

YORK TOWNSHIP BOARD OF APPEALS

October 14, 2021

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire complex on October 14, 2021.

Ronald Fabich called the meeting to order at 7:05 pm.

The Pledge of allegiance was said.

Board Members Present:

Christine Barnes, Ronald Fabich, Richard Hill, Chris Kosman, and Roger Mittler were present.

Guests:

Dorothy Crouch-Zoning Inspector; Richard Monroe-York Township Trustee; Allen Cooper; David Hull-York Township Zoning Commission Board Member; Ted Wolff; Colene Conley; George Wolff; Keith Hinman; Norman Hinman.

Minutes:

The Board Members reviewed the proposed minutes from the July 8, 2021 meeting. Roger Mittler made a motion to approve the proposed minutes. Richard Hill seconded the motion. Roll vote: Christine Barnes, aye; Ronald Fabich, aye; Richard Hill, aye; Chris Kosman, aye; Roger Mittler, aye. Motion approved.

Public Hearing – Wolff Bros. Supply – Ted Wolff-Variance Request.

Ronald Fabich stated that Richard Hill would like to be recused from this Public Hearing, due to being a stock holder of Wolff Bros. Supply.

Ronald Fabich stated that Ted Wolff and Ronald Fabich's wife are related and good friends and will also recuse himself from the Public hearing.

Ronald Fabich turned the meeting over to Christine Barnes, Vice Chairperson.

Christine Barnes then swore in everyone wishing to speak during the Public Hearing. Christine Barnes also stated if anyone in the audience would like to speak they are to state their name and address.

Mary Lenarth read the legal ad as published in the September 29, 2021 Edition of the Medina County Gazette to consider a variance request from Ted Wolff on behalf of the Wolff Bros. Supply Inc., 6078 Wolff Road, Medina, Ohio (parcel # 045-05B-07-021) the variance is from the York Township Zoning Resolution; Article VI; Nonconforming

Uses, Structures, and Lots; Section 602.04 Enlargement of Use and Section 603.01 Alterations or Enlargements.

Christine Barnes asked Ted Wolff if he would like to give the Board Members an overview of the plans for Wolff Bros. Supply Inc.

Ted Wolff stood introduced himself and explained he is the current acting President of Wolff Bros. Supply Inc.

Ted Wolff went on to explain Wolff Bros. Supply Inc. currently has about two-hundred, thousand (200, 000) square feet and about twelve, thousand (12,000) square feet is available on the original allotment for expansion.

Ted Wolff explained the application and expansion is to be used for warehouse space, staging supplies, and storage.

Roger Mittler asked if the additional warehouse space is primarily for staging and wire cutting. Ted Wolff answered that is the main reason.

Roger Mittler asked if there will be additional truck traffic. Ted Wolff answered there should not be a big jump in truck traffic; it has just been a steady increase over the years. Ted Wolff answered part of the space will be shipping and receiving.

Ted Wolff explained he does not feel there will be any more truck traffic; the trucks that take supplies to other location and exchange supplies; will be loaded and transported overnight; because the supplies have to be there ready for the customers. The public will not see most of the traffic.

Roger Mittler asked about how many commercial trucks (not Wolff Bros. Supply Inc.) come in and out of the property at 6078 Wolff Rd. Ted Wolff answered about fifteen (15) to twenty (20) at the most.

Roger Mittler asked how high the center point of the building is. Ted Wolff answered thirty-one (31) feet.

Roger Mittler and Chris Kosman discussed weight limits on county roads.

Chris Kosman asked about the future addition. Ted Wolff explained the addition.

Dorothy Crouch explained the application for the expansion is for both buildings.

Chris Kosman asked how far off of the property line is the expansion. Ted Wolff answered one-hundred eighteen (118) feet off of the property line.

Christine Barnes asked Ted Wolff to explain his variance

Dorothy Crouch, Ted Wolff and Board Members discussed the Variance.

Roger Mittler asked what is the time line for starting the expansion. Ted Wolff answered; he would like to start as soon as possible, a lot of things need to be in place before the expansion is started; may be six (6) to seven (7) months

Roger Mittler asked about screening.

Dorothy Crouch explained Wolff Bros. Supply Inc. tore up the old screening because it had gotten too big, needed to be replaced.

