

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 10, 2016

CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
FEBRUARY 10, 2016

Present: Messrs: Gary Wilner, Ed Kancler, Chris Griffith and Joe Zeitz

Absent: Tom Brown

Also Present: Mr. Russ Rodic, Building Commissioner

The Board cited the Pledge of Allegiance.

Elect Chairman

MOTION: TO ELECT MR. KANCLER AS CHAIRMAN.

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

Elect Vice Chairman

MOTION: TO ELECT MR. BROWN AS VICE CHAIRMAN

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

CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
FEBRUARY 10, 2016

The Board of Building and Zoning Code Appeals met in a Public Work Session on Wednesday, February 10, 2016. The Chairman, Mr. Kancler called the meeting to order at 6:35 p.m.

Due to technical difficulties, there is no recording for the Board of Building and Zoning Code Appeals meeting on Wednesday, February 10, 2010.

The following minutes have been constructed from notes taken at the meeting.

1. Appeal # 01-2016
Variance 1148.13

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1148.13 of the Twinsburg Zoning and Development Regulations which states minimum front yard building setback of seventy (70') feet, front yard parking/drive of twenty-five (25') feet and rear yard parking/drive of thirty (30') feet abutting residential. The applicant is proposing a new stand alone building. This appeal is made by DS Architecture representing Dunkin Donuts of 2561 E Aurora Rd.

- Specifically, a 25' front building, an 18' front parking/drive & 16'-1" rear parking/drive respectfully variance is requested.

Ms. Elizabeth Eaken, 136 N. Water St. Suite 208 Kent, Ohio presented the application for Dunkin Donuts, 2561 E. Aurora Rd.

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 10, 2016

2. Appeal # 02-2016
Variance 1153.04

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1153.04 of the Twinsburg Zoning and Development Regulations which requires accessory structure on non-residential lots to be located behind the main building. The applicant is proposing to erect photovoltaic modules on the premises. This appeal is made by Derrik J. Filippo of General Electric Energy of 8499 Darrow Road.

- Specifically, accessory structure located in front of main building variance requested.

Mr. Derrik Filippo, 8499 Darrow Rd. Twinsburg presented the application for General Electric, 8499 Darrow Rd.

3. Appeal #03-2016
Variance 1149.10(a)

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1149.10(a) of the Twinsburg Zoning and Development Regulations which requires all accessory uses/operations shall be performed wholly within an enclosed building. The applicant is proposing to erect photovoltaic modules on the premises. This appeal is made by Derrik J. Filippo of General Electric Energy of 8499 Darrow Road.

- Specifically, the photovoltaic modules will operate outside an enclosed building variance request.

Mr. Derrik Filippo, 8499 Darrow Rd. Twinsburg presented the application for General Electric, 8499 Darrow Rd.

4. Appeal # 04-2016
Variance 1161.15(c)(6)

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1161.15(c)(6) of the Twinsburg Zoning and Development Regulations which requires a rear yard depth for a dwelling that shall not be less than fifty (50') feet. The applicant is proposing an (18'x20') addition on to the rear elevation. This appeal is made by CPK Construction representing Nykamp resident of 2929 Wilson Lane.

- Specifically, a 35 foot rear setback variance is requested.

Mr. Chris Kontur with CPK Construction, 8051 Vesta Ave. #3 Northfield, Ohio presented the application for 2929 Wilson Lane.

Mr. Drew Romito, 2854 Alling Dr. explained his dislike of the variance request for 2929 Wilson Ln.

- He is concerned that the addition will decrease his property value.
- The location of the addition will sit close to his property line.
- He does not believe that the Homeowners' Association bylaws allow an addition to the residence.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
MEETING MINUTES
FEBRUARY 10, 2016**

*The Board of Building and Zoning Code Appeals met on Wednesday, February 10, 2016.
The Chairman, Mr. Kancler called the regular meeting to order at 6:40pm*

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 10, 2016

1. Appeal # 01-2016
Variance 1148.13

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1148.13 of the Twinsburg Zoning and Development Regulations which states minimum front yard building setback of seventy (70') feet, front yard parking/drive of twenty-five (25') feet and rear yard parking/drive of thirty (30') feet abutting residential. The applicant is proposing a new stand alone building. This appeal is made by DS Architecture representing Dunkin Donuts of 2561 E Aurora Rd.

- Specifically, a 25' front building, an 18' front parking/drive & 16'-1" rear parking/drive respectfully variance is requested.

