

CITY OF TWINSBURG  
BOARD OF ZONING APPEALS MINUTES  
AUGUST 14, 2019

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

Present: Messrs.: Brown, Wilner, Kancler, Griffith and Rodin

Absent: None

Also Present: Mayor Ted Yates

Mr. Dale Steppenbacker, Interim CBO

Mr. Sam Scaffide, City Council Representative

The Board recited the Pledge of Allegiance.

<p style="text-align: center;"><b>CITY OF TWINSBURG BOARD OF BUILDING AND ZONING CODE APPEALS WORK SESSION AUGUST 14, 2019</b></p>
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1. Appeal # 06-2019  
Variances: 1145.04 Yard Regulations and 1187.33 Setback Railroad Tracks

A public hearing will be conducted at 6:30 pm on August 14, 2019 for the purpose of hearing an appeal for variances from Sections 1145.04 and 1187.33 of the Twinsburg Zoning and Development Regulations. Section 1187.33 establishes a 200' residential setback from a railroad track. Section 1145.04 establishes yard regulations for locating several buildings within a group apartment development. Specifically, a **30' variance is requested to the railroad track setback and various rear yard building setback variances are requested at the north, south and west property lines** for proposed one-story apartment buildings. The apartment development is to be located at 9422 Darrow Road in a Senior Residence District. This appeal is made by Sommers Real Estate Group of 8500 Station Street 300R, Mentor, Ohio.

Mr. Kancler commented on the previous hearing on July 10, 2019 which resulted in Appeal #06-2019 being tabled to tonight's meeting.

- That meeting became somewhat contentious and he hopes that this meeting will not be the same.
- He noted that the Board has received and reviewed 6 letters from the residents of the Bel Mawr neighborhood and they understand the positions taken in those letters; the letters will be made part of the record.
- Mr. Kancler confirmed with Mr. Monroe that no changes have been made to the application.
- He explained that he spent a lot of time considering the proposition that the applicant could build the three story buildings with 140 units with no variances; he looked at it outside of the Duncan case as simply whether the property can be built to full capacity.
  - He came to the conclusion that the density would have one outstanding problem, being traffic; his research showed that professional engineers estimate that each unit in an apartment building generates 7 automobile trips each day and a single family home generates 10 trips each day; his estimates resulted in 140-200 cars making up to 1,000 trips each day, each going onto an already very busy road.  
With this in mind, he does not believe that the developers would be able to build to full density.
  - Other problems with the larger buildings would be landscaping, site lines, lighting, noise and proximity.
  - He feels that they should consider the development as it is being proposed and see if there is a way that it can be done with accommodations to the development as well as conditions to alleviate the concerns and any possible interferences with Bel Mawr.

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Mr. Kancler asked Mr. Monroe if the proposed layout includes patios.

Mr. Bobby Johnston, the architect, replied that each unit will have a patio, they interpret the zoning code to state that the setback is in regard to the building line, not the patio.

Mr. Kancler noted that, with people being outside using that space and being closer to the Bel Mawr neighbors, it would make sense to buffer those rear boundary lines.

Mr. Johnston pointed out that they plan on keeping existing trees as well as adding landscaping; evergreens, mounding if possible and perhaps a fence.

Mr. Greg Sommers, the developer, noted that they met with the Bel Mawr community and HOA president and there is a plan to work with them on a satisfactory approach to buffering; they intend to provide satisfactory buffering and involve the existing residents in the best approach to that.

Mr. Kancler suggested two types of buffering, one being heavy planting of fast growing evergreens as well as up to 8 feet of fencing in addition to preserving as many trees as possible.

- He pointed out that Planning and Zoning Regulations Chapter 1172 which states that removing trees larger than an 8 inch diameter requires a replacement plan.
- One of the letters from the residents questioned lighting spilling over into their properties.

Mr. Johnston replied that there is no street lighting, it is all building mounted; they will consider all lighting and be sure that there is no bleed-over.

Mr. Kancler stated that if the BZA grants the variances, it has the ability to place conditions on them.

\*\*There was a conversation regarding what type of screening should be used and what would be aesthetically desirable.

Mr. Kancler asked how tall the buildings will be.

It was determined that they will be approximately 12 feet at the peak.

Mr. Rodin noted that he thought the City required most developments to have two exit points.

Mayor Yates explained that is something that is considered during the review process, has this been fully reviewed?

Mr. Johnston replied that it has not; the Ohio Code requires a second drive in a development when there are more than 100 units and the city code can supersede that if applicable.

Mayor Yates explained that they city recently required an additional drive in a new development due to the length of the road and the geographical area; he does not know that this project would apply to the same requirement.

