

YORK TOWNSHIP BOARD OF APPEALS

January 12, 2023

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire complex on January 12, 2023

Chris Kosman called the meeting to order at 6:30 pm.

The Pledge of allegiance was said.

Board Members Present:

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

Guests:

Steve Ibos-Zoning Inspector; David Hull-York Township Zoning Commission Board Member; Colene Conley-York Township Trustee; Richard Monroe-York Township Trustee; Ted Wolff

Chris Kosman mentioned this meeting is being taped for transcription purposes only.

Chris Kosman swore in any persons wishing to speak at tonight's meeting.

Minutes:

The Board Members reviewed the proposed minutes from the December 8, 2022 meeting. Richard Hill made a motion to approve the proposed minutes as corrected. Roger Mittler seconded the motion. Roll Vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Chris Kosman-aye; Roger Mittler-aye. Minutes approved.

The Board Members reviewed the proposed minutes from the January 4, 2023 meeting. Roger Mittler made a motion to approve the proposed minutes. Ronald Fabich seconded the motion. Roll Vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Chris Kosman-aye; Roger Mittler-aye. Minutes approved.

Public Hearing: Wolff Brothers Supply Inc. – Variance enlargement

Chris Kosman asked if anyone needs to recuse themselves from the Wolff Brothers Supply, Inc. Public Hearing. Richard Hill and Ronald Fabich recused themselves from the Public Hearing.

Chris Kosman asked Jessica Gerspacher to join Board Members.

Chris Kosman explained to Ted Wolff that tonight's Board has only four (4) members; if there is a tie vote it is an automatic no vote. Chris Kosman asked Ted Wolff how he would like to proceed. Ted Wolff answered he would like to proceed with the Public Hearing.

Mary Lenarth read the legal ad as published in the December 27, 2022 edition of the Medina County Gazette:

The York Township Board of Appeals will hold a public hearing January 12, 2023 6:30 P.M. at the York Township Hall/ Fire Complex 6609 Norwalk Rd. to consider a variance request from Ted Wolff on behalf of the Wolff Brothers. 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 602.4 Enlargements of use. Wolff Brothers Supply, Inc. is requesting to add additional three thousand six hundred (3,600) square feet to existing building also add forty five (45) feet to one hundred twenty (120) feet of gravel.

Chris Kosman asked Ted Wolff to explain his plans.

Ted Wolff explained Wolff Brothers Supply, Inc. had a storage building that was torn down because of its structural integrity and would like to add needed storage to replace the building that was torn down. Ted Wolff went on to explain the intent is to have a lean-to adding additional three thousand, six hundred (3,600) square feet to the existing building; also adding forty five (45) x one hundred twenty (120) feet of graveled area east of the building so that equipment would be able to be stored out of the weather.

Chris Kosman asked if this is for the Wolff Brother Supply, Inc. Ted Wolff answered yes.

Roger Mittler asked if the Wolff Brothers Supply, Inc tore down a building that was sixteen hundred (16,000) square feet. Ted Wolff answered yes. Roger Mittler referred to Section 602.04. Roger Mittler you are allowed to go to twenty five (25) percent. Roger Mittler stated Wolff Brothers Supply, Inc. is allowed to put on one thousand eight hundred (1800) square feet; he is asking for thirty two hundred (3200) square feet. Roger Mittler stated Wolff Brothers Supply, Inc is basically fifty (50) percent over square footage.

Board Members, Steve Ibos and Ted Wolff review the square footage of the whole area of Wolff Brothers Supply, Inc. Roger Mittler referred to Section 603.01; for Wolff Brothers Supply, Inc. they are going to need the variance due to going over the allowed footage.

Chris Kosman asked if there are any more discussions before starting the Duncan Factors.

Jessica Gerspacher asked if the front of the lean-to will be enclosed or will it be open. Ted Wolff answered it will be open; the South will be closed but the East and the North

will be open. Christine Barnes asked if this will be for trucks or supplies. Jessica Gerspacher asked if this is for trucks and trailers. Ted Wolff answered it will be for some trucks and trailers; trying to get the equipment out of the weather. Steve Ibos asked about maintenance equipment. Ted Wolff explained there will be some maintenance equipment, some lifts and different small tractors.

