

## YORK TOWNSHIP BOARD OF APPEALS

February 17, 2022  
Special Meeting

The York Township Board of Zoning Appeals held their special meeting in the York Town Hall/Fire complex on February 17, 2022.

Christine Barnes called the meeting to order at 6:30 pm.

The Pledge of allegiance was said.

### **Board Members Present:**

Christine Barnes, Richard Hill, Chris Kosman, Roger Mittler, and Alternate Jessica Gerspacher were present. Ronald Fabich had recused himself from this meeting.

Richard Hill recused himself from this meeting.

Christine Barnes asked Jessica Gerspacher to come forward to sit with the Board Members.

### **Guests:**

Dorothy Crouch-Zoning Inspector; Stephan Ibos-Zoning Inspector David Hull – Board Member of York Township Zoning Commission; Ted Wolff; Richard Monroe-York Township Trustee

### **Public Hearing: Wolff Bros. Supply, Inc. – variance**

Christine Barnes opened the Public Hearing.

Mary Lenarth read the legal ad as published in the January 28, 2022 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 swore in everyone wishing to speak during the Public Hearing.

Christine Barnes asked Ted Wolff to explain the revised variance for Wolff Bros. Supply, Inc.

Ted Wolff explained the revised variance request; the plans are the same amount of square footage but arranged differently.

Roger Mittler mentioned the truck docks have been changed from the back to the front. Ted Wolff answered yes.

Ted Wolff stated they have also put in a six (6) foot privacy fence to help with any lights coming through the neighbors' woods. Ted Wolff went on to explain between the solar panels and the fence it should help block the lights.

Roger Mittler asked if the parking area will have pole lights. Ted Wolff explained he does not want to install pole lights, really will not need them; the parking area is just a turn-around for the semis, he does not want any more lights than he has to so that he does not disturb the neighbors. Ted Wolff went on to explain, the only lights you would have is over the docks so the drivers can see where the docks are.

Ted Wolff stated the parking will not change; there is a little bit of parking next to the old building, there is lighting over the entrance ways.

Roger Mittler asked if semis will be coming in at night. Ted Wolff answered semis do not come in at night, the only reason the semis come in is for Wolff Bros. Supply, Inc. to unload them.

Ted Wolff stated the receiving area is open 7am to 4pm.; the semis might come at 6:30 am waiting to be unloaded.

Jessica Gerspacher asked if the trucks come in seven (7) days a week or Monday thru Friday. Ted Wolff answered they come Sunday thru Thursday night.

Christine Barnes asked about the location of the docks. Ted Wolff explained the location of the docks.

Roger Mittler asked about the gravel fire lane, did the Fire Chief approve a turn-a-round or does he want a complete three-hundred, sixty (360) degree access to the building in case there is an emergency there.

Dorothy Crouch gave the Board Members a copy of a letter from the Fire Chief Jason Creamer. The Fire Chief stated "The new drive will provide proper fire department access and the new construction will comply with code through Medina County Building Department. We do ask if the owners had considered connecting the new drive to the existing parking lot behind the current warehouse. This would give three-hundred, sixty (360) degree access and would prevent the turn-around area."

Roger Mittler stated Wolff Bros. Supply, Inc. will need to extend the driveway if you put up the extension on the building, you could do it now or do it later. Ted Wolff agreed.

Roger Mittler mentioned his concern with moving the docks to the front; which is closest to the residence is that when trucks are being loaded and possibly using the tow motor

into the truck and the noise it would create. Ted Wolff stated they do not do that for the trucks at night; do not do it on the Wolff Bros. Supply, Inc. trucks, only on the over-the-road truck, because the Wolff Bros. Supply, Inc. trucks are not tall enough.

Roger Mittler stated his concern is the possibility of loading the trucks until midnight; that makes a lot of noise.

Roger Mittler mentioned he has two (2) drawings, one (1) shows evergreens that will be planted along Wolff Rd.; one (1) shows putting the evergreens all around the retention pond, the other shows stopping at the edge of the retention pond. Roger Mittler asked which is correct. Ted Wolff stated according to the solar panels there probably will not be enough room to put the evergreens in front of retention pond because then you would be right by the driveway.