Mayor Yates stated that it can be a challenge to accommodate the current residents while still allowing property owners their rights to develop. There is dialogue when proposals come in and we try to get feedback and have people work with us the best they can based on the limitations of the property and the current impact on neighboring residents. They have a right to build and under our code they have a right to build something that possibly no one in this room would be happy with.

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- The challenge is to get at an end product which fits into both Twinsburg and our neighborhood and neighboring communities and then also works with the surrounding area such as railroad tracks, utility easements, traffic, etc.
- This is a proposal that fits the best that we can fit overall; the developer is willing to work with buffering and drainage issues which is sometimes not the case.
- Even though variances are needed for this plan, they are allowing for an aesthetically more pleasing product which fits into the area better than a 3 story apartment building.

Mr. Kancler replied to Mr. Rodin's question regarding egress, he stated that it is a very large cul-de-sac having 70 units; Mr. Kancler's street has 50 single family homes on a cul-de-sac.

Mr. Brown noted that 71 units is the maximum allowed by city code on a cul-de-sac.

The applicant pointed out a question in one of the resident's letters regarding the property line, that is the heavy dark line on the drawing and there are no connections at all to the adjacent condominium development; the dotted line inside shows the setbacks and no utilities will go through Bel Mawr property.

Mr. Kancler asked to have the 2 traffic studies that he presented as well as the letters from the residents entered as part of the record for this meeting.

The applicant noted that the current drainage issue is a result of improper grading at the time the Bel Mawr development was built and it is on that property; the applicant has made suggestions to those residents as to what they may be able to do themselves to remedy the problems.

- The applicant has agreed to run the storm sewer at the edge of the property and allow them to tie into that sewer or have it take the water. They are not going to add any water to the Bel Mawr development and they may be able to help them.
- There is still a long process ahead of this application with engineering, storm water and landscaping approvals, etc. that is where they plan to address the individual preferences of the neighbors regarding buffering and screening.

Mr. Kancler closed the work session and called for a 5 minute recess at 6:55.

<p style="text-align: center;"><b>CITY OF TWINSBURG BOARD OF BUILDING AND ZONING CODE APPEALS MEETING MINUTES AUGUST 14, 2019</b></p>
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*Mr. Kancler called the meeting to order at 7:00 pm.*

**PUBLIC PARTICIPATION –**

Mr. Steppenbacker administered the Oath to Ms. Robin Legan, 9279 Clark Circle Twinsburg, Ohio  
Ms. Legan noted that her property is immediately adjacent to the applicant's property, she would like to know what type of phases or timeline they are expecting for the development.

The applicant replied that site work, underground sewers and water lines, would be placed all at one time but they would build about 18 units at a time, which would create a total build time of 12 to 18 months.

Ms. Legan clarified that 12-18 months would be after the site work so it would be overall 18 to 24 months.

The applicant agreed.

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Mr. Steppenbacker administered the Oath to Mr. John Legan 9279 Clark Circle Twinsburg, Ohio

Mr. Legan asked if the developer can improve the site line for exiting the Bel Mawr development.

- The owner of the corner property has evergreen trees close to the road which make the site line difficult for a left turn from Edgebrook Crossing onto Darrow Rd.

Mr. Kancler noted that this is something that the City Engineer may need to take a look at.

Mayor Yates agreed that there is an issue with that property and the site line, the city will address it.

Mr. Steppenbacker administered the Oath to Mr. Walter Fortney 9263 Clark Circle Twinsburg, Ohio

Mr. Fortney asked what the distance will be between his property line and the back of the proposed building.

Applicant replied that it will be 88 feet to one building and 68 feet to the next building.

Mr. Fortney was not aware of the meeting with the Bel Mawr homeowners; he is concerned with the building lighting on the rear of the proposed units but if the units are 9 feet high at the gutter and lighting would be below that point any light would be blocked by a 9 foot fence.

The applicant replied that is true in theory, however, the elevation of the existing home would have an impact on that as well.

Mr. Kancler noted that these would be decorative down-facing lights.

The applicant stated that the city code requires a light at an entrance.

Mr. Fortney asked if the patio can extend into the 33 foot setback.

Applicant explained that they can, they are 8 feet deep and as the units are rented there will not be any permanent structures added to them, canopies, etc.

Mr. Steppenbacker administered the Oath to Mr. John Mannarino 2661 Edgebrook Crossing Twinsburg, Ohio.

Mr. Mannarino stated that his home borders the south side of the proposed development, he has met with the developers and still has concerns regarding the storm water issue; he feels that the water from the development would flow to the south toward the Bel Mawr neighbors, he understands that the developer has planned a catch basin to collect that water but he is still concerned that there may be water in Bel Mawr yards and basements as a result of the new construction.

- Bel Mawr is a self-governing community with a board of directors and a management company as well, how will the tenants of the new rental property be held accountable with no management on-site?
- This development will be a private development, not a city street.

