

HARRISON TOWNSHIP
BZA 2019 Organizational Meeting
Public Hearing
January 8, 2020

Members present: Valerie Hans, Jeremy Nestor, Rick Biniker, Jack Treinish, John McGowan, Rachael Mattis Bissett and Gerald Saffo.

Also present: Tom Frederick, Zoning Inspector and Vickie Noble, Zoning Secretary

Present for the Public Hearing: Marilyn Martin of Anderson Reporting.

Guests: Tony Sharp, Doug Moore, Danny Bailey, Gary Hutchinson, Joe Gebhart, R. Beatty, M. Beatty, Glen Beatty, Joann Askoff, Ellen Van Dyne and Patrick Bukalski.

Vickie Noble called the meeting to order at 6:30 pm with all standing for the Pledge of Allegiance.

Ms. Noble called for nominations for Chair for the 2020 board.

Mr. Treinish nominated Valerie Hans. Mr. Biniker seconded.

Vote:

Valerie Hans-yes, Jeremy Nestor-yes, Rick Biniker-yes, Jack Treinish-yes, John McGowan-yes

Nominations were open for Vice Chair

Ms. Hans nominated Jeremy Nestor. Mr. Treinish seconded.

Vote:

Valerie Hans-yes, Jeremy Nestor-yes, Rick Biniker-yes, Jack Treinish-yes, John McGowan-yes

Nominations were open for Alternate Secretary.

Ms. Hans nominated Jack Treinish. Mr. Biniker seconded.

Vote:

Valerie Hans-yes, Jeremy Nestor-yes, Rick Biniker-yes, Jack Treinish-yes, John McGowan-yes

The board agreed to keep the same meeting schedule. The second Wednesday and the fourth Tuesday of each month are set aside as meeting dates. Alternate meeting dates will be scheduled if necessary. All dates are on an as needed basis.

The board discussed the procedures for a meeting/hearing.

The motions will be in the form of approve, approve with conditions, deny or postponement of the decision. Robert's Rules of Order will also be followed.

A Variance application is expected to be submitted to the office. A Public Hearing is being scheduled for Tuesday January 28, 2020. All board members will be available. Gerald Saffo, alternate board member may not be available.

Ms. Hans moved to approve the minutes from December 3, 2019. Mr. Biniker seconded.

Vote:

Valerie Hans-yes, Jeremy Nestor-yes, Rick Biniker-yes, Jack Treinish-yes, John McGowan-yes

The Organizational meeting closed at 6:49 pm.

A Public hearing was called to order at 7:00 pm by Valerie Hans with all standing for the Pledge of Allegiance. Ms. Hans asked all who wished to speak to remain standing and be sworn in by the Court Reporter.

Ms. Hans read the application and all pertinent material with the application.

The Conditional Use Application was submitted by B&B Real Estate of Ohio, LLC.

The applicants are requesting to operate a business at 4765 National Rd. Kirkersville, OH 43033. They are asking for approval of Construction Sales and Services for a drywall supply business. In addition they are asking for approvals for 1) Motor vehicle services and repair, 2) Bulk sales and storage not including outdoor unfenced storage, 3) Research Facilities. The plans are to utilize the existing building. As the business expands the plans are to build an additional 60'x100' building.

Rick Beatty informed the board and those present that the business would be simple and would conduct business locally. He said there would be a maximum of 6 trucks a day with deliveries to the business and 6-7 trucks out for delivery.

Patrick Bukalski lives across from the proposed business and is concerned about the truck traffic. He said he does not see any current activity at the existing business and feels it is basically nonexistent.

Joann Askoff would like to know if the business will be a factory or a store. Rick Beatty said they will not be manufacturing the drywall. Ms. Askoff is also concerned about truck traffic and questioned a pond that is on the property. The pond creates flooding on her property. Rick Beatty said they will not be buying the land section with the pond. It will remain with the current owner.

Mr. Frederick's Report:

January 6, 2020

Harrison Township Zoning Inspector's report & recommendation for a Conditional Use application for 4765 National Rd., Kirkersville, Ohio 43033

The Conditional Use application is for the development of an operation of American Building Materials – a wholesale drywall supplier and distributor. The applicant is B& B Real Estate of Ohio, LLC – Roger Beatty and Rick Beatty for American Building Materials

This recommendation will follow the requirements of the Harrison Township Zoning Resolution Section 4.22 General Standards Applicable to All Conditional Uses. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. is in fact a conditional use as established under the provisions for the Zoning District involved;

The property is currently zoned B-1 – Business District. Construction Sales and Service is a listed Conditionally Permitted use within the B-1 District.

2. will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or Zoning Resolution;

The Future Land Use map has this area as Business use.

3. will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

There is an existing building located on the property. My understanding is this building was previously used for supply and distribution of popcorn tins. American Building Materials plans to use the existing building for their operation. They plan to construct a second warehouse of 100 ft. by 60 ft. The existing building and proposed new warehouse will have to comply with Article 26 – Architectural Standards for Non-Residential Buildings.

4. will not be hazardous or disturbing to existing or future neighboring uses;

With the proposed drywall receiving and distribution there will be noise from the delivery and distribution. There will be noise from the trucks and related equipment.

5. will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the

persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Water and sewer will be provided by on site well and septic system.

6. will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

No.

7. will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor;

As stated above there will be increase of truck traffic and related noise from trucks and related equipment.

