

BOARD OF ZONING APPEALS MEETING
SPECIAL MEETING
JULY 2, 2019
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Mr. Ramirez

II ROLL CALL

Members Present: Joe Ramirez, Dave Nienaber, Jeffrey Anderson, Robert Weidlich, Carolyn Ghantous, Carmen Daniels, Douglas Stahlgren

Staff Present: Gregg Taylor

III PLEDGE OF ALLEGIANCE

IV CORRESPONDENCE

V REPORTS

Report on Council

None.

Report on Planning

None.

VI CHAIRMAN'S STATEMENT

Ladies and Gentlemen, this is a Public Hearing, and all testimony given in cases pending before this Board is to be made a part of the public record. All testimony and discussion relative to said variance is recorded, and it is from this recording that our Minutes are taken.

Citizens testifying before this Board are directed to sign in on the clipboard in the rear of the room, take their place at the podium, state their name and addresses and the facts as they are pertinent to the subject before this Board.

As this is a Public Hearing, being sworn in prior to giving testimony is required by law.

At this time, please stand up, raise your right hand and repeat after me:

President Ramirez: If you think you may want to testify make sure that you have signed in at the back. Okay. Raise your right hand and repeat after me:

*I (state your name)
Do solemnly swear
To tell the truth, the whole truth
And nothing but the truth,
So help me God.*

Please be seated. Please be advised that anyone who was not standing and sworn in cannot testify unless they request the Chair to be sworn in as they come up to the podium.

VII OLD BUSINESS

None.

VIII NEW BUSINESS

- A. Ditsch (Pretzel Baron) 311 Northland Boulevard, Springdale, Ohio, Variance request from Sections 153.253(F) Table 253-2, rear setback; 153.253(F) Table 253-2, green space; and 153.404(G) Table 404-1 buffer yard width, to allow for an addition of an 8,465 sq. ft. of additional freezer space.
(Application 34781) **Public Hearing**

Chairman Ramirez: At this time our guest Mr. Taylor will lead us on this.

Mr. Taylor: Thank you Mr. Chairman. This is something that you folks have seen before. This is a new request, however; just by way of review. This is the existing site and the property is zoned SS. This area here is the existing freezer that was before this board in 2014 and there was a variance needed at the time, the setback line, under normal circumstances basically goes through this corner of the freezer. Subsequent to that, in June of last year you folks also granted a variance for a freezer addition that was going to be basically over here, it was going to be 5,133 sq. ft. I believe. So, the setback variance was granted once again in order to allow that construction. In the case that's before us at the moment was presented to Planning Commission and they approved it, subject to several conditions. The three of which, the most important ones honestly, were you folks providing some variance relief to enable this larger freezer to be constructed. It is 8,465 sq. ft. if I remember right. Again, what they are looking for is a 35 ft. setback. Essentially, you have really granted this variance twice but I think what we are trying to do is show that it was specific to allow this construction and that now this 35 ft. setback basically extends completely across the rear of the property. So, this little blue box here on this slide that, and this is also the document that is down here on the easel, this is what was presented to Planning. So the three variances are the rear yard setback which is kind of old news and the other two are a reduction of width of the buffer yard and a reduction in the amount of green space. The reason that these never came up prior to, in order for the buffer yard requirement to take effect on an existing building the addition has to be more than 10% of the facility. The previous addition was not, therefore; it didn't apply. This one is and interestingly enough, the variances that you guys granted previously all had a requirement that they basically do the buffer yard planting anyway. But, the width of the buffer yard, which is supposed to be 50 feet is being reduced, or it is proposed to be reduced to 35 feet, however; the buffer yard planting and screening is to be to code because it doesn't take the full 50 feet in order to plant the buffer which in this case is a three foot high mound with a row of shrubs on top of it is what they are proposing. Again, the same thing really applies to the green space variance. Previously, the addition wasn't large enough to cause the green space to be reduced from the code minimum of 30%. It's now down to 27%. So, there is a small variance required for that as well. There were several other conditions placed on the approval by Planning Commission. One of which is that landscaping would be, would meet the code. Exterior lighting would meet the code. Mechanical screening would meet the code. They were, however; given relief at Planning Commission and Planning Commission has the ability to do this, relief from providing storm water detention. Basically, if an applicant can demonstrate a hardship where there is an existing building where there is no existing detention facility they can ask Planning Commission to waive off of that requirement and Planning Commission did find that there was a hardship and so they waived off the storm water detention requirement, however; they have to comply with the water quality ordinance or the water quality portion of our storm water management ordinance which the acronym is BMPs. It stands for Best Management Practices to ensure storm water quality and they have agreed to do that as well. So, to kind of get back on track here. There's really three issues before you folks. One is a reduction in rear yard setback to 35 feet. One is a reduction in the buffer yard width from 50 feet to 35 feet and the other, finally is the minimum green space to be reduced to 27%. There are conditions and findings in your report of staff's comment, I guess if you will. Again, this is in your packet as well. This shows the site and again where we are talking about, this is the freezer. You can see the 35 foot setback line. This shows, this was actually submitted as part of your packet as well and it really shows the landscaping, the buffer that is supposed to be maintained all the way across the rear of their property. Finally, I just included one of the photos that is in your packet that kind of show. This is the existing freezer, the new freezer is going to be made out of the same material. It is going to be the same height. It is

