

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 13, 2019

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
FEBRUARY 13, 2019**

Mr. Kancler called the meeting to order at 6:30 pm.

Present: Messrs: Wilner, Kancler, Griffith and Zeitz
Absent: Mr. Tom Brown

Also Present: Mr. Russ Rodic, Building Commissioner
Mr. Sam Scaffide, City Council Representative

The Board recited the Pledge of Allegiance.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
FEBRUARY 13, 2019**

1. Appeal # 01-2019
Variances Requested: Sections 1148.13 and 1163.01 (d)

A public hearing will be conducted at 6:30 pm on February 13, 2019 for the purpose of hearing an appeal for variances from Sections 1148.13 and 1163.01 (d) of the Twinsburg Zoning and Development Regulations. Section 1148.13 requires the following minimum side yard setbacks: 20' side yard building setback, 10' side yard drive setback, and a 25' front drive setback. Section 1163.01(d) allows for a maximum driveway width of 30'. Appeals are being made by Circle K for a new car wash and reconfiguration of ingress/egress at the existing BP facility at 2496 East Aurora Road, Permanent Parcel #64-09314, located in a C-3 Interchange Business District.

- Specifically, a 10' side yard building setback variance, a 5' side yard driveway variance, a 12.58' front yard driveway variance, a 10.29' driveway width variance (west drive) and 17.39' driveway width variance (east drive) are requested.

Mr. Kancler explained that there is one application on the agenda asking for 5 separate variances for a gas station.

- He asked if there is anyone present who wishes to speak for or against the application.

Mr. John Iski, Real Estate Development Manager for Circle K and Sananna VanDeKamp-Peet, also representing Circle K stepped forward.

Mr. Kancler noted that each variance will be treated separately and asked for a motion to move from the work session to the regular meeting.

MOTION: I MAKE A MOTION TO MOVE THE WORK SESSION TO OUR REGULAR MEETING.

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

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
MEETING MINUTES
FEBRUARY 13, 2019**

PUBLIC PARTICIPATION – NONE

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Mr. Kancler pointed out that with one board member absent there is the possibility of a tied vote. This would result in a denial of the variance requests, however, the four present members are willing to listen to the application and rule on each of the variance requests.

- In the event of a tied vote/denial, the applicant has the right to appeal the decision to City Council. Also, at any point in this hearing, the applicant is able to withdraw the application and ask for a further hearing.

Mr. Rodic administered the Oath to Mr. Iski.

Mr. Iski presented the application; the variances fall into two categories, the car wash and the width of the driveways.

- The Circle K Company understands that the facility is not currently operational and does not only need a "facelift" but the actual layout of the site is not workable.
- They have been working with the adjacent Burger King and have a shared access agreement with them for the northern end which will allow Circle K customers access to the traffic signal; this also allows Circle K to be on more even ground with the competing Sheetz station across the street.
 - In order to allow this, the existing car wash must be demolished and removed; they plan to replace the car wash in a new location on the other side of the property closer to the I-480 exit ramp.
- Their engineers have met with the City Planner and Engineer to get feedback and come up with the most desirable plan for everyone; one of the changes requested by the City was in regard to curb cuts for exiting the site.
 - They are adding a "pork chop" barrier to the eastern curb cut to restrict left-turn exits at that location very close to the traffic signal.
- They are working with the City in regard to adding signage along E. Aurora Rd. directing all truck traffic to enter the site at the eastern curb cut.
- There is currently one diesel MPD (Multi-petroleum dispenser) behind the building; when they re-routed the truck traffic through the site that no longer worked and required Circle K to purchase a bit of land from Burger King to allow them to relocate the diesel and create a new canopy, escape lane all new equipment as well as improve the traffic flow with a clockwise motion throughout the site.
 - This places the stacking for the car wash in the front but it is the only way that will allow the other requests from the City to be accommodated.
 - The soil tests also came back a bit sandy further out, making it preferable to place the car wash closer to the corner.

Mr. Iski explained that the Code allows a maximum 30 foot curb cut and that is why the additional variances are being sought.

- This is an issue of safety; it does not assist them with sales or impact the business in any way.

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- They are going to direct all truck traffic into one driveway and the “pork chop” barrier takes up some square footage; they want to be sure there is enough room for regular vehicle traffic to safely navigate the driveways at the same time as trucks.

Mr. Kancler asked if there will be a continued relationship with British Petroleum.

Mr. Iski replied that they will operate under the BP branding for 18 months due to the acquisition.

- Because of the amount of work needed on this building, they will buy the project and shut it down for 30-60 days and have a grand re-opening.
- They have the shared access agreement in place with Burger King and the small 1/10 acre purchase from Burger king is contingent, tied to the purchase of the PB property.

