

BZA
MARCH 13, 2013-FINAL

Members present: Scott Van Den Berg, Valerie Hans, Deborah Laughlin, Chris Strayer, George Snider and Ryan Bailey.

Also present: Tom Frederick, Zoning Secretary, Vickie Noble, Zoning Secretary and Marilyn Martin, Court Reporter from Anderson Reporting.

Guests present: Connie Klema, Melissa Johnston, Susan Midei, Scott Davis, Greta Allison, Terry Bernowski, Frank Shortridge, Walt Mapes, Shua Mapes, Ken Adams, Joe DeBellis, Haskell Patrick, Joanie Patrick, Todd Willis, Jim Ogden, Al Coughlin, Shawn Bernowski, Terry Bernowski, Mark Van Buren and Eric Smith.

The purpose of this meeting is to consider two conditional use applications. The first application to be considered was submitted by Terry Bernowski of 3660 Brandon St. Columbus, OH 43224. He is requesting approval to operate the business known as Advanced Cabinetry & Sons Inc. on the property at 5089 York Rd. Pataskala, OH 43062. The business will construct cabinetry, countertops, millwork, bars and desks with a retail area in the front. The second application was submitted by Connie Klema, attorney representing Coughlin Land Co. Ltd. The applicant is requesting approval to construct a vehicle service and repair facility on Lot 3 of The Pataskala Town Center.

The meeting was called to order at 6:35 p.m. by Scott Van Den Berg with all standing for the Pledge of Allegiance.

Mr. Van Den Berg introduced the Board. He informed the audience that there were two applications to be considered at tonight's meeting and then asked the court reporter to swear in all who wished to speak during tonight's hearings.

The process of tonight's proceedings was explained to the audience.

The application from Terry Bernowski was read.

Mr. Frederick said he had sent the board his recommendations and comments. He noted that the property is zoned B-1 and that the proposed business is listed as a conditional use in the B-1 district. He also noted that Mr. Bernowski had attended a Zoning Commission meeting to get their feedback. The Zoning Commission felt that this business would be under the Construction, Sales and services. Mr. Frederick said since there is no dissimilar land use there would be no landscape buffering required. He has no issues with this application and recommends the board approve the application.

Mr. Van Den Berg opened the meeting for public comment.

Ms. Midei asked about the possibility of the applicant putting another building on the property. Mr. Frederick explained that if it met the requirements of the township Mr. Bernowski would be permitted to construct another building.

Mr. DeBellis wanted the board to know that there was another potential buyer for the property.

Mr. Van Den Berg asked the board for any questions or comments.

Mr. Van Den Berg asked about the zoning of the property to the north. Mr. Frederick answered B-1. He added that the property to the South was B-1 and that the property across was Manufacturing.

Mr. Van Den Berg asked the applicant about planned use for the outside area. Mr. Bernowski answered there would be semi delivery to the dock door. He also explained that the earlier question concerning another building might be possible in the future to secure his truck.

Mr. Van Den Berg asked where materials would be stored. Mr. Bernowski answered the material would be stored inside.

Ms. Hans asked if the business would have a spray booth and what types of chemicals would be used. Mr. Bernowski said all would be enclosed and EPA approved.

Ms. Hans inquired about the hours of business. The applicant said that the normal hours of business would be 8:00 a.m. to 5:00 p.m. however there may be occasions of overtime. He also explained that the building walls would be constructed to deaden the sound.

Mr. Strayer asked about the number of employees. Mr. Bernowski stated that he had been in business 28 years and the most he has employed is 3. The business consists mainly of himself and two sons. He does not want to go big as this will affect the quality of his product.

Mr. Strayer wanted to know about the truck traffic and delivery. Mr. Bernowski said it would be approximately one semi per week and some panel trucks.

Ms. Klema wanted to inform the board that the condo association has no issues with semi deliveries. The parking lot was created to allow semi traffic. She however wanted the board to limit the business to the existing structure, not allowing for additional accessory buildings.

Mr. Strayer pointed out that the current request is for the existing building and that the applicant can come back later for other requests.

Motion by Valerie Hans to approve the application with the following conditions

1. That the applicant will not store materials of any kind outdoors
2. That the spray booth will be EPA approved with a fire suppression system in place
3. That the delivery truck traffic will be limited to the hours of 7:00 a.m. to 5:00 p.m.
4. That the approval of this conditional use will be limited to the existing building only

Second by Chris Strayer

Vote:

Scott Van Den Berg...yes

Valerie Hans.....yes

Debbie Laughlin.....yes

George Snider.....yes

Chris Strayer.....yes

The application was approved with conditions as stated.

The Bernowski public hearing ended at 7:00 p.m.

The Coughlin public hearing started at 7:01 p.m.

Mr. Van Den Berg explained the conditional use application and asked that the application be read.

Ms. Klema, representing the applicant, gave the board an overview of the request and past issues granted by the BZA. She said Mr. Coughlin is aware that the property owners to the west of the business have issues with buffering. She stated that in 2006 Mr. Coughlin came before the board and was granted a variance request. She also noted who had attended that hearing. She said the applicant is fine with doing a buffer and following Mr. Frederick's recommendations.

Mr. Coughlin was asked about the vehicles that would be sitting on the lot. He answered that damaged cars and trucks would be on the lot for 24-48 hours.