MOTION: TO APPROVE APPEAL #01-2016.

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

Mr. Kancler's notes on the approval:
APPEAL #01-2016 (Dunkin' Donuts)

As requested, variances were granted for the front yard and rear yard setbacks as well as parking spaces due to the practical difficulties existing due to the size and shape of the lot and the fact that the proposed building is not large in size, as well as the fact that the Planning Commission approved the Applicant's Preliminary Site Plan with conditions among others that with the consent of adjoining residential owners, an 8 foot high concrete wall will be constructed between the properties involved together with fir tree plantings. Vote was 4-0.

2. Appeal # 02-2016
Variance 1153.04

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1153.04 of the Twinsburg Zoning and Development Regulations which requires accessory structure on non-residential lots to be located behind the main building. The applicant is proposing to erect photovoltaic modules on the premises. This appeal is made by Derrik J. Filippo of General Electric Energy of 8499 Darrow Road.

- Specifically, accessory structure located in front of main building variance requested.

MOTION: TO APPROVE APPEAL #02-2016

MR. ZEITZ MOVED, MR.GRIFFITH SECONDED
UPON ROLL CALL, MOTION PASSED UNANIMOUSLY.

Mr. Kancler's notes on the approval:
APPEAL #02-2016 and
#03-2016 (General Electric)

Each variance was granted for installation of an accessory use in front of a main building due to the fact that the land involved is substantially lower than Darrow Road, screening will be provided for the adjoining Heartland development and outdoor use of the solar panels is necessary in order for them to work. All other Practical Difficulty standards were met. Vote was 4-0.

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FEBRUARY 10, 2016

3. Appeal #03-2016
Variance 1149.10(a)

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1149.10(a) of the Twinsburg Zoning and Development Regulations which requires all accessory uses/operations shall be performed wholly within an enclosed building. The applicant is proposing to erect photovoltaic modules on the premises. This appeal is made by Derrik J. Filippo of General Electric Energy of 8499 Darrow Road.

- Specifically, the photovoltaic modules will operate outside an enclosed building variance request.

MOTION: TO APPROVE APPEAL #03-2016

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

Mr. Kancler's notes on the approval:
APPEAL #02-2016 and

#03-2016 (General Electric)

Each variance was granted for installation of an accessory use in front of a main building due to the fact that the land involved is substantially lower than Darrow Road, screening will be provided for the adjoining Heartland development and outdoor use of the solar panels is necessary in order for them to work. All other Practical Difficulty standards were met. Vote was 4-0.

4. Appeal # 04-2016
Variance 1161.15(c)(6)

A public hearing will be conducted at 6:30 pm on February 10, 2016; for the purpose of hearing an appeal for a variance from section 1161.15(c)(6) of the Twinsburg Zoning and Development Regulations which requires a rear yard depth for a dwelling that shall not be less than fifty (50') feet. The applicant is proposing an (18'x20') addition on to the rear elevation. This appeal is made by CPK Construction representing Nykamp resident of 2929 Wilson Lane.

- Specifically, a 35 foot rear setback variance is requested.

MOTION: TO APPROVE APPEAL #04-2016

MR. WILNER MOVED, MR. KANCLER SECONDED
UPON ROLL CALL, MOTION PASSED 3-1 WITH MR. GRIFFITH DISSENTING.

Mr. Griffith's comments:

I felt that there was no hardship, and that it would decrease the values of surrounding homes. Therefore creating hardships on them.

Mr. Kancler's notes on the approval:

APPEAL #04-2016 (Nycamp/CPK Construction)

Variance was granted for construction of an 18x20 addition to the rear of the residence within the 50' rear setback due to the fact that the house was constructed bordering the rear setback, was not created by the Homeowners, there would be no detriment to adjoining properties, and the fact that adjoining properties have made non-structural uses of backyards with playground devices and other items. The adjoining property owner to the rear objected but offered no evidence of market value damage. Vote was 3-1.

APPROVAL OF MINUTES – Dated December 9, 2015

Approval of the minutes of December 9, 2015 was deferred due to a lack of a quorum of members present who attended that meeting.

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 10, 2016

COMMUNICATIONS-

EXCUSE ABSENT MEMBERS - TOM BROWN

MOTION: I MOVE TO EXCUSE TOM BROWN FROM ATTENDANCE.

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

ADJOURNMENT-

The meeting adjourned at 7:11pm

Ed Kancler, Chairman

Russ Rodic, Building Commissioner