Colene Conley mentioned she got stopped by a neighbor regarding Wolff Brothers Supply, Inc. Colene Conley explained the neighbor would like Wolff Brothers Supply, Inc to be a good neighbor; it is noisy at night loading trucks; going in and out on the road. Neighbor stated they cannot open her windows. The property values are ruined; street West of Wolff Road has a blind spot dip in the road when coming out of the driveway. Many trucks come down the road; but the only trucks that come down that take more space are the Wolff Brothers Supply, Inc. and they do not bother slowing down.

Colene Conley asked the Board Members how they are looking at this expansion. Board Members explained this is a variance.

David Hull asked where you stop; Wolff Brothers Supply, Inc. keep asking for more and more space.

Roger Mittler mentioned the Board Members need to look at each individual request.

Colene Conley asked if all the Wolff Brothers Supply, Inc. files have been pulled. Steve Ibos answered yes, they have; he has also talked to Prosecutor Mr. Karris regarding the variance.

Colene Conley asked who is in charge. Ted Wolff stated the maintenance department came to him regard storing the equipment. Ted Wolff explained the old building was beyond repair and needed to be replaced.

Ted Wolff stated if the neighbor would come to Wolff Brothers Supply, Inc and let them know of problems they are having with traffic, noise etc; they would be able to work something out with the drivers; if something is not said to them, they cannot fix what they are not aware of.

David Hull asked why Wolff Brothers Supply, Inc. can't rebuild in the same spot. Ted Wolff explained they could, but this would; construction wise and economically; these plans work better.

Roger Mittler asked, the building that the lean-to will be attached to, what it is used for. Roger Mittler went on to ask; is this building a maintenance building, storage building or catch all. Ted Wolff answered kind of a catch all; then explained items in the building. Roger Mittler asked if that building could be repurposed for a maintenance department and the new building will make room for your records, excess racking, etc. Roger Mittler added then make the current building a maintenance building. Ted Wolff answered it would take a little doing; he is not going to say it is impossible. Ted Wolff stated he will

need to look into it more. Ted Wolff mentioned they need to keep their records in a secure spot.

Colene Conley asked about the water basin that was added in the front, how far is that off Wolff Road; do you have plans to put a fence around that area. Ted Wolff stated he talked to Steve Ibos briefly; initial plan was to have trees in front of it, maybe a guard rail. Steve Ibos stated that was never meant to be a water basin.

David Hull, mentioned this is a retention pond and should drain off; it is not draining off. Board Members, David Hull, Colene Conley, and Steve Ibos discuss the retention pond.

Roger Mittler read and explained the Duncan Factors and how the Board Members complete and file the Duncan Factors.

The Board Members were given time to fill out and review the Duncan Factors.

Richard Monroe stated he felt the enlargement would keep equipment out of eyesight.

Roger Mittler made a motion to grant the variance request from Ted Wolff on behalf of the Wolff Brothers. 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. Wolff Brothers Supply, Inc. is requesting to add three thousand, six hundred (3,600) square feet to the existing building also to add forty five (45) foot x one hundred twenty (120) feet of graveled pad in front of the new addition for access. Jessica Gerspacher seconded the motion.

Roll vote: Christine Barnes based her decision on Duncan Factor #3, #4, #6.

Chris Kosman based his decision on Duncan Factor #1, #3, #4.

Roger Mittler based his decision on Duncan Factor #3, #4, #7.

Jessica Gerspacher based her decision on Duncan Factor #3, #4, #7.

Chris Kosman gathered up the responses to the Duncan Factors and stated the variance is granted.

Public Hearing: Wolff Brothers Supply Inc. – Variance for outside generator.

Chris Kosman asked Mary Lenarth to read the legal ad as published in the December 27, 2022 edition of the Medina County Gazette:

The York Township Board of Appeals will hold a public hearing January 12, 2023 6:30 P.M. at the York Township Hall/ Fire Complex 6609 Norwalk Rd. to consider a variance request from Ted Wolff on behalf of the Wolff Brothers. 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 602.4 Enlargements of use. Wolff Brothers Supply, Inc. is seeking permission to add on an outside stand alone generator.

