

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
JULY 2, 2014

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
July 2, 2014**

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

Absent: Mr. Tom Brown and Mr. Ed Kancler

Also Present: Mr. Dan Cegelka, Twinsburg Building Inspector
Mr. Larry Finch, City of Twinsburg Director of Community Planning and Development

The Board cited the Pledge of Allegiance.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
July 2, 2014**

The board of Building and Zoning Code Appeals met in a public work session on Tuesday, July 2, 2014. The Chairman, Mr. Rubin, called the meeting to order at 6:30.

Appeal # 16-2014
Variance 1174.05 (e) (3)
2000 E. Aurora Rd., PP#64-00380

- Specifically, a request to allow off street parking to be located in a front yard.

Mr. Matthew Weber with Weber Engineering explained that the property is located in the northeast corner of the old Chrysler property. The proposal is for a FedEx Ground facility which will operate from three sides of the building, with parking on the fourth. The FedEx design requires pavement on all four sides of the building.

- The hardship being that there is not an unpaved side to place facing the road.
- The plan being presented has been recommended as an alternate by Planning Commission.
 - o This plan shifts auto parking to the rear of the site and trailer parking to the front of the site.

Mr. Rubin asked if the current plan has auto parking in the front.

Mr. Weber answered that the original plan presented to Planning Commission had autos in front, and Planning Commission suggested that a “flipped” version of the building would be preferable, which would locate the trailer parking in the front.

Mr. Wilner mentioned that in visiting a FedEx facility to pick up a package, the parking in front would prevent general public from travelling through more secure areas of the facility.

Mr. Finch explained that Planning Commission requested that the Site Plan be modified to the alternate version because of health and safety concerns as well as traffic congestion concerns.

- With the automobile parking on the north side of the site, which was the Developer’s preferred plan, there were two access points; one was an uncontrolled drive access at the east side of the site allowing all turns, the other access point was an entry from Cornerstone Pkwy, which would eventually be a signalized intersection.
- Planning Commission’s concern was that the eastern general entry, which was to be used by all traffic including trucks and parcel delivery vehicles, would be an uncontrolled intersection on S.R. 82.

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- o This created concerns about both congestion and low level of service for left hand turns as well as potential impact to adjacent properties by requiring left turn lanes in the center of the roadway which would exclude other direction traffic from turning into drives which already exist.
- The alternative suggested by Planning Commission turns the building 180 degrees placing the public / employee parking lot near a public doorway.
 - o This plan allows for all trucks to enter and exit at a signalized intersection.

Mr. Wilner asked if FedEx will put a signalized intersection on S.R.82.

Mr. Finch answered that they are currently evaluating whether traffic would warrant a signal there.

Mr. Wilner asked if there will be a road off of Chamberlin Rd.

The Board discussed maps off microphone.

Appeal # 17-2014
Variance 1149.08
8380 Darrow Rd., PP#64-07210

- Specifically, a request for a 10 foot setback variance.

Mr. Weber of Weber Engineering explained that the Safran property as well as the adjacent property are both owned by Realty VII. When the property was developed, there was an easement between the properties. The current plan is to put an additional parking area in the back as well as extend the existing parking off the side.

- o This will encroach on the side yard setback.

Mr. Davis asked if the additional parking will be put into the green space behind the building.

Mr. Wilner asked if there is a plan for storm water management.

Mr. Weber answered that there is a system in place.

Mr. Rubin reiterated that Realty VII owns both parcels, there is an easement in place and they are asking to expand the existing parking lot instead of putting in a new, separate driveway.

Mr. Weber answered that is correct.

NO OTHER MEMBERS OF THE PUBLIC WISHED TO SPEAK.

CITY OF TWINSBURG BOARD OF BUILDING AND ZONING CODE APPEALS MEETING MINUTES JULY 2, 2014

The Board of Building and Zoning Code Appeals met in a public work session on Tuesday July 2, 2014. The Chairman, Mr. Rubin, called the meeting to order at 6:30p.m.

1. Appeal # 14-2014
Variance 1199.09 (D)

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2480 Haverhill Rd.

- Specifically, a 16 foot increase to the already non-conforming structure.

Mr. Lakshan Nanayakkara explained that his newly purchased home was appraised with the current deck. The deck that he would like to replace the old one with will sit 16 feet from the property line and the Code is 50 feet. His 3 Season room has patio doors on all sides and he would like to have a wrap around deck to access those doors.

Mr. Rubin explained that the applicant is replacing an already non-conforming deck.

- He asked where the old deck was located.

Mr. Nanayakkara replied that it was located very close to the property line, approximately 10 feet away.

Mr. Rubin clarified that the new deck will be located further from the property line than the previous one was.

Mr. Nanayakkara replied yes, he did not want a large deck.

Mr. Wilner mentioned that the lot is oddly shaped and the house is located in a corner of the property.

Mr. Nanayakkara explained that only one corner of the new deck would require a setback variance, the rest of the deck will not be close to the property line.

MOTION: TO GRANT VARIANCE #14-2014

MR. WILNER MOVED, MR. DAVIS SECONDED,

MR. RUBIN CREATED AN ADDENDUM TO THE MOTION: PURSUANT TO 1199.09 2(A), (B), AND (C), THE STRICT APPLICATION OF THE CODE WOULD RESULT IN PRACTICAL DIFFICULTY (A) BECAUSE THERE IS A PIE SHAPED LOT WHICH CREATES A PRACTICAL DIFFICULTY, WE ALSO KNOW THAT THE BUILDING CODE HAS CHANGED AND THE CITY COMPELLED THE APPLICANT TO REMOVE THE EXISTING DECK WHICH (B) CREATED EXCEPTIONAL AND EXTRAORDINARY CIRCUMSTANCES THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES, AND (C) THE GRANTING OF SUCH VARIANCE WILL NOT BE A SUBSTANTIAL DETRIMENT TO THE PUBLIC AS THE NEW DECK SITS FURTHER FROM THE PROPERTY LINE AND WILL INCREASE THE PROPERTY VALUE.