8. will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

There is an existing driveway for the property. I am not sure if a new use requires any approval from ODOT. I would recommend the applicants contact Brian Bosch at ODOT 740-323-5182.

9. will not result in the destruction, loss, or damage of natural, scenic, or historic feature of major importance;

No.

Zoning Inspector's Recommendation

It would be my recommendation to approve the application with Conditions:

Must comply with all requirements of the Harrison Township Zoning Resolution.

Some of those would be the Landscaping /Buffer Regulations, Architectural Review Standards, Parking Regulations, Lighting Regulations and Sign Regulations.

Regarding the applicants request for Plan B for the Motor vehicle services and repair, Bulk sales and storage not including outdoor unfenced storage and Research facilities

I would recommend that the Board not consider or approve these proposed uses. There are too many unknowns to these proposed uses for consideration or approval.

Thomas D. Frederick

Harrison Township Zoning Inspector

Mr. Biniker asked if the applicants had contacted ODOT concerning the driveway. They have not.

Mr. Frederick asked the applicants about the statement that they were not planning to buy the whole parcel. He was not aware that they only intended to purchase 4 acres with the building. Joe Gebhart, agent with Shai Commercial Real Estate, stated he was working on the lot split and showed Mr. Frederick the drawings.

Mr. Nestor asked what the applicants planned to do with the request for the additional approval for 1) Motor vehicle services and repair, 2) Bulk sales and storage not including outdoor unfenced storage, 3) Research Facilities. The applicants want the additional conditional uses in place in case they want to sell the property.

Mr. Treinish asked Mr. Frederick if the lot split changes the decision to be made tonight. Mr. Frederick said it appears to be ok and that the drawing shows a shared driveway.

Mr. Biniker continued with the question about the lot split. Mr. Frederick said it would have to be approved but there will be enough road frontage after the split.

Patrick Bukalski is concerned the request for additional conditional uses would leave the property open to anything. He is also concerned about dust and asked if the frontage would be improved. Glen Beatty said it would. Mr. Frederick read from the Harrison Township Zoning Resolution 10.17 Buffering and Screening and said there would be requirements that would have to be met.

Ellen Van Dyne asked if the other location in Wadsworth would be moved to the Kirkersville location. Glen Beatty said the Wadsworth business would stay where it is and the Kirkersville location would be a new location.

Mr. Gary Hutchinson (GH) had several questions to which Glen Beatty (GB) responded:

(GH) Are the applicants the business owners or real estate company owners (GB) Own the real estate business as well as the drywall business.

(GH) is the Conditional Use for a drywall business (GB) Yes, a drywall business

(GH) if ODOT requires a turn lane will that be a nonstarter: (GB) don't know

Mr. Frederick said the applicants would need to check with ODOT

(GH) questions if hours of business will be 7-5 Monday through Friday (GB) yes

(GH) how will you maintain dust control (GB) stone is down so shouldn't be much dust. Also plans to put in concrete pads

(GH) where will trucks be stored (GB) most will be inside

(GH) where will maintenance be done on trucks (GB) not on property unless minor

(GH) will there be retail sales (GB) there will be a small area for things such as tools

Rick Beatty added that this would mostly be the existing customers

(GH) asked about the intent of the second structure to be build (GB) It will be for the drywall business

Danny Bailey asked if the business would be basically distribution of drywall. Glen Beatty answered yes.

Mr. Biniker questioned how to proceed with the vote. Should there be one vote or two separate votes to cover all the requests. The application contains a request for the Drywall business with a Plan B request for additional uses.

Ms. Hans said there was one application. Most of the board expressed using one vote for the application and including all requests in that vote.

Danny Bailey asked why not wait for ODOT approval.

Ms. Hans said the board has an obligation to take action on the application.

Mr. Frederick said ODOT may require the applicants to widen the driveway.

Patrick Bukalski asked if ODOT requirements would change the purchase of the property. Glen Beatty said if the requirements were at a considerable cost it may change the purchase. Gary Hutchinson is concerned if ODOT requires a turn lane...it could be on his side of the road.

Ellen Van Dyne asked what the expectation of the new business is. Glen Beatty said it would be the same as the Wadsworth location with the same number of employees and trucks.

Ms. Hans asked about Saturday and Sunday hours. The applicants said they have had very few.

Ms. Hans moved to approve the application with the following conditions:

- 1) that the applicant will contact ODOT to determine if they need driveway approval.
- 2) that all requirements of the Harrison Township Zoning Code will be met.
- 3) that the request of Plan B uses, (Motor Vehicle Services and Repair, Bulk sales and storage not including outdoor unfenced storage, and Research facilities) WILL NOT be considered or approved at this time.
- 4) that operating hours will be limited to Monday – Friday 7am-5pm and one Saturday per month from 8 am to 12 pm.
- 5) that the conditional use pertains to the supply and distribution of drywall only.
- 6) that a driveway easement and maintenance agreement will be executed and submitted with the lot split application.

Mr. Nestor seconded.

During a discussion period Mr. McGowan asked about the timeline for the concrete pads. Glen Beatty said they planned to have the first ones within a year and others within two years.

Vote:

Valerie Hans- yes, Jeremy Nestor-yes, Rick Biniker-no, Jack Treinish -yes, John McGowan- yes
The motion passed with four yes votes and one no vote.

At 7:53 Mr. Biniker moved to close the Public Hearing and adjourn. Mr. Treinish seconded.
The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary Valerie Hans, Chair

Public Hearing professionally recorded by Anderson Reporting