

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
JUNE 16, 2008**

PRESENT

Sally Albrecht, Chairperson
Ron Tanski, Vice Chairperson
Allen Biehl
Donna Watkins

ALSO PRESENT

Judy Emrick, Zoning Inspector
Paul Jeffers, Field Assistant
Fran Eden, Recording Secretary
Alan Hallock

HANDOUTS: None

MINUTES: Special Meeting May 20, 2008

AGENDA: PUBLIC HEARING:

1. **CONDITIONAL:** A request by Medina Tile & Stone, LLC 1035-C Industrial Parkway, Medina, Ohio 44256 for Conditional Zoning Certificate #1 (Warehouse/General Trade Contractor) Property Located at 4930 Chippewa Road, Medina, Ohio 44256 Mr. Jim Gowe, Montville Business Center, Inc. Application Number 05-08-034

The June 16, 2008 meeting of the Montville Township Board of Zoning Appeals was called to order at 7:03 p.m. by Chairperson, Ms. Sally Albrecht.

Roll Call: Board Member, Biehl – present; Board Member Watkins – present; Board Member Tanski – present; Chairperson, Albrecht – present.

The meeting has been properly advertised and the contiguous property owners were notified.

Board Chairperson Albrecht stated: *The Board of Zoning Appeals is a quasi-judicial board that bases their decisions on facts and not opinions. Therefore, we request that any testimony given be based on facts and not personal opinion. Everyone in attendance should sign in if they have not already done so. Anyone who wishes to speak should state their name for the record and then they will be sworn in before testifying. The minutes of the meeting are taped for transcription purposes. The official minutes are the written transcripts.*

MINUTES: Special Meeting May 20, 2008

Zoning Inspector Emrick explained that the minutes from that meeting were done verbatim by a court reporter.

MOTION: Board Member Watkins moved to accept the court reporters verbatim minutes for May 20, 2008.

SECOND: Board Member Biehl

ROLL CALL: A collective oral vote was taken with Board Members Biehl, Watkins, Tanski and Chairperson Albrecht responding “aye”.

UPDATE: **Zoning Inspector Judy Emrick**

Zoning Inspector Emrick said that we can wait to see if Mr. Gowe arrives for his conditional. In the mean time I do have some updates.

Zoning Inspector Emrick informed the board that Mr. Roy Poillon had resigned from the Board of Zoning Appeals. She said that she placed an ad in the paper and we will be taking applications for that position. Goodwill will be coming back for a Use Variance on July 7th. You will have four (4) issues on that night, two (2) other variance requests and a conditional for Lexington Ridge.

Board Chairperson Albrecht asked Zoning Inspector Emrick is Goodwill would be represented by their lawyer and if so questioned if the board should also have an attorney present to represent them.

Board Member Watkins said that she would not be able to attend the July 7th meeting.

Board Members and Zoning Inspector Emrick discussed having a special meeting for the Goodwill Variance request so that they would have a full board present. They concluded that on July 21st they would have a full board and would move the Goodwill variance request to that date.

Zoning Inspector Emrick said that Mark Overholt would be coming in for a conditional renewal for Tiger General in August. The problem is that his son also has a business there called “Cycle One” which has a race track. Race tracks are not allowed in the Township and there is more than one use on the property. He also told one of the Trustees that he wants to build a 6000 square foot building on the property.

Board Chairperson Albrecht asked: “Since Mr. Gowe is not present should we table his conditional until the next meeting?”

Zoning Inspector Emrick said that the conditional was a standard conditional and she did not see any reason for it to be tabled. She suggested that Field Assistant Jeffers be sworn in sine he is the one who visited the site and spoke with Mr. Growe.

PUBLIC HEARING:

2. **1. CONDITIONAL: A request by Medina Tile & Stone, LLC 1035-C Industrial Parkway, Medina, Ohio 44256 for Conditional Zoning Certificate #1 (Warehouse/General Trade Contractor) property located at 4930 Chippewa Road, Medina, Ohio 44256 Mr. Jim Gowe, Montville Business Center, Inc. (Application Number 05-08-034)**

Board Chairperson Albrecht introduced the item by reading the information from application #05-08-034. She read a memo dated May 20, 2008 from Zoning Inspector Emrick as follows:

RE: Conditional Use General Trade contractor/Warehousing Section 430.3.F1 and 450.6.E.1-5 Medina Tele and Stone, LLC. 4930 Chippewa Road, Unit B (Montville Business Center, Inc.)