Mr. Van Den Berg asked about the buffering for the retail center.

Mr. Frederick informed the board the 1995 zoning regulations stated that buffering could be a combination of trees, fences, etc.

Mr. Van Den Berg asked what is being proposed for the buffering with this application.

Mr. Frederick directed the board to look at the drawings provided with the application.

Mr. Willis gave an explanation of the plans on the drawing.

Mr. Van Den Berg opened the meeting to public comment.

Mr. Adams has issues with the current buffering and has concerns about the new building and buffering. He feels the property is an eyesore and feels the 20' buffer requirement is not adequate.

Mr. Frederick explained the zoning regulations in the B-1 districts.

Ms. Mapes doesn't want to prevent business but is not satisfied with the view from her back yard and doesn't like the 20' buffer requirements. She presented pictures of the property she had taken earlier in the day.

Mr. Mapes asked about security. He is concerned about criminal activity at the business and people going through his property. He is also concerned about the light and noise from the business. One concern is that the dumpster next to AJ's is emptied at 3:30 a.m. He also gets trash blowing from the business into his yard. He would like to see a berm, fence and trees used in the buffering plan.

Mr. Adams, Mr. Mapes and Ms. Mapes discussed the issues of buffering. They looked at the maps and drawings. What they would like to see is buffering with trees, and fence to protect their property and view.

Ms. Klema said we didn't propose a fence but are open to discussion.

Mr. Strayer had questions about the placement of the proposed building and asked if the building could be pushed to a different location.

Mr. Willet said the building is in the middle of the lot for circulation/traffic movement.

Ms. Klema said if the building was moved the neighbors to the west would have the vehicles parked in their view and didn't feel that would be a good solution.

Ms. Mapes agreed that she would rather see the building and not the cars.

Mr. Strayer felt the area needed to be secured suggesting a wood fence.

Mr. Strayer asked about the lighting plan. Mr. Ogden said the plans call for lights mounted on all sides of the building with the capability of cut off.

A discussion was held concerning the door on the west side of the building.

Mr. Ogden stated the door would be an overhead door and would not be left open. The building would be split face block painted white with a white overhead door to blend in with the building.

Mr. Van Den Berg said he feels strongly about fencing. He said it will solve issues of noise, dumpster screening and security.

Ms. Klema said the dumpster is screened now but would be willing to revise the screening. She said if a fence is proposed it could be extended to cover the dumpster.

Mr. Strayer suggested the board table the application until a new site plan could be developed. Ms. Klema requested the application be approved tonight with conditions.

Ms. Hans read the conditions for approval in the form of a motion.

The board discussed the conditions and could see some needed changes in the conditions of buffering and lighting.

Mr. Van Den Berg moved to accept the proposed amendments. Mr. Strayer seconded the motion.

Vote:

Scott Van Den Berg...yes

Valerie Hans.....yes

Debbie Laughlin.....yes

George Snider.....yes

Chris Strayer.....yes

The motion passed with a unanimous yes vote.

Motion by Valerie Hans to approve application with the following conditions:

1. That an opaque wooden fence at least 6’ in height will be installed along the entire Western edge of the asphalt of the property travelling north to the edge of the northwest corner of the adjacent retail building screening the existing dumpster.
2. That the dumpster will be shared with the commercial center and screened from view.
3. That there will be an opaque wooden fence at least 6’ in height installed on the Southern edge of the asphalt from the western edge of the asphalt travelling east to the landscape island.
4. That all fencing will be installed within 30 days of paving.
5. That all landscape plantings will be done prior to 5/15/2014.
6. That there will be a landscape buffer immediately to the west of the fence line that will stretch to the north. Included in the buffer there will be trees from the dumpster to the southern property line.
7. That all lighting will comply with Article 14 of the Harrison Township zoning code (Outdoor Lighting).
8. That any lighting on the property will have shields to direct the light downward to minimize light spillage onto the neighboring properties.
9. That the doors will be colored to match the building.
10. That there will be no signage on the west side of the building.
11. That the rollup doors will remain closed at all times other than bringing vehicles in and out of the building.
12. That vehicles will be parked on paved surfaces only.
13. That fencing and landscaping buffers will be kept in good repair at all time.
14. That the Harrison Township zoning inspector will have the final review and approval on this site plan.

The motion was seconded by Mr. Strayer.

Vote:

Scott Van Den Berg...yes

Valerie Hans.....yes

Debbie Laughlin.....yes

George Snider.....yes

Chris Strayer.....yes

The motion passed with a unanimous yes vote, granting approval with conditions.

The public hearing ended at 8:50

The board took a short break and reconvened at 9:04 for a working session.

The minutes of the February 13, 2013 meeting were read.
Ms. Hans moved the minutes be approved as read. Mr. Snider seconded.

Vote:

Scott Van Den Berg...yes

Valerie Hans.....yes

Debbie Laughlin.....yes

George Snider.....yes

Chris Strayer.....yes

The motion passed with a unanimous yes vote.

The board was reminded of the June 25, 2013 Zoning Workshop.

Mr. Van Den Berg moved the meeting be adjourned. Mr. Strayer seconded.

The motion passed with unanimous ayes.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted

Vickie Noble, Zoning Secretary

Scott Van Den Berg, Chair

Professionally recorded by Anderson Reporting