Ted Wolff explained they will be using arborvitaes.

Dorothy Crouch asked Ted Wolff if he has asked Medina County for a new driveway permit yet. Ted Wolff answered no; he started with the York Township Board of Zoning Appeals first.

Christine Barnes read Section 602. 04 then confirmed with Dorothy Crouch that Wolff Bros. Supply Inc is exceeding twenty five percent (25%) more than the existing area of the use; by a huge number.

Dorothy Crouch agreed with Christine Barnes.

Chris Kosman asked Ted Wolff about retention ponds, what do you have currently. Ted Wolff answered most of the roof area goes into the lakes that are on the property. Ted Wolff explained the location of the ponds and knows he will need to contact the Medina County Storm Water Management. Ted Wolff knows there could be a water issue.

Chris Kosman asked if the Wolff Bros. Supply, Inc is sprinkled. Ted Wolff answered, yes.

Chris Kosman asked Ted Wolff how this expansion will affect the number of employees. Ted Wolff answered it should not affect it too much since most of the space will be warehouse, and the employees are corporate, sales, and warehouse combined. Ted Wolff stated they would probably add a few employees.

Chris Kosman stated you might need to expand your parking lot. Ted Wolff stated Wolff Bros. Supply, Inc. did not feel at this time they would need to expand the parking lot.

Roger Mittler asked Ted Wolff when they would be changing the rest of the culvert from a twelve (12) inch to a fifteen (15) inch culvert.

Ted Wolff and George Wolff explained they wanted to do it this year but could not get the supplies they needed. Ted Wolff and George Wolff stated it really depends on the materials arriving and the weather as to when they will be able to change the culvert.

Roger Mittler asked if they will continue to farm the rest of the property. Ted Wolff answered yes.

Christine Barnes asked if Wolff Bros. Supply, Inc. is wholesale or retail. Ted Wolff answered they are wholesale but will sell to qualified installers.

Christine Barnes asked if anyone in the audience has any questions or concerns.

David Hull asked what is the width of the addition. Ted Wolff answered one-hundred eighty (180) feet.

David Hull then asked if there is a twenty (20) foot separation between the buildings. Ted Wolff answered about a twenty-six (26) foot separation. Ted Wolff explained they are trying to keep it far enough away for the connecting causeways due to the equipment that will be used.

David Hull mentioned he was asking for safety reasons for the fire department. Ted Wolff mentioned they also need to allow for snow coming off of the roof.

David Hull and Ted Wolff discussed the transmission lines.

Colene Conley asked Ted Wolff who sized the pipe for the culvert. Ted Wolff stated it was between himself and George Wolff, fifteen (15) inch was all the bigger they could go so they could get the culvert below the driveway.

Colene Conley suggested to Ted Wolff to have Medina County come out to check what would work best.

Colene Conley asked about the septic system since you will be adding about forty (40) more people. Ted Wolff answered he does not plan on adding forty (40) more people. Ted Wolff explained they did redo the septic system about three (3) years ago; they have been working with the EPA.

Colene Conley asked if it was ok. Ted Wolff answered yes it is being checked, pumped and always being taken care of.

Ted Wolff stated they would like to have sewer.

Dorothy Crouch mentioned when Wolff Bros. Supply, Inc. comes in for their application for the building they will also need to have something from the Medina County Health Department saying that everything was ok, Medina County Storm Water Management permit, Driveway permits, etc.

The Board Members then proceeded to discuss the Duncan Factors. Roger Mittler explained to all in attendance the reason the Board Members discuss the Duncan factors.

Duncan Factor #1: Can the property yield a reasonable return without the variance.

Roger Mittler stated from what he heard; since the property is going to continue to be a farm field he would say the answer yes; Christine Barnes said yes; Chris Kosman said yes.

Duncan Factor #2: Is the variance substantial.

Roger Mittler answered in his opinion yes, they are asking for ninety-eight thousand (98,000) more than what they already have been granted.

Duncan Factor #3: Will the essential character of the neighborhood be substantially altered or; adjoining properties suffer a substantial detriment if the variance is granted.

