

YORK TOWNSHIP BOARD OF APPEALS

January 11, 2024

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire complex on January 11, 2024.

Roger Mittler called the meeting to order at 6:30 pm.

The Pledge of allegiance was said.

Board Members Present:

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

Guests:

Steven Ibos-Zoning Inspector/Township Administrator, Joseph Cali, Mike Roth, Kenneth Barco-York Township Zoning Commission Board Member, David Hull-York Township Zoning Commission Board Member, Andy Planet, Matt Schmahl, Frank Baluch, David Borling, Colene Conley, Rachel Nagle.

Minutes:

Roger Mittler explained the Board Members will not go over the minutes since this is a continuation from December 14, 2023 meeting/ Public Hearing.

Correspondence:

Roger Mittler asked if there is any Correspondence.

Steve Ibos stated the Board Members will be receiving information for a Public Hearing scheduled for February 8, 2024.

Public Hearing – Rent Rite Storage-Matt Schmahl – reconvened:

Roger Mittler explained we are here this evening for the continuation of the Public Hearing from December 14, 2023 where Matt Schmahl of Rent Rites Storage requested that the meeting be tabled that night because the York Township Board of Zoning Appeals did not have a full Board. Roger Mittler stated Matt Schmahl really wanted a full Board, which is right.

Roger Mittler stated this meeting is being taped for transcription purposes only.

Roger Mittler explained he is going to swear in everyone that is wishing to speak tonight, everyone will be sworn in at one time. Roger Mittler then explained he will go around the room for anyone that wants to speak and then you will need to give your name and

address so that we get it in the records. Roger Mittler stated later on in the meeting if you choose to talk we are going to ask you to state your name again the reason for that is there are so many people in attendance and Mary Lenarth does not recognize the voices (her head is down writing the minutes) and we need to get an accurate recording.

Roger Mittler also explained if a person from the audience wishes to speak the Board Members would like to limit your conversation to three (3) minutes pertaining to this meeting. Roger Mittler stated because we are taping the meeting the Board Members are asking you not to have side conversations, side conversations some times over ride sometimes what people are saying making it hard to tape the minutes.

Roger Mittler swore in everyone wishing to speak. Then Andy Planet, 880 E Smith Road Suite B , Medina, Ohio; Matt Schmahl (Rent Rite Storage 6126 Norwalk Rd, Medina, Ohio, Joseph Cali, 8745 Lafayette Road, Lodi, Ohio (owns the property next to Rent Rite Storage on Norwalk Road).

Roger Mittler asked Mary Lenarth to read the Legal Ad as published in the November 29, 2023, edition of the Medina Gazette. The York Township Board of Appeals will hold a public hearing on December 14, 2023 continued on January 11, 2024, to consider a variance request from Matt Schmahl on behalf of Rent rite Storage, 6126 Norwalk Road, Medina, Ohio (Parcel #045-05D-12-058). The request is for a variance from Article III, Section 305.04 Industrial Uses – All permitted Industrial uses shall meet the requirements for such uses as set four in Section 304. and Section 304.07. Minimum Side Yard Width. The minimum yard width shall be fifty (50) feet on each side.

The first variance is for a thirty-five (35) foot side yard setback versus the required fifty (50) foot setback that is required in the York Township Resolution. The Second variance, for a second structure is for twenty (20) foot set yard setback versus the required fifty (50) foot setback that is required in the York Township Resolution.

Roger Miller noticed there is a proposal for three (3) buildings on the plans, yet the request is for two (2) buildings. Roger Mittler asked what changed between the time you submitted the request and added an extra building because it has been published in the Medina Gazette for two (2) buildings. Andy Planet the furthest building to the north was shown for the informational purposes that it is a proposed biding and it does meet the setback of fifty (50) feet there for it did not require a variance but wanted to give the Board Members of what the Matt Schmahl the owner plans on doing with the property even though he knows he will have to go through the zoning permits, just want to show the York Township Board of Appeals to have all of the information.

Roger Mittler stated tonight Board Members are looking at the West side of the Property. Andy Planet answered it is on the far south side of the property. Andy Planet stated the two (2) towards the bottom of the plans. Andy Planet showed the Board Members the plans.

Roger Mittler asked Matt Schmahl to explain his plans. Matt Schmahl explained his plans, stated he did not realize zoning set back have changed. Matt Schmahl also explained with the upgrading the property would allow additional storage. Matt Schmahl explained there is a gas line going through the property, also mentioned doing landscaping to the property.

Roger Mittler asked Matt Schmahl in order to put the building on the East side of the property you will need to remove the hill. Matt Schmahl asked Andy Planet to answer. Andy Planet stated yes, needed to place the building lengthwise, parallel to the building and holding it twenty (20) feet off of the property line.

