

YORK TOWNSHIP BOARD OF APPEALS

November 9, 2023

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire complex on November 9, 2023.

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

The Pledge of allegiance was said.

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

Board Members Present:

Christine Barnes, Ronald Fabich; Richard Hill; and Alternate Jessica Gerspacher, Chris Kosman, were present. Roger Mittler was unable to attend.

Richard Hill and Ronald Fabich recused themselves from the Board due to a conflict of interest.

Chris Kosman asked Jessica Gerspacher to join the Board Members

Chris Kosman explained everyone wishing to speak tonight in any kind of testimony, for or against the Public Hearings will need to get sworn in.

Chris Kosman had Jeff Thomas and Michael Balentine raise their right hand and say, "I solemnly swear to tell the truth the whole truth and nothing, but the truths so help me God."

Guests:

Steve Ibos-Zoning Inspector/Township Administrator; Jeffrey Thomas; Michael Balentine; Bethany Lapp; David Hull-Chairperson York Township Zoning Commission; Richard Monroe –York Township Trustee.

Public Hearing – Wolff Brothers Supply, Inc. – variance for three new signs

Chris Kosman opened the Public Hearing for Wolff Brothers Supply, Inc.

Mary Lenarth read the Legal Ad as published in the Medina Gazette. York Township Board of Appeals will hold a public hearing November 9, 2023, at 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; Sign Regulations; Section 404.A.4 Signs Permitted in Residential Districts

and Section 405.A.3 Signs Permitted in Non-residential Districts. Wolff Bros Supply, Inc is requesting three (3) new driveway signs to change the traffic flow to the buildings, customers, and freight delivery drivers.

Chris Kosman explained the Board Member have an even number of Board Members, if there is a tie vote that automatically means the vote is nay the motion fails; if the vote is three aye the motion passes. Chris Kosman asked Jeff Thomas how he would like to proceed with the Public Hearing. Jeff Thomas answered he would like to move forward.

Chris Kosman asked Jeff Thomas to explain the plans for the three (3) new signs for Wolff Brothers Supply, Inc.

Jeff Thomas explained is position with Wolff Brothers Supply, Inc.

Jeff Thomas explained the need for three (3) new signs for Wolff Brothers Supply, Inc. the traffic pattern for customers and deliveries coming into the Wolff Brothers Supply, Inc.

Jeff Thomas went on to explain the Wolff Brothers Supply, Inc. has three (3) different driveways, this is become quite confusing.

Chris Kosman asked if the customers pick-up area going to be moved. Jeff Thomas answered no.

Jeff Thomas explained with the new signs it will make things easier for semi trucks and customers.

Chris Kosman stated he feels the new signs are very confusing.

Chris Kosman confirmed the signs are five foot (5) x four foot (4) sign for all three signs. Jeff Thomas answered yes.

Chris Kosman asked if the existing sign is going to stay the same. Jeff Thomas answered yes.

Chris Kosman asked if it will be cleaned up around the signs. Jeff Thomas answered yes.

Jessica Gerspacher asked how far off the ground will the signs be. Jeff Thomas answered it is on the paperwork that was submitted with the application. Jessica Gerspacher stated she was sorry she missed that.

Chris Kosman asked if there will illumination on the signs. Jeff Thomas answered there will not be illumination on the signs. Jeff Thomas stated there will be some letters that will be reflective so that when light shine on them the signs will be easy to see.

Roger Mittler asked if the signs will be ten (10) feet back from the road. Jeff Thomas answered would be more due to the set back, need to consider the road right of way.

Steve Ibos, Chris Kosman and Jeff Thomas discuss the road right of way and the location of the new signs.

Jessica Gerspacher asked if the whole sign is going to be reflective or just the lettering; similar to a road sign. Jeff Thomas answered he thinks not the whole sign is reflective; he thinks the back ground of the sign is more reflective and the lettering is black or red, something standard.

Christine Barnes asked Steve Ibos if the purpose of this meeting is because of the size of the signs. Steve Ibos answered correct and explained the property is still R-1 and R-1 does not permit more than a sign that is twenty (200) feet square. Steve Ibos and the Board Members discuss the York Township Zoning Resolution regarding signs in R-1.