Roger Mittler stated with the screening, color scheme etc. he does not feel the expansion will change the character of the neighborhood substantially. Chris Kosman stated at this time he does not feel the adjoining properties will suffer a substantial detriment if the variance is granted. Christine Barnes asked Ted Wolff about the properties to the South of Wolff Bros. Supply, Inc. Ted Wolff answered there are homes, woods and the farm land of Wolff Bros. Supply, Inc.

Duncan Factor #4: Will the variance adversely affect the delivery of governmental services.

All members agreed the variance would not have any affect on any governmental services. Roger Mittler stated the Board Members received a memo from the Fire Chief that he has no objection to the expansion.

Duncan Factor #5: Did the property owner purchase the property with the knowledge of the zoning restrictions.

Roger Mittler asked how long has Wolff Bros. Supply, Inc. been at this location. Ted Wolff and George Wolff were not sure.

Christine Barnes noted on the application the property was acquired on June 4, 1975. Ted Wolff and George Wolff agreed, yes that is correct.

Christine Barnes asked if it was residential. Dorothy Crouch answered the property is still considered residential, this is a nonconforming use.

Ted Wolff, George Wolff, Dorothy Crouch and Board Members discuss this Duncan Factor.

Roger Mittler, Chris Kosman and Christine Barnes agree the answer to this Factor is yes.

Duncan Factor #6: Can the problem be solved by some matter other than the granting of a variance.

Roger Mittler stated he did not feel they could solve the problem without a variance; they would have to seek property elsewhere. Chris Kosman stated the problem could not be solved without a variance.

Duncan Factor #7: Does the variance preserve the “spirit and intent” of the zoning requirement and Will “substantial justice” be done by granting the variance.

Roger Mittler answered given the location where Wolff Bros. Supply Inc. is at and the buffer around them he would say yes in this particular case. Chris Kosman and Christine Barnes agree with the buffer around them they feel the answer is yes.

The Board Members reviewed their answers to the Duncan Factors:

Duncan Factor #1: Can the property yield a reasonable return without the variance.
YES

Duncan Factor #2: Is the variance substantial. YES

Duncan Factor #3: Will the essential character of the neighborhood be substantially altered or; adjoining properties suffer a substantial detriment if the variance is granted.
NO

Duncan Factor #4: Will the variance adversely affect the delivery of governmental services. All members agreed the variance would not have any affect on any governmental services. NO

Duncan Factor #5: Did the property owner purchase the property with the knowledge of the zoning restrictions. YES

Duncan Factor #6: Can the problem be solved by some matter other than the granting of a variance. NO

Duncan Factor #7: Does the variance preserve the “spirit and intent” of the zoning requirement and Will “substantial justice” be done by granting the variance. YES

Christine Barnes asked if any one had any other comments, questions or concerns from the Board Members or the audience. There were no other comments, questions or concerns from anyone present.

Roger Mittler made a motion to grant the variance request from Ted Wolff on behalf of the Wolff Bros. Supply Inc., 6078 Wolff Road, Medina, Ohio (parcel # 045-05B-07-021) the variance is from the York Township Zoning Resolution; Article VI; Nonconforming Uses, Structures, and Lots; Section 602.04 Enlargement of Use and Section 603.01

Alterations or Enlargements, per the site plan submitted tonight. Chris Kosman seconded the motion. Roll vote: Christine Barnes-aye; Christ Kosman-aye; Roger Mittler-aye. Roger Mittler mentioned he based his motion on the Duncan Factors #3, #4 and #7.

Motion approved.

Correspondence:

Dorothy Crouch would like to remind Ronald Fabich that he is up for reappointment as a member for York Township Board of Appeals.

Old Business:

Chris Kosman suggested the Board Members meet next month to approve the minutes of this meeting. Board Members agreed.

New Business:

The Board Members, Dorothy Crouch and audience had general discussion.

Dorothy Crouch stated Jessica Gerspacher will be the alternate Board Member for the York Township Board of Appeals.

Board Members discussed the Policy and Procedures for the York Township Board of Appeals.

Adjourn:

Chris Kosman made a motion to adjourn the meeting. Christine Barnes seconded the motion. Meeting adjourned.

Christine Barnes, Vice Chairperson

Mary Lenarth, Secretary