

BOARD of ZONING APPEALS MEETING

March 20, 2019 7:00 P.M.

Meeting called to order. Roll call taken. Members present: Dorothy Kerr, Phil Gardner, Sandy Disantis and Bruce Denton, Jim Spurrier and Alicia Robson

Motion was made by Phil to approve the February 20, 2019 minutes. Dorothy seconded the motion. Vote to approve by those present at that meeting was unanimous.

Dorothy announced that tonight's meeting will run no longer than 9:30 p.m. If there is any unfinished business at that time it will be continued at the next scheduled meeting on Wednesday, April 17, 2019 at 7:00 p.m. at the Berkshire Township Hall at 1454 Rome Corners Rd., Galena, OH 43021, and explained the order and format of the meeting.

People present who intend to speak to applications tonight were duly sworn in by the court reporter.

Business for the meeting:

1. First order of business is Application #19-017 by Robert Bagent, 3212 S. 3 B's and K Rd., Galena, OH 43021 for property owned by Robert Bagent and Chie Kimura located at 2485 Rome Corners Rd., Galena, OH 43021. Parcel #41734001005001, 2.7 acres zoned FR-1.

Applicant is requesting a front yard Variance from one hundred thirty feet to one hundred feet for the purpose of building a house. (Article 8, Section 8.05 C (2) Mr. Bagent presented his application. When the lot was purchased they were unaware of the drainage easement that existed on the lot. The house was designed and it was going to encroach on the drainage easement. The primary and secondary septic fields will be located in the rear and to the north, which is why they cannot set the house back from the road any farther.

Dorothy and the Board reviewed the seven questions from our zoning code (Section 29.04) that must be addressed regarding the request. It was determined by the Board that the answers are acceptable.

Phil motioned to accept Application #19-017. Sandy seconded the motion. Vote was unanimous to approve

2. Second order of business is Application #19-018 by Rose Kostival, 7580 Broxton Ln., Galena, OH 43021 for property at the same address. Parcel #41731010011000, .31 acres zoned PRD in the Cheshire Woods subdivision.

Application was presented by Rose Kostival. She is requesting a Variance for a rear yard setback from thirty feet to twenty-three feet to accommodate a roof over a patio. The builder hired was responsible for pulling the needed permits but unknown to the homeowner did not do so, and construction was begun. It came to the attention of the county and it was determined that no permit had been issued by the township. She has since applied to the Township for a Variance and is here tonight to ask for that. She has submitted letters of approval from neighbors and has the approval of the HOA.

Dorothy and the Board reviewed the seven questions from our zoning code that must be addressed regarding the request. It was determined by the Board that the answers are acceptable.

Sandy motioned to approve Application #19-018 granting a seven-foot backyard setback variance. Bruce seconded the motion. Vote was unanimous to approve.

3. Third order of business is:

Application #19-009 by McDonald's Corporation, 2 Easton Oval, Suite 200, Columbus, OH 43219 for the McDonald's property located at 7352 State Route 37 E, Sunbury, OH, 43074, Parcel #417-230-01-010-000, 5.003 acres. Application is for a Variance for signage for the business. Property is zoned Planned Commercial. This application was tabled by request of the applicant at the February 20th meeting. Phil moved to remove the Application from the table. Sandy seconded the motion. Vote was unanimous to remove from the table, with Sandy, Phil, Dorothy, Sandy, Bruce and Alicia voting yes.

Application is being presented by Joe Smiley from McDonald's USA.

The McDonald's at 7352 St. Rt. 37 is applying for variances for signage because the business is doing a major remodel for the purpose of improving the business, with special focus on making the building and the site more ADA accessible.

Today the variances now requested are for: 1) approval of white backgrounds on the new LED pre-browse and menu signs and 2) The Wordmark sign on the building proposed will be 33 sq. ft. and our code allows only 25 square feet. The Applicant is removing the original Variance number 2 and Variance 4 from their request.

Dorothy and the Board previously reviewed the seven questions from our zoning code that must be addressed regarding the request. It was determined previously by the Board that the answers are acceptable.

Sandy motioned to approve Application #19-009 as amended by the Applicant tonight, which is for Variance Request 1 (white background on menu board) and original Variance 3, (which covers the total square foot size of the McDonald's Wordmark sign.) Dorothy seconded the motion. Vote by Dorothy, Phil, Sandy, Bruce and Alicia was unanimous to approve.

Phil motioned to adjourn the meeting, seconded by Jim. Vote was unanimous to adjourn.

Respectfully submitted by,

Shawna Burkham

Secretary