

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
MARCH 11, 2020

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

Present: Messrs.: Wilner, Kancler, Griffith, and Brown
Absent: Mr. Seth Rodin

Also Present: Mr. Dale Steppenbacker, Building Inspector
Mr. Bill Furey, City Council Representative

The Board recited the Pledge of Allegiance.

<p style="text-align: center;">CITY OF TWINSBURG BOARD OF BUILDING AND ZONING CODE APPEALS WORK SESSION MARCH 11, 2020</p>
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1. Appeal # 01-2020
Variance Requested: Section 1148.13

A public hearing will be conducted at 6:30 pm on March 11, 2020 for the purpose of hearing an appeal for a variance from Section 1148.13 of the Twinsburg Zoning and Development Regulations. Section 1148.13 requires a 20' side yard building setback. The appeal is being made by Circle K for a new fuel canopy at the existing BP facility at 2496 East Aurora Road, Permanent Parcel #64-09314, located in a C-3 Interchange Business District.

- Specifically, a 15' side yard building setback variance is requested.

Mr. Steppenbacker administered the Oath to Savanna Van de Kamp-Peet, Circle K Representative, 935 E Tallmadge Avenue Akron, Ohio 44310.

Mr. Kancler asked Ms. Savanna Van de Kamp-Peet to tell us what your relationship is with Circle K?

Ms. Savanna Van de Kamp-Peet stated that she is a representative for Circle K and Real Estate Manager responsible for this project.

Mr. Kancler stated for the record the Board has reviewed all of the written materials submitted, various maps and the statement (2 pages) as to why it is necessary to have the variances granted. Mr. Kancler stated that he would like to simplify this.

Mr. Kancler asked what kind of hardship or practical difficulty would you incur if we would refuse to grant the variance?

Ms. Savanna Van de Kamp-Peet stated we have always intended to purchase the existing BP Station on Aurora Road. We had an agreement, 8 months now with Owner/Leasee of Burger King and have negotiated to purchase 10 parking spaces adjacent to the BP to extend the diesel canopy and improve the flow through for cars and trucks. We also had a share access agreement because we are improving the curb cut off of Aurora Road. It was mutually beneficial to both parties. However, it came to light two to three months ago, that the purchase agreement we sent to Burger King for their signature for that space, they said they are under water on their mortgage and they are unable to sell that piece of property to you. So we proposed an easement which would allow us to keep our site plan that has been approved with the same thruway, safety features and landscaping. They agreed to do that and actually signed today.

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Part of our conditional use was to provide lot consolidation but because it's an easement and not a purchase we were unable to furnish. I'm here asking that an easement be accepted in lieu of purchase and lot consolidation because will be borrowing that land legally and entitled to use it. We will maintain it, both parties in agreement there. Also where it is being intended to own that land, the setback variance didn't really come into play. The property line has now changed because ownership will remain with the owner of Burger King.

Mr. Kancler stated that there is nothing you can do on the easterly part, the back of the property, cause there are all kinds of utilities and other stuff in the ground.

Ms. Savanna Van de Kamp-Peet replied, "correct."

Mr. Kancler stated the three diesel pumps would be relocated somewhere else if we did not grant the variances, is that right?

Ms. Savanna Van de Kamp-Peet replied that they took a look and our Engineer is here this evening and can answer any questions that you may have. We are willing to be as flexible as possible to get this done but unfortunately the configuration we have right now, and we did tweak the canopy slightly. I think when we initially took a look at it, it was zero feet setback off the property line and we knew after talking to Lynn Muter we had to get it as good as we could.

Mr. Kancler asked that you want the diesel pumps away from the regular pumps?

Ms. Savanna Van de Kamp-Peet replied, "yes." It's more consideration for eighteen wheeler trucks to have a separate standalone diesel canopy was how this site was evaluated and proposed. It's definitely in our economics and the City's best interest to have that standalone diesel canopy at the back.

Mr. Kancler stated because of what you run into you got some difficulties rearranging things on the site, right?

Ms. Savanna Van de Kamp-Peet replied, "yes." We are buying an existing building, we are not knocking it down. We are not going to be able to meet twenty feet. I say five feet referring to the setback from an existing property line.

Mr. Wilner comment on your truck diesel pump vs. your flight truck/car diesel pump, the nozzle side for over the road trucks are one times bigger. That will not fit into your light duty car or truck. Am I correct in saying that?

Ms. Savanna Van de Kamp-Peet replied in most cases yes, I would assume. Not even sure clearance wise that it would be safe for an eighteen wheeler to try to come under that front canopy. This is why it is necessary for in the rear.

Mr. Brown asked on the diesel canopy, that's the high speed diesel?

Ms. Savanna Van de Kamp-Peet replied, "yes sir."

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PUBLIC PARTICIPATION – NONE

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MOTION: MR. BROWN ASKED FOR A MOTION THAT WE APPROVE APPEAL #01-2020 AS PRESENTED TO THE BOARD TONIGHT.

MR. KANCLER LIKE TO POINT OUT THAT THE APPLICANT BOTH IN WRITING AND IN MATERIALS AND TESTIMONY HERE HAS ESTABLISHED PRACTICAL DIFFICULTIES AND UNNECESSARY HARDSHIP WHICH WARRANT THE GRANTING OF THE VARIANCES.

MR. BROWN APPROVED, MR. WILNER SECONDED. UPON ROLL CALL MOTION PASSED UNANIMOUSLY.

Mr. Kancler stated that they will have to go to City Council for final approval.

Mr. Bill Furey stated that the next Council meeting is March 24th. I will make a motion for the thirty days to be waived as a standard for us on most variances that are granted. Come if you like, but it will be handled.

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APPROVAL OF MINUTES – Dated January 8, 2020

The minutes of January 8, 2020 are approved as submitted.

EXCUSE ABSENT – Mr. Seth Rodin

MOTION: TO EXCUSE MR. SETH RODIN FROM THIS MEETING.

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

COMMUNICATIONS - NONE

ADJOURNMENT- The meeting was adjourned at 6:44 p.m.

Ed Kancler, Chairman

Dale Steppenbacker, Building Inspector