Andy Planet explained since the last meeting (December 14, 2023) they have done some additional studies in the grading on the property to stairstep the buildings so that it will minimize the amount of cuts will (Andy Planet corrected himself – he meant property not buildings) will minimize the cuts as they go up. Andy Planet explained so when the entrance drive comes up a grade about two and a half feet (2 ½ feet) to start, at the first portion of the building will be about three (3) feet higher than the existing parking lot. Andy Planet continued to explain they will stair step the building three (3) times so it will go up three (3) feet towards the end, reducing the cut at they go. Andy Planet stated there will be about three (3) feet of cut in the back of the building but will have enough slope to get up to the fence using a three (3) to one (1) slope to get up to the fence. Andy Planet showed the Board Members pictures the way the building staggers. Andy Planet stated Joseph Cali has contacted them about some of his concerns regarding concerns about the grading adjacent to Joseph Call's property. Andy Planet explained that Matt Schmahl, himself and Joseph Cali met him in the field and looked over things and think they came to a good understanding of Joseph Cali's concerns. Andy Planet also stated the existing building that is the furthest to the South on that East side has a steep slope that is already there that has been inherited with the property was purchased and Andy Planet and Matt Schmahl are going stabilize the bank with rock riffraff and grading as part of the ongoing site improvement. Andy Planet also mentioned he feels meeting with himself, Matt Schmahl and Joseph Cali they have a firm understanding of some problems that Joseph Cali has currently and he did not want it to continue. Andy Planet thinks with the stairsteps with the building they will address some of the concerns for Joseph Cali and the Board Members.

Roger Mittler opened up the conversation to the Board Members.

Richard Hill asked what the current elevation is where the building is going to be. Andy Planet explained on the plans.

Joseph Cali explained he meet with Andy Planet and Matt Schmahl and was totally against the plans for Rent Rite Storage it they were going to maintain the grade. Joseph Cali stated if Matt Schmahl goes by the proposal they have now it should be no more that three and a half (3 ½) feet drop off down to the building and they are actually going to have more slope than what is currency there. Joseph Cali also stated that Matt Schmahl wants to develop the property, what to use the property, it is his property. Joseph Cali

stated in his opinion he has no problem with Matt Schmahl as long as he does what he says he is going to do. That is all Joseph Cali has to say.

Andy Planet explained the grade of the property.

Richard Hill asked how wide is the proposed gravel to the West of building. Andy Planet answered forty (40) feet.

Richard Hill asked if that maintains the distance off of the gas line. Andy Planet answered yes, off the gas line itself. the gravel would go into their easement corridor a little bit, but that is a corridor already on the site. Andy Planet stated the main set back for that parking lot is from the gas line to the physical gas line.

Richard Hill asked Andy Planet if he could give up fifteen (15) feet the gravel to move the building at least get it to thirty-five (35) feet. Andy Planet stated the hope is to have maneuverability to potentially have a small motor home or inside storage facility, to lose fifteen (15) feet could cause some additional hard ship.

Andy Planet stated the reason they chose the twenty-five (25) foot set back on that side is it was kind of already established on that side. Andy Planet also state they asked for thirty-five (35) feet on the other side, it is a variance; they pushed that one further back.

Richard Hill asked how far are the retention ponds from the building. Andy Planet stated at this point this pond is just kind of schematic size, have not done the full drainage calculations because we would do that at the time of our storm water permit and the zoning, this is going to be a dry pond not a wet pond, it will be wet it severely rains but will slowly drain out. Andy Planet also stated he is proposing the top at this point to be fifteen (15) feet from the back of the building. Andy Planet explained they could make that further back if they had to.

Richard Hill asked if there were any comments from the York Township Fire Department. Steve Ibos stated the Fire Department did not have a problem with the plans for Rent Rite Storage.

Roger Mittler asked if the York Township Fire Department know that the pond would only be fifteen (15) feet off the one building. Steve Ibos does not think the Fire Department looked at the ponds. Andy Planet stated he would have the ability to rotate the pond ninety (90) degrees which would give it more clearance to the building without effecting the foot print size.

Roger Mittler mentioned he has not been on the Fire Department, but feels pond is too close building just for fire access, then again he would like the Fire Department to review it. Steve Ibos stated it is twenty-five (25) feet from the property line. Roger Mittler mentioned that Andy Planet stated the pond will be only fifteen (15) feet off of the building.

Joseph Cali stated he wants it on record that there is to be no slope greater than three to one. Joseph Cali stated "Thank You". Andy Planet stated the last exhibit he presented he does have three to one slope on the drawing, so that will be in the drawing.

Christine Barnes asked the row of buildings that are already there are they all twenty (20) feet off the line. Andy Planet answered no, some of the original ones that were built back in the late 90's pre-zoning.

Joseph Cali explained the history of property.

Roger Mittler asked Jessica Gerspacher if she has any questions.

Jessica Gerspacher has no other questions.

Roger Mittler asked Ronald Fabich if he had any questions.

Ronald Fabich referred to the letter that Matt Schmahl wrote regarding his application for Rent Rite Storage. Ronald Fabich asked Matt Schmahl is he advertising for business is he planning on having businesses there with storage or business by themselves. Matt Schmahl stated yes, he has small business contractors, roofers, drywallers, painters, some need larger units that can be climate controlled, they can have a man door next it also, could have a Man Cave of sorts, calls it flex space, much more cost effective for business to gravitate to storage units which is much more cost effective rather than paying for a retail building. Matt Schmahl stated he will have Wi-Fi access also.

