



**Board of Zoning Appeals Meeting Minutes
Wednesday, October 28, 2020
6:30 p.m.**

BOARD OF ZONING APPEALS

Ed Kancler called to order the regularly scheduled meeting of the Board of Zoning Appeals for the City of Twinsburg at 6:30 p.m.

ROLL CALL

Present: E. Kancler, T. Brown, G. Wilner, C. Griffith

Absent: M. Jamison

Also Present: Ryan Kennedy, Building Department

The board recited the Pledge of Allegiance.

WORK SESSION: Appeal #04-2020 - Variance Requested: Section 1181.07(c)(7)

The sidewalk variance at New Adventures Day Care, 8124 Darrow Road, was presented by Thomas Lane and William Oeflein. The sidewalk was a requirement set forth by the Planning Commission at their August 17th meeting during final site plan approval.

Thomas Lane explained that the project received approval from the Planning Commission but felt the sidewalk requirement was thrown in during the final minutes. This would create a financial hardship since the loan is practically closed and would cost them an additional \$100,000 on a project of over \$2,000,000. Thomas Lane went on to discuss how the sidewalk would essentially go nowhere.

Thomas Lane was questioned on the capacity of the child care center. He responded with approximately 120 children. The existing center has the highest quality rating available. There will be 28 parking spaces. About 20 employees, 14-16 on site at a time.

Thomas Lane was further questioned on the cost being prohibited. He confirmed that it would be and the requirement was not mentioned in any step of the Planning Commission's process until the final minutes.

Ed Kancler asked how many lineal feet this would require. Thomas Lane responded that it is 868 lineal feet. Ed Kancler went on to ask about a crosswalk. An existing crosswalk was confirmed. Ed Kancler

pointed out that would mean there is pedestrian traffic in that area. Chris Griffith mentioned the bus stop across the street. Ed Kancler and Thomas Lane agreed that the city has the authority to require the sidewalk. Thomas Lane would have liked to see it required earlier in the process for planning and financial purposes.

Tom Brown confirmed that the Planning Commission granted the project a front yard setback variance on August 17th. Tom Brown said he is under the impression that the city can ultimately make him build the sideway anyway. Thomas Lane responded that he was under the impression there may be grant money available at that point that he could utilize.

Thomas Lane is not opposed to a sidewalk but would be in favor of doing so once it is required of others in that area to connect to.

William Oeflein addressed the BZA members by mentioning that all other requests have been accommodated. A lot of time and staffing has gone into the project. The sidewalk seemed like a last minute effort.

Ed Kancler mentioned that he does not feel this is a major project or addition. William Oeflein confirmed that is the case but there is a financial difficulty. Ed Kancler mentioned that the applicants should talk with the Building Commissioner on timing and making sure this doesn't delay their project.

REGULAR MEETING: Appeal #04-2020 - Variance Requested: Section 1181.07(c)(7)

There was no further public participation. Ed Kancler mentioned that there are four members present. A two to two vote would result in a denial of the variance request and the applicant is choosing to go forward at his own risk of a tie vote.

Thomas Lane and William Oeflein were sworn in and confirmed that their representation of the variance was the whole truth.

MOTION: To approve appeal #04-2020.

Gary Wilner moved, Tom Brown seconded

Upon roll call motion failed 2-2. Dissenting votes by Ed Kancler and Chris Griffith.

Ed Kancler said Mr. Lane can appeal to City Council if he disagrees with the result. He went on to say that he does not feel there is an adequate hardship to adding the sidewalk as required by the Planning Commission.

William Oeflein questioned if a traffic study would have helped. Ed Kancler said it may have, but the trouble is that the number of people using this building also increases the density of the area. Some may be walking to other locations nearby.

APPROVAL OF MINUTES: May 13, 2020 & September 23, 2020

MOTION: Approve May 13, 2020 as submitted.

Tom Brown moved, Chris Griffith seconded. Approved 4-0.

MOTION: Approve September 23, 2020 as amended.

Tom Brown moved, Gary Wilner seconded. Approved 4-0.

EXCUSE ABSENT MEMBERS

MOTION: Excuse Michael Jamison

Chris Griffith moved, Gary Wilner seconded. Approved 4-0.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Appeals, the meeting unanimously adjourned at 6:52 p.m.

Ed Kancler, Chairman

Ryan Kennedy, Secretary