

11010 E Washington Street

November 12, 2013

1

Held **BZA-13-10v**

APPLICATION:

BZA-13-10v, a variance request submitted by DWSK LLC, from **4A.04(d) Prohibited Uses (Any use not specifically listed . . .shall not be permitted), 4A.05 Schedule of Uses; and 4.03(c) Prohibited Uses**, for a proposed light excavating and landscape business to be located at 11484 Washington Street, Auburn Township, Ohio 44023, in a B-1A & R-2 zoning district, Auburn Township, Ohio 44023.

MEMBERS PRESENT: LAURA BELLAR, ROBERT FREEBAIRN, KEVIN GRAHAM, BRIAN STEWART, LEWIS TOMSIC,

MEMBER ABSENT: BROCKMAN

MEMBERS HEARING

THE CASE: Freebairn, Bellar, Graham, Stewart

DOCUMENTS

IN CASE FILE: See Case File

Roll call was taken, the Pledge of Allegiance was recited, the opening statement was read and all parties to the case were sworn in. It was noted that today's date is 11-12-13. Lew Tomic recused himself from hearing the case. Mr. Stewart chaired the meeting.

There was no old business. New business was: **BZA-13-10v**, a variance request submitted by DWSK LLC, from **4A.04(d) Prohibited Uses (Any use not specifically listed . . .shall not be permitted), 4A.05 Schedule of Uses; and 4.03(c) Prohibited Uses**, for a proposed light excavating and landscape business to be located at 11484 Washington Street, Auburn Township, Ohio 44023, in a B-1A & R-2 zoning district, Auburn Township, Ohio 44023.

Brian Stewart commented that this case was asking for a use variance and this requested use, a light excavating and landscape business, would remain with the property forever. He also commented that the property is located in two different zoning districts.

The applicants were asked to present their case. Steve Kellerman introduced himself along with and introduced Daniel Weilacher. Both gentlemen gave their current home addresses before they spoke. Mr. Kellerman explained that they are applying for a use variance and felt that their proposed use is a good suitable use for the B1A zoning district. Mr. Kellerman indicated that he owns a landscape design company. His business equipment was stored at the Wren Auto Shop in Bainbridge that was destroyed by a big fire and the he lost all his equipment in the fire. He is currently working out of his home. He has been in business for 15 years. He further commented that he has a degree from Miami University and a Master's Degree in landscape design. Mr. Weilacher introduced himself and gave a brief overview of his background. He graduated from Kenston, has been in business for 4 years and he has a small, light excavating company. It was explained that both applicants were trying to buy the property separately. When they discovered that they were bidding against each other they both decided to set up an LLC and buy the property together.

Mr. Kellerman explained that they will be demolishing the current residence/structure and building a new 60' x 100' steel building. They plan on cleaning up the property and landscaping it so it has great curb appeal. They further stated that they are going to leave the woods in the rear of the property as a natural buffer from the neighbor's property to the north. It was explained that this wooded area is the part of the property that is located in the residential district. Mr. Kellerman further explained that their business

11010 E Washington Street

November 12, 2013

2

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will not change the character of the neighborhood and that the changes they plan to make will be a big improvement to the existing property.

Mr. Kellerman also explained that the property has been up for sale for 6 or 7 years and currently it is somewhat abandoned. Mr. Kellerman indicated that he takes pride in his community and that their business will definitely improve the neighborhood.

Kevin Graham asked what will happen if the two applicants break up or the “businesses go their separate way.” Mr. Kellerman explained that they formed an LLC and the property will stay as an LLC. He also indicated that they have long term plans on how they are going to handle the LLC business. Mr. Kellerman further explained that they are paying cash for the property and if there was a future problem there is a line of succession that would be followed. He also explained that their businesses are similar but they are not in competition with each other. Mr. Weilacher also discussed his company, that it was a small excavating company, and indicated that he had 2 single axle dump trucks, a skidster, and a mini excavator, and he plans on keeping his company small and manageable.

Brian Stewart asked about the retail sales that had been eradicated off the application. Mr. Kellerman originally thought that they might sell bulk mulch and top soil but decided against it at this point in time, that is why was removed from the application.

Frank Kitko, Auburn Township Zoning Inspector, stated that if retail sales were not on the original application than they would not be able to do it without reapplying for zoning approval. Mr. Kitko further explained the difference between the B-1 and B-1A zoning districts in Auburn Township. He also explained that the old Wheeler Landscaping property was conditional use that was grandfathered in and that is why they are at their location, which is right down the road from this property.

Brian Stewart asked for public comment. Sarah Walden testified that she lives on Messenger Road and feels that this business would improve the condition of the property. Dr. Craig Woodson testified that he felt the plans for the property were good. He indicated that he is related to the current property owners and his wife grew up on the property and they feel this business would be good for the community.

Frank Artino commented that he felt that the business would be a good match for the property.

Brian Stewart commented that the one building might be too close to the property line. A discussion took place.

Mr. Kitko commented that zoning will require the business to provide screening to provide a buffer for adjacent property owners.

Mr. Stewart also commented on the conceptual plan and once the final site plan is submitted to zoning that they would need to comply with the other governmental agencies i.e. Geauga Soil & Water, and possibly the EPA. A discussion took place regarding a fire retention pond/basin. Mr. Kitko indicated that he would prefer that the drive for the facility to remain gravel to help with water runoff.

Mr. Kellerman indicated that he would create a screening buffer from Washington and create a great curb appeal for the business. Mr. Kellerman also commented that they would like to replant the front apple orchard.

It was also noted that the current storage barn on the property might need to be brought up to commercial code if it is used commercially. A discussion took place. Mr. Kitko indicated that this would be monitored.

RECORD OF PROCEEDINGS
TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

Minutes of _____

Auburn Township Administration Building

Meeting _____

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11010 E Washington Street

November 12, 2013

3

Held BZA-13-10v

Mr. Kitko also indicated that any demolition on the property that is commercial has to be approved by the Ohio EPA, and if it is required, he will need the EPA permits before issuing a zoning permit for the demolition.

It was noted by a representative from the Illuminating Company, a contiguous property owner, asked if screening is used around the small electrical substation that it be installed far from their fencing so rodents cannot climb it and get into their equipment.

Mr. Graham again expressed concern that the variance would stay with the property. It was also explained to the applicants that there were only 4 members hearing the case and if there was a tie vote their request would be denied, that they would need a majority vote for it to be granted. There were no further comments.

Motion by Brian Stewart to grant **BZA-13-10v**, a variance request submitted by DWSK LLC, from **4A.04(d) Prohibited Uses (Any use not specifically listed . . .shall not be permitted), 4A.05 Schedule of Uses; and 4.03(c) Prohibited Uses, for a proposed light excavating and landscape business to be located at 11484 Washington Street, Auburn Township, Ohio 44023, in a B-1A & R-2 zoning district, Auburn Township, Ohio 44023. The motion was seconded by Kevin Graham. Vote: Bellar, yes; Freebairn, yes; Graham, yes; Stewart, yes. The motion was granted.**

Mr. Stewart explained that there is a 30-day appeal period after the minutes are approved for any party of interest to appeal the decision. If the applicants proceeded, they would be doing so at their own risk.

The next meeting will be December 10, 2013 to approve minutes.

Motion by Robert Freebairn to adjourn the meeting. The motion was seconded by Laura Bellar. Vote: Bellar, yes; Freebairn, yes; Graham, yes; Stewart, yes. The motion was granted.

The meeting was adjourned.

Minutes submitted by

Minutes Approved on:



Jane G. Hardy, BZA Secretary

December 10, 2013

Brian Stewart, Vice-Chairman