

Board of Zoning Appeals
February 12, 2013

The meeting was called to order by chairman Stanziale at 7:00 p.m. with the following members present: E. Davis, D. Gyure, E. Simon, and N. White.

Also present: C. Ehrhart-Office Assist, Steve Roessner-Zoning Inspector, Mayor Garlich, Ryan Oyster-GPD Group, Duane Siracki, George Kilk, Richard Duncan, Scott Klein-Planning Commission Chairman, Dave & Chris Hippely, Adelio DiFranco, Bob Breetz-CEI, Brian Komlos-CEI, Mike Mihalisin.

Minutes of **November 14, 2012** were presented for approval. Simon made a motion to approve the minutes with the few minor corrections, seconded by Gyure. All in Favor: Yeas (5).

Stanziale opened the nominations. Simon nominated Davis, Davis declined. White nominated Gyure, Gyure declined. Gyure nominated Stanziale, seconded by Simon. There being no further nominations, Stanziale closed the nominations. All in Favor: Yeas (4), Stanziale-abstained.

NEW BUSINESS:

Taco Bell:

Ryan Oyster-GPD Group, engineers for Taco Bell. The proposed building site has been before the Planning Commission for preliminary review. Planning Commission has given it a favorable recommendation. This is a new image for Taco bell, going for a new modern look, minimizing signage, and change of colors. There will be one main entrance in the center of the lot for ingress and egress. The variances that are being requested are for the front yard setback. Placement of the building is to allow more stacking of the drive thru lane, it is based on timing; can have 8 to 9 cars in the drive thru lane. The building is being placed even with the canopy of the gas station to the west. The existing building is currently closer to the road than the proposed Taco Bell building. Variance for lot Coverage, with the parking lot the lot coverage is 73.1%, without the parking lot the building covers approximately 7% of the lot. Rear yard setback; the rear parking lot will be going all the way to the back of the property line to allow more drive thru spacing. Gyure asked if this will be in the retention pond. Oyster stated that yes and they will be moving/expanding the retention pond. A variance requesting a side yard setback as the parking lot will be right on the side property line; this lot is very narrow. Also requesting a signage variance, will be installing a monument sign and need a variance on the Rite Aid side; there is not another location to fit the sign on the property. The sign meets the front setback. Requesting two additional signs for the east side of the building. White asked about the inside seating. Oyster stated that he believed it will have seating for about 28. Discussion held regarding any landscaping planned. DiFranco asked if this is a permitted use in this area. Oyster stated that this is a permitted use; the only variances being requested are for dimensional variances due to the size and shape of the lot. Stanziale asked if there were any concern with the increased traffic at this location. Roessner stated that this is already a commercial site with traffic coming in and out. There are 2 exit lanes proposed one right and one left. Simon stated that with the size and nature of the lot it certainly dictates what you can do with the lot. Davis stated that this is certainly an improvement to what is there. Mayor Garlich stated that Michael Mihalisin is the closest neighbor and he is in attendance in support of this project. Roessner stated that the parking exceeds the number of parking spaces that are required. Discussion held regarding lot coverage.

White made a motion to approve the 6 variances that Taco Bell has requested, seconded by Simon. Roll Call: Yeas (5)

Illuminating Co.:

Bob Breetz & Brian Komlos-FirstEnergy. FirstEnergy would like to purchase this property and make some improvement to the buildings and the lot. Davis asked how long they have been in the building. Breetz stated this August will be 3 years. Hippely stated that they have issues with the noise and diesel smell; their home is located about 25' from the back of this property. The Hippely's stated that they have owned their house for 8 years. Roessner stated that he has a letter from Mrs. Williams; Roessner read the letter that was submitted showing support for this project. Mrs. Hippely passed out pictures she took today of the lot showing trucks running and what the view is from there back deck. Stanziale asked why purchase as opposed to continue leasing. Breetz stated that this lot is available to purchase and it meets their needs; they want to keep the support in the area. Mayor Garlich asked what the operation is. Breetz stated that it is basically a service center. Discussion held regarding the noise. Mayor Garlich asked if the Illuminating Company would be willing to install year round screening; would like to see them staying in the Village. Davis agrees. Discussion held regarding the fence that was installed. Roessner when they moved in they were required to do a 15' setback with the fence. Hippely stated that they would be happy with some year around screening, possibly an earthen mound of dirt and then some landscaping. Komlos stated that the landscape screening would have to be run by the upper management for approval. Gyure asked about the variances for parcel A. Roessner stated that the variances are a package deal, both parcels are included. This lot split creates two non-conforming lots, can't do one without the other. There will be an easement for the 20' wide driveway to the back for the ingress/egress reciprocal easement for usage from both parcels. The agreement between the two parties will be recorded at the county. Lengthy discussion held regarding the variances that are being requested. Parcel A, the front parcel needs a side yard setback variance from 40' to 36' and a lot width variance. Roessner stated that the lot is 157' wide; 20' of that will be a new property to the back property along with an easement so they can continue to drive on either side of the building. Stanziale stated that parcel B needs a side yard setback from 40' to 26'. Roessner stated that this is only needed because of the lot split and the change in the property lines between the front building and the back building. The variances that are being requested have to do with the lot size. The lot split is creating an odd lot that is not typically allowed by the village's code. Klein stated that this went before the Planning Commission and the commission looks favorably upon approving the variances. The Village wants to keep the Illuminating Company in the Village. Klein likes the idea of making the approval with the contingency of the screening. Roessner stated that they are leasing the building now and do not have to do any improvements, if the variances are granted they will have the ability to make improvements to the buildings and the property. Stanziale asked if we can require the sign on parcel A be improved. Roessner asked Kilko if he is willing to improve the signs. Kilko stated that when they put the signs up they were approved as is and is not sure he can do anything; have leases with the tenants.

Stanziale made a motion to approve the variances as submitted contingent upon FirstEnergy submitting a landscape plan showing an earthen mound with evergreen landscaping buffer which has to be approved by the Zoning Inspector and Administrator prior to the property being transferred, seconded by White. Roll call: (5)

Stanziale adjourned the meeting at 8:01 pm.

Secretary (Carrie Ehrhart)

Chairman (Rob Stanziale)