UPON ROLL CALL THE MOTION PASSED UNANIMOUSLY.

Mr. Rubin explained the process for requesting that Council waive the 30 day waiting period for BZA variances. As Mr. Scaffide is out ill, Mr. Rubin asked Mr. Cegelka to present the request to another Council representative in order to have it addressed at the City Council meeting.

2. Appeal # 15-2014
Variance 1143.09
10084 Andover Dr.

- Specifically, a request for an 8 foot rear yard variance.

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Mr. Cegelka administered the Oath to Mr. Johnson.

Mr. Arthur Johnson explained that he currently has a deck which has a 6' variance. He would like to convert the deck area to a four season room and would like for the room to be 2' larger than the current deck, resulting in a 12' room. He is requesting a 2' addition to the current 6' variance.

- He mentioned that his house backs to wooded common space and will not impact residents in the rear area.
- He is moving elderly relatives into his home in order to care for them and would like to have the extra space for them.

MOTION: TO GRANT VARIANCE #15-2014

MR. DAVIS MOVED, MR. RUBIN SECONDED

MR. RUBIN CREATED AN ADDENDUM TO THE MOTION: THE STRICT APPLICATION OF THE CODE WOULD RESULT IN A PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP, BEING THAT THE ROOM WOULD BE TOO SMALL TO ACCOMMODATE THE ELDERLY RELATIVES AND THEY ARE UNABLE TO CARE FOR THEMSELVES, THERE ARE EXCEPTIONAL CIRCUMSTANCES OR CONDITIONS IN THAT THE APPLICANT HAS ALREADY RECEIVED A VARIANCE OF SIX FEET AND IS ONLY ASKING FOR TWO MORE, THE GRANTING OF SUCH VARIANCE WILL NOT BE A SUBSTANTIAL DETRIMENT, IT WILL INCREASE THE PROPERTY VALUE

UPON ROLL CALL THE MOTION PASSED UNANIMOUSLY.

Mr. Rubin explained the process for requesting that Council waive the 30 day waiting period for BZA variances. As Mr. Scaffide is out ill, Mr. Rubin asked Mr. Cegelka to present the request to another Council representative in order to have it addressed at the City Council meeting.

3. Appeal # 16-2014
Variance 1174.05 (e) (3)
2000 E. Aurora Rd., PP#64-00380

- Specifically, a request to allow off street parking to be located in a front yard.

Mr. Cegelka administered the Oath to Mr. Weber.

Mr. Weber explained that they are proposing a FedEx Ground facility at the northeast corner of the old Chrysler Site.

- The hardship is presented by the design of a FedEx Ground site, requiring pavement on all four sides of the building in order to have three sides available for distribution operations and the fourth side available for employee parking.
 - o The City Code restricts parking at the front of a property, but the restrictions create a hardship as FedEx needs parking and pavement on all sides.
- There is no detriment to adjacent properties as it is zoned Industrial and similar uses occur in the area.

Mr. Rubin asked if the variance is not granted, FedEx will be unable to locate their Ground facility in the City of Twinsburg.

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Mr. Weber answered yes; they would be unable to locate in Twinsburg as there is no other way to develop the property.

Mr. Davis asked if all FedEx facilities require pavement on all sides.

Mr. Weber answered that it is a standard for their operations and security.

Mr. Rubin clarified that the Board of Zoning Appeals is only deciding whether to allow the variance; it is not their jurisdiction to decide what will be done with the parking area if the variance is granted.

MOTION: TO GRANT VARIANCE #16-2014

MR. RUBIN MOVED ON THE BASIS THAT THE STRICT APPLICATION OF THE CODE WOULD RESULT IN A PRACTICAL DIFFICULTY IN THAT THEY WOULD NOT BE ABLE TO GET TRUCKS IN AND OUT AND THERE WOULD BE PROBLEMS WITH TRAFFIC AND PARKING, THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT IT IS ZONED INDUSTRIAL WITH FEW ADJACENT PROPERTIES AND THAT IF THE VARIANCE IS NOT GRANTED, THE BUSINESS CANNOT BE DEVELOPED ON THE CITY OF TWINSBURG, AND FINALLY, THE GRANTING OF SUCH VARIANCE WILL NOT BE A SUBSTANTIAL DETRIMENT TO THE PUBLIC AND THERE IS NO ONE PRESENT TO OBJECT AND BEING THAT IT IS A HIGH TRAFFIC INDUSTRIAL AREA.

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

4. Appeal # 17-2014
Variance 1149.08
8380 Darrow Rd., PP#64-07210

- Specifically, a request for a 10 foot setback variance.

MOTION: TO GRANT VARIANCE # 04-2014

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

MOTION: TO APPROVE MINUTES DATED JUNE 18, 2014.

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

COMMUNICATIONS-

NONE

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EXCUSE ABSENT MEMBERS

MOTION: TO EXCUSE MR. KANCLER AND MR.BROWN

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

ADJOURNMENT-

The meeting adjourned at 7:21 p.m.

Neil Rubin, Chairman

Russ Rodic, Building Commissioner