After speaking with the business owner I understand that this will be use similar to the previous business located in the Unit B. That is warehousing and retailing. The applicant has few semi-trucks entering the site for deliveries and does not have any retail sales. The stone and tile the applicant has delivered and wholesale out of this site. Stone and tile from all over the world is delivered to the site.

While warehousing is not specifically named as a use, I find that under 430.3.F.1 General Commercial and other similar facilities seems to work for this business.

There appears to be sufficient parking for the employees and per the applicant there will be nothing stored outside of the building.

540.6.E 1-5 Supplemental Regulations for Certain Uses deals with trade contractors and the new business seems to comply with all of the criteria.

Should additional information be needed please do not hesitate to let me know.

Field Assistant Jeffers was sworn in. Field Assistant Jeffers explained that the applicant reassured him that he had only two (2) to three (3) employees on site. Traffic flow is not an issue because there will only be two (2) or three (3) trucks a day dropping off supplies. The hours of operation are 9 a.m. to 5 p.m., Monday through Friday. They will not have any weekend hours. This will benefit Habitat for Humanity which is open on Saturdays. Retail sales will not be conducted on the site. He receives granite and tile from overseas and ships it out to distributors.

Board Chairperson Albrecht asked if they will be cutting the granite at the site.

Mr. Jeffers said: "No, they will not be cutting the granite on site."

Board Chairperson Albrecht asked the board if they had any other questions.

Board Member Tanski questioned the regulations in regards to warehousing.

Zoning Inspector Emrick was sworn in. Zoning Inspector Emrick said according to Section 540.6E 1-5 under trade contractor, the building falls under the warehousing qualifications but he is actually a trade contractor. He gets the material in and sends it out to be manufactured. He does have another business in the Industrial Parkway in Medina and he is looking for more room. If you look at Section 430.3.F it says trade/contractor's facility including carpenter, cabinetry, and other similar facilities. I considered this a "similar facility".

Board Chairperson Albrecht opened the meeting to the public.

Mr. Alan Hallock was sworn in. Mr. Hallock said he was representing the adjoining property owner, Mr. Ham.

Board Chairperson Albrecht asked Mr. Hallock if he had any comments regarding this issue.

Mr. Hallock said that originally the business was Arthur Products and it was designed as a manufacturing facility. I know that the Township wants to develop the commercial in this area and it seems like a contradiction in the Comprehensive Plan for this area.

Board Chairperson Albrecht asked Zoning Inspector Emrick if she could comment on this.

Zoning Inspector Emrick said that we do not have any place for heavy manufacturing in this Township. This building is located in the Rural Commercial District in which the existing businesses might be considered as "light manufacturing".

Mr. Hallock said that if you are trying to gain employees, tax revenue and develop business, you can't say "not this". You discourage a lot of people. I would like to see the commercial area of Wooster Pike more developed.

Board Chairperson Albrecht explained that they are the judicial body and we uphold what is in the text. We only deal with variances and conditionals.

Board Member Tanski said we are not keeping him from manufacturing. He came to us and asked if he could set up a warehouse. He stated that he is not going to manufacture goods. If he wants manufacture goods he would need to go back to the zoning office to discuss the districts and regulations that may or may not apply to manufacturing.

MOTION: Board Member Watkins moved that Conditional Use Permit #1 General Trade Contractor/Warehousing be granted to Medina Tile and Stone, LLC. – 4930 Chippewa Road, Unit B of Montville Business Center, Medina, Ohio. The permit shall comply with Sections 430.3F.1, 450.6E 1-6, 450.3.C.6. The permit will be for a period of three (3) years. The use is similar to the uses of other facilities in the complex. No manufacturing of counter tops or similar types of products shall take place on this site.

SECOND: Board Member Tanski

ROLL CALL: Mr. Biehl – approve as written; Ms. Watkins – I approve; Mr. Tanski – approve as written; Ms. Albrecht – I vote to approve.

Conditional #1 approved 4-0.

Board Chairperson Albrecht asked if they would ever be able to discuss protocol.

Zoning Inspector Emrick said that can be put on the agenda for a future meeting.

MOTION: Board Member Watkins moved to adjourn the meeting.

SECOND: Board Member Tanski

ROLL CALL: A collective oral vote was taken with Board Members Watkins, Biehl, Tanski and Albrecht responding “aye”.

Board Chairperson Albrecht adjourned the meeting at 7:58 p.m.

Respectfully Submitted,

Frances Eden
Recording Secretary

APPROVED BY: _____ **DATE:** _____
Chairperson, Sally Albrecht