:14 p.m.

Neil Rubin, Chairman

Russ Rodic, Building Commissioner