Applicant replied that this will be a 55 and older community with the average tenant staying 3 to 7 years and often leaving to go to assisted living or move to another phase of life; this is not a community with families with children which may be more transient.

- There is a professional management company, while there is not management on-site, a manager will go through each day to check on the property and if there is a complaint there will be a phone number to call to have the problem addressed.
- This will be brand new housing and they do not anticipate problems with the neighbors, particularly with the buffering and screening in place.

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Mr. Kancler noted that there would be signed leases with terms and conditions and tenant responsibilities, which is normal in most leases.

The applicant mentioned there will be a significant security deposit which will be part of following the rules and terms of the lease as well.

Mr. Mannarino asked if specific trees will be removed, in the winter there is a clear view to the railroad tracks and trees also help with the water issues; he would like to see as many remain as possible.

The applicant reiterated that they plan to leave as many trees as possible but they will remove what is necessary.

- They would like to work with the community to develop the landscape plan to determine things such as trees versus fencing as fencing will require some trees to be removed.
- The catch basin will alleviate a lot of the water issues behind Mr. Mannarino's house.

Mr. Steppenbacker administered the Oath to Mr. Kevin Sterling 8893 White Oak Dr.

Mr. Sterling commented that he is concerned with the number of variances required, the applicant has not tried to rearrange the layout to reduce the number of variances needed.

- The city has a code and 15 variances indicates that they did not consider the code when developing this plan or they did not take it seriously.
- He is on Planning Commission, he believes in the code and he does not care for variances.

Mr. Kancler stated that he understands Mr. Sterling's concern, there is a balancing factor in considering variances which runs in several directions; 1. What impact will it have on neighboring properties? 2. If not granted, what effect will it have on the property owner to develop their property and to what extent are you prohibiting development and profit.

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**MOTION:**

**TO GRANT THE REQUEST FOR VARIANCES FOR 71 UNITS, AND UNDER OUR CODE AS A BOARD OF ZONING APPEALS WE HAVE THE POWER TO PUT CONDITIONS ON ANY VARIANCES GRANTED, THOSE CONDITIONS WILL BE AS FOLLOWS:**

- 1. LANDSCAPING WILL INCLUDE EVERGREEN TREES ALONG THE BORDERS OF ALL OF THE PROPOSED PROPERTIES AS THEY POINT TOWARD THE BEL MAWR DEVELOPMENT.**

- 2. FENCING AS CONTINUOUS AS ABSOLUTELY POSSIBLE TO A HEIGHT OF AT LEAST EIGHT FEET TO PROTECT THE ADJOINING PROPERTIES; FENCING WOULD BE LIMITED AT THE NORTHERLY PROPERTY LINE BUT CONTINUOUS IN THE WEST AND SOUTH AREAS WHERE THE BACKYARDS ABUT.**

In respect to avoiding removal of existing mature trees, this condition is subject to analysis by the Engineering and Planning Departments.

- 3. DRAINAGE PLAN TO BE APPROVED BY THE CITY ENGINEER.**

- 4. LIGHTING TO BE APPROVED BY THE CITY ENGINEER AND THE PLANNING DEPARTMENT.**

- 5. PATIOS WILL BE EIGHT BY EIGHT FEET AS PROPOSED AND THE REAR OF THE PROPERTIES CANNOT BE CONVERTED TO A STRUCTURE OF ANY KIND BUT ONLY USED ON THAT PAD.**

- 6. THERE SHALL BE NO CONNECTION TO BEL MAWR OF ANY STREET, THOROUGHFARE OR USED BY ANY MOTOR VEHICLE.**

- 7. IF TREES ARE TO BE REMOVED, UNDER THE PROVISIONS OF CHAPTER 1172 OF THE CODE, THAT IS TREES OF MORE THAN 8 INCHES IN DIAMETER AS DEFINED IN THE CODE, A REPLACEMENT PLAN SHALL BE DEVELOPED IN CONJUNCTION WITH THE CITY ENGINEER.**

- 8. LIGHTING ON THE REAR OF THE PROPERTY SHALL BE LIMITED TO SHIELDED LIGHTING THAT GOES STRAIGHT DOWN AND SIMPLY FOR LIGHTING THE PATIO AREA SO AS NOT TO INTERFERE WITH ADJOINING PROPERTIES.**

**MR. KANCLER MOVED, MR. BROWN SECONDED, UPON ROLL CALL MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES – Dated July 10, 2019.

**MOTION: TO APPROVE THE MINUTES DATED JULY 10, 2019.**

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

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COMMUNICATIONS- NONE

EXCUSE ABSENT – NONE

ADJOURNMENT- The meeting was adjourned at 8:00 pm.

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Ed Kancler, Chairman

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Dale Steppenbacker, Interim CBO