

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
NOVEMBER 17, 2010**

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:35 p.m. Board members Morel, Becker, Karson, West and DeMichael were present. Alternate Board member Linda De Hoff was also in attendance as well as alternate member Mike Stopa. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

**Circle K-variance request-3723 Pearl Rd.**

Chair Morel reviewed the application. The applicant: Arkinetics. Property owner: Muffet Ltd. The property requiring the variance-3723 Pearl Rd. Present Zoning-BG. Previous Requests-Yes. Variation Requested: Section 405.3.D.1.c.1 Min. Side Yard Width and Rear Yard Depth. Reduction of side yard setbacks from 30' to 15'9". Allow existing landscape buffer zone to remain. Reasons: The strict application of Section 405.3.D.1.c.1 will not allow any building addition to the current property. The zoning setback conditions of the existing store are existing non-conforming. It is impossible for the store in its existing location to meet either the side or rear yard setback requirements. There is no room to the east of the building to locate an addition. The west and south sides of the existing building both face the street (corner lot) and are considered frontage. Granting the variance for the addition to the north side of the existing building will not be detrimental. The proposed beer kave addition will not have any exterior access to the space. Customer traffic patterns and access to the building will remain unaltered.

The applicant, Ms. Moore from Arkinetics representing the property owner, was sworn in. Chair Morel asked how far Circle K was located from the property line now? Ms. Moore stated 24 ft. The zoning calls for a 30 ft. side yard setback. Mr. West asked how deep is the existing milk ramp? Ms. Moore stated approximately 4 ft. Mr. West asked how deep the proposed addition would be? Ms. Moore stated 7' 11". Mr. Becker stated it looked more like 8' 1".

Ms. Strogan, Chair of the Zoning Commission was sworn in. She stated she believed the required landscape buffer is 5-10 ft. which can be used for parking. She added the application stated Circle K was requesting a reduction of the side yard setback from 30' to 15'9" and allowing the existing landscape buffer zone to remain but there is no landscaping. Ms. Strogan stated there was no one present at last night's Zoning Commission regarding Circle K's proposed addition so the Commission could not address this issue with them. She added that the Fire Chief had a question as to where Circle K was going to place their enclosed dumpster and was going to request from a fire safety standpoint that the enclosure be bricked. However he has since been out to the site and determined there is no issue. Ms. Moore stated that there was a misinterpretation in the letters that were sent and she apologized that no one from Circle K was present at the Zoning Commission meeting.

Secretary Ferencz stated per the Zoning Resolution, the landscape buffer required is 15 ft. Ms. Strogin stated there were trees between the Circle K and Medina Skateland but they are no longer there. Ms. Moore stated Circle K would be happy to add landscaping. Mr. Stopa from the BZA was sworn in. He added that there are power lines in that area and he knew the electric company was out cutting trees so that may be why they were no longer there. Ms. Strogin stated Circle K's building is pre-existing non-conforming but an effort needs to be made to comply with the landscaping requirements in the code.

Ms. Strogin continued that Circle K is located on a corner lot and there needed to be equal setbacks from both corners. The setback is 100 ft. Mr. West stated that the proposed addition could be built to the west but Circle K would then lose 3 parking spaces. Ms. Moore stated the location of the gas canopy would then become an issue as well.

Mr. David Muffet the owner of the property was sworn in. He stated the car wash located to the east next door to Circle K is for sale as well as the vacant lot they own. Mr. Muffet stated that because it is a non-conforming lot, he was told that anyone who buys the vacant lot has to attach it to the carwash property. There could not be a stand alone business/building.

Ms. Moore stated Circle K has been upgrading their existing buildings over the last several years. They are putting in food bars with new food selections i.e. hot sandwiches hotdogs and milkshake machines and with that are putting in "beer kaves". These "kaves" are just large coolers that one can walk in and select their beverage. The stores would also be upgraded internally with small renovations and paint.

Mr. Becker stated he felt this was the best location for the addition as it made no sense to locate it in the parking lot given the existing lay out of the parking lot. Chair Morel agreed and stated the 5'5" area, which is located inside Circle K's property line and outside the existing blacktop, needs to be landscaped. The owner Mr. Muffet agreed to put in landscaping.

The Board reviewed then reviewed Duncan Factors:

1. Will the property yield a reasonable return or a beneficial use without the variance request? The Board stated yes.
2. Is the variance substantial? The Board stated yes.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated no.

4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no. The Fire Chief has stated he has no issues with location and enclosure of the dumpster in terms of fire safety and access.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes but this is a non-conforming pre-existing building.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated the addition could be pushed out into the already crowded and busy parking lot but that did not make sense.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mrs. Karson made a motion to grant a 14'3" side yard setback variance with a 5 ft. landscape buffer for the addition of a "Beer Kave" for Circle K located at 3809 Pearl Rd. to extend from the east property line down the north property line and must incorporate the entire building. It was seconded by Mr. Becker.

ROLL CALL-Karson-yes, Becker-yes, West-yes, DeMichael-yes, Morel yes.

Ms. Moore stated she would submit a new plan to reflect the landscaping. The Board stated that could done when Circle K came in to get their zoning permit.

MISC.

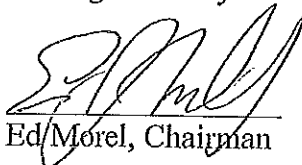
Secretary Ferencz stated that if William West, Linda DeHoff and Mike Stopa were interested in continuing to serve on the Zoning Commission next year, letters would need to be received by the Township Trustees before the end of the year.

The minutes from the Board's October 20, 2010 meeting were approved as written.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:10 p.m.

Respectfully Submitted,

Kim Ferencz  
Zoning Secretary

  
Ed Morel, Chairman