Roger Mittler asked if you would have enough room to put the evergreens between Wolff Road and the retention pond. Ted Wolff answered if there is room they will probably plant arborvitaes because they do not get as wide as evergreens do.

Roger Mittler was thinking the evergreens would be like a sound block. Ted Wolff agreed. Ted Wolff wondered if there would be another kind of fence that would be better for a sound barrier.

Christine Barnes asked what kind of fence you are thinking about. Ted Wolff answered a solid fence. Christine Barnes asked how tall the fence would be. Ted Wolff answered they are allowed to go six (6) foot unless he is told he can go higher or if you want me to go higher.

Dorothy Crouch mentioned Wolff Bros. Supply, Inc. offered to go higher.

Roger Mittler feels the row of evergreens then arborvitaes should work.

Board Members, Dorothy Crouch, Stephen Ibos, David Hull, and Ted Wolff discuss in detail the size of the purposed extension of Wolff Bros. Supply, Inc.

Stephen Ibos read Section 603.01 Alterations or Enlargements

Board Members, Dorothy Crouch, Stephen Ibos, David Hull, and Ted Wolff continue to discuss in detail the size of the purposed extension of Wolff Bros. Supply, Inc. along with the history of the extensions of Wolff Bros. Supply, Inc.

Roger Mittler mentioned so we are talking about a seventy-four thousand eight hundred eighty (74,880) square feet with a possible thirty-seven thousand four hundred (37,440) square feet for the future; all agree.

David Hull asked about a sprinkler system. Ted Wolff did not think it would be required. Christine Barnes asked the Board Members to review the Duncan Factors.

*Duncan Factor #1:*

- . Will the property yield a reasonable return?*
- . Can there be a beneficial use or the property without the variance?*

Yes, the Property has a commercial value with the current warehouse and offices.

*Duncan Factor #2:*

- . Is the variance substantial?*

Yes, Wolff Bros. Supply, Inc is asking for an increase of one-hundred thousand, three-hundred, twenty (100,320) square feet.

*Duncan Factor #3:*

- . Will the essential character of the neighborhood be substantially altered?.*
- . Will adjoining properties suffer a substantial detriment if the variance is granted?*

No, Wolff Bros. Supply, Inc. current and warehouse and office have been there for over ten (10) years and the requested square footage/building is being designed to blend in with the current structure.

*Duncan Factor #4:*

- . Will the variance adversely affect the delivery of governmental services?*

No, the request from the Erhart/York Fire Department for fire access (gravel road) totally around the entire structure has been agreed to by Wolff Bros. Supply, Inc.; per Erhart/York Fire Chief's letter to the York Township Board of Zoning Appeals dated February 9, 2022.

*Duncan Factor #5:*

- . Did the property owner purchase the property with the knowledge of the zoning restrictions?*

No, it was purchased as a farm then the business was started at a later date.

*Duncan Factor #6:*

- . Can the problem be solved by some matter other than the granting of a variance?*

No, they would only be allowed to but up a building of twelve-thousand (12,000) square feet.

*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?*

No, the request does not preserve the spirit and intent of the zoning requirement.

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. The request is for one-hundred thousand twelve, three-hundred, twenty (112,320) square feet Wolff Bros. Supply, Inc. already has access to twelve thousand (12,000) square feet from their original expansion in 2014. This variance is for one-hundred thousand three-hundred twenty (100,320) square feet. The submitted drawings are for a building to be built immediately of seventy-four thousand eight hundred eighty (74,880) square feet and for a future warehouse expansion of thirty-seven thousand four hundred (37,440) square feet.

Jessica Gerspacher seconded the motion. Roll Vote: Christine Barnes-aye; Chris Kosman-aye; Roger Mittler-aye; Jessica Gerspacher-aye. Motion approved.

**Correspondence:**

None

**Old Business:**

None

**New Business:**

Dorothy Crouch gave all Board Members their new edition of the York Township Zoning Resolution and asked all Board Members to dispose of the old book.

**Adjourn:**

Christine Barnes adjourned the meeting at 8:05pm

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Christine Barnes, Chairperson

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Mary Lenarth, Secretary