Christine Barnes said these signs for Wolff Brothers Supply, Inc. are very confusing.

Chris Kosman asked if there were any other questions.

Chris Kosman asked the public if there were any other questions or comments. Michael Balentine asked about the location of the signs. Chris Kosman stated the signs will be additional fifteen (15) feet; just past the road right of way; twenty-five (25) feet from the edge of the road.

Chris Kosman explained the Board Members will now go through the Duncan Factors Chris Kosman stated the Duncan Factors are basically a work sheet that help the Board Members to make their decision.

Jessica Gerspacher made a motion to approve the variance request from 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; Sign Regulations; Section 404.A.4 Signs Permitted in Residential Districts and Section 405.A.3 Signs Permitted in Non-residential Districts. Wolff Bros Supply, Inc is requesting three (3) new driveway signs to change the traffic flow to the buildings, customers, and freight delivery drivers; signs are to be ten (10) feet from the road right of way; no bigger than five (5) feet wide and four (4) feet tall. Roger Mittler seconded the motion.

Roll vote: Christine Barnes voted nay based her decision regarding Duncan Factors #2, #3.

Roger Mittler voted aye, basing his decision on Duncan Factor #2, #3, #4, #5, #7.

Jessica Gerspacher voted nay, basing her decision on Duncan Factor #1, #7.

Chris Kosman voted yes, basing his decision on Duncan Factor #3, #6, #7.

Chris Kosman stated the vote is a tie, the motion failed.

Chris Kosman gathered up the responses to the Duncan Factors and stated the variance is denied. The Duncan Factors will be in the file regarding this Public Hearing.

Chris Kosman asked Richard Hill and Ronald Fabich to return to the Board to finish the meeting for tonight.

Minutes:

Chris Kosman stated the Board Members have two (2) sets of minutes to review.

The Board Members reviewed the proposed minutes from the September 14, 2023, meeting. Christine Barnes made a motion to approve the proposed minutes. Ronald Fabich seconded the motion. Roll vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Roger Mittler-aye and Chris Kosman-aye. Minutes approved.

The Board Members reviewed carefully the proposed minutes from the October 12, 2023 meeting. Ronald Fabich made a motion to approve the proposed minutes. Jessica Gerspacher seconded the motion. Role vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Jessica Gerspacher-aye and Chris Kosman-aye. Minutes approved.

Correspondence:

Chris Kosman asked if there was any Correspondence.

There was no Correspondence.

Old Business:

Chris Kosman asked if there was any Old Business.

There was no Old Business.

New Business:

Chris Kosman asked if there was any New Business.

Ronald Fabich mentioned he was thinking about the last meeting and thought the York Township Board of Zoning Appeals is doing their job correctly. Ronald Fabich then remembered he had a copy of the Health and County Regional Planning Commission Board of Zoning Appeals.

Ronald Fabich asked who gave that to the Board Members. Roger Mittler stated he did, he was looking up something on Zoning Appeals, and that one came up and read it over and felt it was very good, had it printed up and kept it for a reference.

Ronald Fabich checked with the Prosecutor Heidi Carroll regarding his wife being a second cousin to one of the Wolff Brothers. Heidi Carroll stated the Public Hearing for Wolff Brothers Supply, Inc. would not be a conflict of interest for Ronald Fabich.

Ronald Fabich stated as he was reading though the Hamilton County Health and County Regional Planning Commission Board of Zoning Appeals and one of things he noticed, according to the Ohio Revised Code, one of the critical items is the Board Members need to have facts. Ronald Fabich feels that most of the time the Board Members do not have the facts.

The Board Members and Steve Ibos discussed facts and how important it is for the Board of Appeals to having the facts to be able to vote properly.

Ronald Fabich suggested having another training session.

Board Members discuss how important it is to have a legitimate reason for why the Board Member voted the way they did.

Adjourn:

Ronald Fabich made a motion to adjourn the meeting at 8:00 pm. Christine Barnes seconded the motion. Meeting is adjourned.

Chris Kosman-Chairperson

Mary Lenarth-Secretary