Ronald Fabich stated this is in the Industrial District is for many uses. Ronald Fabich asked if Matt Schmahl will be having light manufacturing, printing, wholesale operations, customers coming in. Matt Schmahl stated it will be more storage base is the way he sees it.

Steve Ibos explained if Matt Schmahl is running any business out of the storage units Matt Schmahl will need to come into the York Township office for approval.

Ronald Fabich asked about traffic flow. Matt Schmahl discussed the traffic flow, stating there will not be additional driveways, there should not be any problems.

Ronald Fabich is concerned for the adjacent neighbors. Matt Schmahl stated there will not be any additional lighting, he will be doing additional screening and landscaping.

Steve Ibos read a statement from the Erhart/ York Township Fire Department responded to the variance for Rent Rite Storage stating they have no concerns with the request as presented.

Roger Mittler swore in David Hull.

David Hull noticed Matt Schmahl talked about restrooms; there is no provision for a septic system included in the Rent Rite Storage plans. Matt Schmahl answered there is an existing restroom there.

Andy Planet showed the Board Members the septic system on the West side up front. Jessica Gerspacher asked if this is the part that says onside sewage system. Andy Planet answered that is correct.

There was a lot of side conversation going on that was unable to be taped.

Richard Hill mentioned there are numerous vehicles parked on the property for Rent Rite Storage which is a violation of the York Township Zoning Resolution. Richard Hill asked Matt Schmahl how he is going to address this moving forward. Matt Schmahl stated those are all existing ones from when he bought the property. Matt Schmahl stated he was not aware of the York Township Zoning Resolution be he will certainly take care of it. Richard Hill explained there is no outside storage.

Matt Schmahl explained there are a lot of HOAs that do no allow outside storage that is another reason why a large storage unit like this one is needed.

Roger Mittler asked Matt Schmahl if he is being paid for that storage. Matt Schmahl stated some he is. Roger Mittler asked about the trailers. Matt Schmahl answered some come and go. Matt Schmahl stated he needs to change his sign also, needs to remove the outside storage.

Roger Mittler asked Matt Schmahl how long it will take him to remove the outside storage. Matt Schmahl answered he has sent out some letters. Roger Mittler asked Steve Ibos if he is ok with this. Steve Ibos stated he has talked to Matt Schmahl regarding the outside storage.

Roger Mittler asked if there are any other questions.

Ronald Fabich asked there were readjustments to the proposed plan do the York Township Board of Zoning Appeals need to have the adjustment set forth before the Board Member can vote on the Public Hearing.

Andy Planet the adjustments are site plans and engineering related and not variance related.

Andy Planet stated he really tried present a complete drawing trying to give the best idea of what is going on.

Roger Mittler asked Matt Schmahl if he has worked out Joseph Cai's concerns. Joseph Cali stated in his opinion he has no problem with Matt Schmahl as long as he does what he says he is going to do.

Roger Mittler explained for a variance the Board Members are required to go through a Duncan Factor Worksheet from Medina County there is seven (7) different questions that need to be answered and the York Township Board of Zoning Appeals will read and disused the Duncan Factors out loud.

Roger Mittler asked for a motion.

Richard Hill made a motion to grant the variance request from Matt Schmahl on behalf of Rent rite Storage, 6126 Norwalk Road, Medina, Ohio (Parcel #045-05D-12-058). The request is for a variance from Article III, Section 305.04 Industrial Uses – All permitted Industrial uses shall meet the requirements for such uses as set forth in Section 304. and Section 304.07. Minimum Side Yard Width. The minimum yard width shall be fifty (50) feet on each side.

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Jessica Gerspacher seconded the motion.

Roll vote: Christine Barnes voted aye based her decision regarding Duncan Factors #2, #3, #5, #7.

Jessica Gerspacher voted aye based her decision on Duncan Factor #2, #3, #4, #7.

Richard Hill voted aye based his decision on Duncan Factor #1, #6, #7.

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

Ronald Fabich voted aye based his decision on Duncan Factor #2, #3, #7.

Roger Mittler stated the variance request has been granted.

Roger Mittler 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.

Matt Schmahl thanked the Board Members for their time.

Zoning – Steve

Roger Mittler confirmed with Steve Ibos there will be a Public Hearing coming up on February 8, 2024 for signage for Wolff Brothers Supply, Inc.

Steve Ibos answered yes.

Old Business:

Roger Mittler asked if there is any Old Business. There was no Old Business.

New Business:

Roger Mittler mentioned the Board Members will reschedule the Organizational meeting to be held on February 6, 2024.

Ronald Fabich mentioned he talked to Richard Monroe and would like the York Township have better recording system, microphones, better imaging, maybe a projector, this might make for a better meeting.

Richard Hill mentioned he would like to recognize four people in the back row from the Litchfield Board of Zoning Appeals here tonight to see how York Township Board of Zoning Appeals runs their meeting.

Adjourn:

Jessica Gerspacher made a motion to adjourn the meeting at 7:45pm. Ronald Fabich seconded the motion. All members voted aye in a voice vote. Meeting adjourned.

Roger Mittler-Chairperson

Mary Lenarth-Secretary