

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
APRIL 19, 2010**

PRESENT

**CHAIRPERSON, SALLY ALBRECHT
BOARD MEMBERS: RON TANSKI**

**BILL TUCHEK
KRISTINA SINK
TERRY HUGHES ZS, ROBIN HALLEEN**

ALSO PRESENT

**GLENN PISANI
DERYL ALBRECHT**

**FA, PAUL JEFFERS
TERRY HUGHES ZS, ROBIN HALLEEN**

HANDOUTS:

- 1. DOCUMENTATION – TEMPORARY SPECIAL EVENT CONDITIONAL
GANLEY NISSAN**

AGENDA

APPLICATIONS:

- 1. TEMPORARY SPECIAL EVENT CONDITIONAL: APPLICATION #04-10-15 A
REQUEST BY MR. GLENN PISANI, FOR KEN GANLEY NISSAN, 5180
MONTVILLE DRIVE, MEDINA, OH 44256 (SECTION 330.4.C.3 – TEMPORARY
SALES & SPECIAL EVENTS IN COMMERCIAL DISTRICTS) TO ALLOW A
TEMPORARY SALES/SPECIAL EVENT TO BE HELD MAY 1, 2010 THROUGH
MAY 31, 2010.**

Chairperson Albrecht called the April 19, 2010 Board of Zoning Appeals meeting to order at 7:00 p.m.

ROLL CALL:

**Board Member Tanski – Present
Board Member Tuchek – Present
Board Member Sink – Present
Board Member Hughes – Present
Chairperson Albrecht - Present**

Chairperson Albrecht: “If there is anyone here who wishes to speak on the subject(s) in question tonight, please sign the witness sheet if you have not already done so. Anyone who wishes to speak will be sworn in before their testimony is heard. The official minutes of the meeting are taped and therefore, it is important that the participating public state their name clearly prior to testimony. The Board of Zoning Appeals is a quasi-judicial body who bases their decisions on facts and not opinions and therefore, we ask that your testimony be based on facts and not personal opinion. The written/typed transcripts (minutes) are the official documentation of the proceedings.”

Chairperson Albrecht asked if the proper notices were sent.

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Field Assistant Jeffers stated: "Yes."

Chairperson Albrecht asked if the contiguous property owners were notified.

Field Assistant Jeffers stated: "Yes."

PUBLIC HEARING

1. TEMPORARY SPECIAL EVENT CONDITIONAL: APPLICATION #04-10-15 A REQUEST BY MR. GLENN PISANI, FOR KEN GANLEY NISSAN, 5180 MONTVILLE DRIVE, MEDINA, OH 44256 (SECTION 330.4.C.3 – TEMPORARY SALES & SPECIAL EVENTS IN COMMERCIAL DISTRICTS) TO ALLOW A TEMPORARY SALES/SPECIAL EVENT TO BE HELD MAY 1, 2010 THROUGH MAY 31, 2010.

Chairperson Albrecht introduced the first item by reading the information from application #04-10-15.

Chairperson Albrecht read the following memo addressed to the Board of Zoning Appeals from Zoning Inspector, Emrick:

April 12, 2010

Re: Section 330.4.C Temporary Sales and Special Events in Commercial Districts

The above referenced section provides for temporary sales and special events with specific criteria. The Zoning Inspector can issue a temporary zoning permit for events that are limited in duration to three (3) days or less. Over three (3) days the Board of Zoning Appeals shall review and act on an application for a temporary zoning permit.

Ganley Nissan is requesting a temporary zoning permit for the Nissan National Tent Event during the month of May. This sale will be held in a tent approximately 500 to 600 square feet in size.

Applicant Glenn Pisani and Field Assistant Jeffers were sworn in.

Chairperson Albrecht asked the applicant if he had anything to add to his application.

Applicant Glenn Pisani presented a new site plan to the board and explained that the tent was going to be moved to a different area than what was stated in the original application. He explained that the tent would be on the north side of the lot between two existing light poles. Mr. Pisani stated that the tent sale was a nationwide sale and last year Ken Ganley Nissan chose not to participate in the sale and he could not state for sure if this would continue to be an annual event for this individual dealership. Mr. Pisani stated that even though Nissan's colors were red and white the tent would be white because it not only

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would be more aesthetically pleasing but it was more cost effective then the red and white tent. Mr. Pisani said they were requesting the tent for thirty (30) days (May 1, 2010 through May 30, 2010) but most of the sales activity would occur during the last two (2) weeks of the sale. Mr. Pisani assured the board that the tent would be removed June 1, 2010. Mr. Pisani explained that they would have a grill outside during the tent sale and they would be giving away \$25.00 Target gift cards. He said they would be mailing out flyers to advertise the event.

(The Board Members discussed whether or not they should make the special event an annual conditional and waive future fees. It was determined that the board could not make decision since Mr. Pisani could not commit to an annual event and the situation may be in need of a text revision and possible presentation to the Trustees in regards to the fees.)

Board Member Sink asked Mr. Pisani if there would be any additional lighting and what the hours of operation would be.

Applicant Glenn Pisani stated that there wouldn't be any additional lighting and the hours of operation would be the same as the current hours of operation for the dealership.

Board Member Tanski asked Mr. Pisani if he contacted the Fire Department.

Applicant Glenn Pisani stated that he hadn't contacted the Fire Department but the tent was made out of flame retardant material.

Board Member Tanski suggested that Mr. Pisani contact the Fire Department for safety reasons.

Field Assistant Jeffers asked Mr. Pisani if they would have an additional loud speaker system outside for the sale.

Applicant Glenn Pisani stated that they would not have an additional loud speaker system outside the building. He stated that there would be a radio broadcast but not on the grounds.

Chairperson Albrecht asked the board if they had any questions for the applicant.

No Response.

Chairperson Albrecht opened the hearing to the public for comments and questions.

No Response.

Chairperson Albrecht closed the hearing to the public.

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MOTION: Board Member Tucheck – I move that the Temporary Special Event Conditional be granted to Ken Ganley Nissan, 5180 Montville Drive, Medina, Ohio 44256. The Conditional will be for a 500-600 square foot tent to be erected and remain standing through May 1, 2010 until May 31, 2010. Hours of operation will be the same as the current hours of operation of the dealership and will conform to all Township regulations.

SECOND: Board Member Tanski

ROLL CALL:

Board Member Tucheck – Approve
Board Member Sink – Approve
Board Member Hughes – Approve
Board Member Tanski – Approve
Chairperson Albrecht - Approve

Variance Passed by a 5-0 vote.

Chairperson Albrecht asked for a motion for adjournment:

MOTION: Board Member Tanski moved to adjourn the meeting.

SECOND: Board Member Hughes

ROLL CALL: A collective oral vote was taken. All members stated "Aye" (No "Nays").

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,



Robin Halleen
Zoning Secretary

Approved:

Sally Albrecht
Chairperson, Sally Albrecht

6/21/10
Date