Mr. Kancler noted that there will be a spot light at the easterly corner of the property and he suggested that the applicant be sure that the light be aimed toward the ground as LED lights are very bright and can be seen from homes nearby; he is concerned with drivers being impacted as well.

- It appears that the variances for building setbacks are adjacent to the State of Ohio I-480 property, with no residences or other buildings nearby.
- The first driveway variance directly abuts E. Aurora Rd. with no residential or other business interference with the property.
- The last two driveway variances are to accommodate longer truck trailers to allow them to be off of the road faster.

Mr. Iski agreed that it is to allow trucks better access and also more room for regular vehicles to navigate safely.

Mr. Kancler noted that as the Board of Zoning Appeals, they must find certain things to grant variances.

1. That there is a practical difficulty or an unnecessary hardship.
2. That there are exceptional circumstances.
3. That there is no detriment to the public interest or any other improvements within the zoning district; which is the interchange district in this case.

- If you don't have the access ways, especially for the variance for the western driveway, that will create difficulty for truck traffic with trailers to get in with deliveries, is that correct?

Mr. Iski replied that is correct and explained that with the large investment being made at the diesel fueling area, the ability for large trucks to access this station and that diesel area are also critical.

Mr. Kancler noted that would be an unnecessary hardship.

- In regard to an exceptional circumstance, there is very seldom a joint easement between two businesses for ingress and egress access, which is exceptional.
- He does not see any detriment to the public interest.
 - The last two are driveway width variances and the two setback variances have no neighbors to impact.

Mr. Kancler asked for a motion for the first variance to allow a 10 foot setback instead of a 20 foot setback on the land that abuts I-480.

MOTION:

**TO APPROVE VARIANCE NUMBER ONE,
1148.13**

**MR. ZEITZ MOVED, MR. WILNER SECONDED
Mr. Kancler noted that the evidence
establishes there is a practical difficulty and
an unnecessary hardship on this variance.
UPON ROLL CALL MOTION PASSED
UNANIMOUSLY.**

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Mr. Kancler asked for a motion for the second variance to allow a 5 foot setback instead of a 10 foot setback, also abutting I-480 and for the same reasons there is a practical difficulty, there is an unnecessary hardship as the testimony has revealed and there is no detriment to the public or to improvements to the district.

**MOTION: TO APPROVE VARIANCE NUMBER TWO,
1148.13 SIDE YARD SETBACK.**

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

Mr. Kancler noted that variance #3, the Code requires a 25 foot setback and what is desired is a 12.58 foot setback; this is across from McDonald's there is a practical difficulty and unnecessary hardship as stated on the other two variances. This is closer to the exceptional circumstance of the joint easement and, again there is no detriment that I see against the public or to any improvements to the district.

**MOTION: TO APPROVE VARIANCE NUMBER THREE,
1148.13 FRONT YARD PARKING SETBACK
CAR WASH DRIVE.**

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

Mr. Kancler explained that variance #4 is to increase the Ordinance width of 30 feet wide for ingress and egress on the westerly side of the driveway and to increase it to 40 feet in order to accommodate trucks. Again, this is not only a safety issue in order to get trucks in and out in a reasonable period of time, it is also a practical difficulty if the trucks are held up getting off of RT 82 creating a traffic problem. Again, there is no detriment to the public interest or improvements in the district.

**MOTION: MOTION TO APPROVE VARIANCE NUMBER
FOUR.**

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

Mr. Kancler pointed out that variance #5 is to increase the driveway to 47 feet plus instead of the driveway requirement of 30 feet, again the same reasons for granting variance number 4 exist, it is a practical difficulty, there is an unnecessary hardship established and in this one, again, there is no detriment to the public interest or improvements to the district.

**MOTION: MOTION TO APPROVE VARIANCE NUMBER
FIVE.**

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

COMMUNICATIONS-

Mr. Rodic commented that he and the Mayor met with previous applicant, Mr. Sturgill and he is withdrawing his application.

Mr. Rodic noted that he expects the Board to hear request for variance for a shared driveway on Old Mill Rd.

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APPROVAL OF MINUTES – Dated January 9, 2019.

These minutes have been amended as noted by Mr. Kancler

MOTION: TO APPROVE THE MINUTES DATED JANUARY 9, 2019.

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

EXCUSE ABSENT – Mr. Tom Brown

MOTION: TO EXCUSE MR. BROWN FROM THIS MEETING.

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

ADJOURNMENT- The meeting was adjourned at 6:30.

Ed Kancler, Chairman

Russ Rodic, Building Commissioner