Chris Kosman asked Ted Wolff to explain his plans regarding the outside standalone generator.

Ted Wolff explained it is a standalone generator. Ted Wolff was told by Generac the noise from the generator is comparable to a lawnmower, it will help power outages, especially for anyone inside to be able to exit safely. The generator will not power the whole facility only a limited area.

Chris Kosman asked where the current generator is located. Ted Wolff answered it is between the house and the barn.

Roger Mittler asked if the generator is diesel. Ted Wolff answered yes.

Roger Mittler asked if this generator will be on a pad and the whole unit is self contained in its own structure. Ted Wolff answered yes; it is self contained; has the diesel tank under it. Ted Wolff stated there should be a picture of the generator with the application.

Roger Mittler stated that he understands why Wolff Brothers Supply, Inc. needs the generator.

Roger Mittler asked if it will be cycled every week. Ted Wolff stated they test the sprinkler and will be testing the generator also; they will test it during business hours.

Roger Mittler is confirming that what Wolff Brothers Supply, Inc. is asking for is a pad to place the generator on. Christine Barnes asked if Wolff Brothers Supply, Inc. is building around the generator. Ted Wolff stated it comes with a closure around it. Christine Barnes clarified Generac will deliver all of it and install it. Ted Wolff stated Wolff Brothers, Inc. is asking for permission to set the generator in place because it takes up space.

Roger Mittler asked Ted Wolff or Steve Ibos to explain the variance request. Steve Ibos explained the request is to set a shelter with a generator in it. Steve Ibos explained the shelter that the generator is in; it is prestaged somewhere at a different location.

Board Members, Steve Ibos and Ted Wolff discuss the pad, generator, and shell of the generator.

Christine Barnes asked if this is something you thought of after the fact. Ted Wolff answered yes; it does not have anything to do with the warehouse. Ted Wolff explained with the possible power outages they thought it would be a good idea.

Roger Mittler stated so this is really upgrading the generator they have. Ted Wolff explained the current generator and the location.

Roger Mittler mentioned he does not feel this should be a variance. Christine Barnes asked Steve Ibos if he asked Mr. Karris from the Prosecutor's office about this. Steve Ibos said yes. Steve Ibos stated the reason is because this is a nonconforming lot.

Board Members, Steve Ibos and Ted Wolff discuss the pad, location, noise dismal rating of eighty six (86), etc.

Jessica Gerspacher asked how long does the generator run during a test period. Ted Wolff answered not very long; probably not more than a half hour because there is a cool down period.

Chris Kosman asked if the generator will automatically switch over for testing or is it going to run on a cycle. Ted Wolff stated the test will be run manually.

The Board Members, David Hull, Ted Wolff, and Steve Ibos discuss the noise of the generator; it might sound like a semi running. Board Members review the specs for the generator.

Roger Mittler read and explained the Duncan Factors and how then Board Members complete and file the Duncan Factors.

The Board Members were given time to fill out and review the Duncan Factors.

Jessica Gerspacher made a motion to accept the variance request from Ted Wolff on behalf of the Wolff Brothers. 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 602.4 Enlargements of use. Wolff Brothers Supply, Inc. is seeking permission to add on an outside stand alone generator. Christine Barnes seconded the motion.

Roll vote: Christine Barnes based her decision on Duncan Factor #2, #3, #4, #6.

Chris Kosman based his decision on Duncan Factor #2, #3, #4.

Roger Mittler based his decision on Duncan Factor #2, #3, #4, #6, #7.

Jessica Gerspacher based her decision on Duncan Factor #2, #3, #4.

Chris Kosman gathered up the responses to the Duncan Factors and state the variance is granted.

Correspondence:

No Correspondence.

Zoning: Steve Ibos

Steve Ibos had nothing at this time.

Old Business:

There was no Old Business.

New Business:

Richard Hill discussed the current generator for Wolff Brothers Supply, Inc.

Richard Hill discussed Redwood Apartments and suggested York Township needs to look into zoning for apartments.

Adjourn:

Jessica Gerspacher made a motion to adjourn the meeting at 8:45 pm. Roger Mittler seconded the motion. All members voted aye in a voice vote. Motion approved.

Chris Kosman, Chairperson

Mary Lenarth, Secretary