going to be bigger obviously. The buffer yard, I think the idea here is to extend this all the way across the property. I believe that is all that I have unless I can answer any questions for you folks. The applicant is here if you wish to hear from them.

Chairman Ramirez: Thank you for that report. So, at this time would the applicant please step forward, state your name and address.

Mr. Gottenbusch: Gary Gottenbusch, 311 Northland Boulevard. I'm CEO of Ditsch. I want to thank you very much for coming up for this special meeting. I'm usually in bed by this time but you all came in just for us and I appreciate it. So, for us the back of the building this is the complete add on to the building. There is no more ask. We appreciate you going this far with it. I believe that we have been a good neighbor and we want to continue to be a good neighbor. We went from 10 employees to 75 employees and we should have 150 with this finishing the project here. Inside the building itself, we are producing pretzels and pretzel bites. I think we have been very quiet and clean and we propose to do that and obviously with the plantings in front. If there is any questions, I'd love to answer anything or any concerns?

Chairman Ramirez: Alright, thank you. At this time we will ask you a few questions. Mr. Anderson. You can stay here.

Mr. Anderson: Thank you. Do you have any concerns with us including the conditions that Planning brought forward, specifically around the screening, light requirements, mechanical screening and the bmp requirements for storm water management? Are you comfortable with this?

Mr. Gottenbusch: I understand that fully. I don't foresee any problems. We have the engineers here that can speak to that as well. No, obviously the lights cannot shine on anybody's facility but it has to be visible so we can see any odd activities. We are actually cleaning it up. There's a couch back there in the woods with some, I don't know, some kids have been hanging out back there. So, we will clean that all up and get rid of that. There's a couch available if you want a couch.

Mr. Anderson: I'd let my kids know not to use the couch anymore. One last question and this is slightly to the side of the topic is with the storm water and detention issue not being considered, I'm curious though since the lot is full have you guys ever looked at green roofs or that kind of technology to help mitigate water since you are now reducing your green footprint?

Mr. Gottenbusch: It has to do with the load on the roof currently and potentially putting more weight on there. Obviously I would be willing to look at. The freezer itself, I believe the issue is that it's a freezer so I don't know, it is well insulated and it is a freezer.

Mr. Anderson: I wasn't thinking a green roof on top of the freezer, I meant to mitigate the water management for the site as a whole since we are reducing the green space for the entire site.

Mr. Gottenbusch: My understanding is that we have refrigeration equipment on top and the weight load for the roof wouldn't bare that at this point.

Mr. Anderson: Thank you.

Mr. Gottenbusch: Thank you.

Chairman Ramirez: Just a moment to see if anybody else has something or anything for you.

Mr. Gottenbusch: Please.

Chairman Ramirez: Any other questions for the applicant. Mr. Nienaber.

Mr. Nienaber: My question is actually for Mr. Taylor. When we make a motion about a variance, do we need to include the remarks about the landscape, lighting, mechanical and water or is that already handled by Planning?

Mr. Taylor: Technically it is handled by Planning because one of the other conditions that Planning actually placed on this is that there would be no building permits issued for the freezer addition until such time that staff had the opportunity to review their most recent plans which are to include all of these conditions. If you don't mind I'd just read what was mentioned at Planning. Motion to approve the revised development plan for Ditsch USA LLC dba the Pretzel Baron located at 311 Northland, application number 34969 including designs and specifications provided for staff review on May 31, 2019 subject to the following: the following variances are obtained from the Board of Zoning Appeals, rear yard setback may be reduced to 35 feet, the rear yard buffer yard width may be reduced to 35 feet, the minimum green space may be reduced to 27%. The following shall comply with the requirements of the zoning code: landscape planting, buffer yard planting and or screening, exterior lighting, and screening of mechanical equipment. Post construction BMPs shall be provided in accordance with the storm water management code. Tree planting, tree replanting, excuse me, shall comply with the tree preservation code. Compliance with all of the above shall be verified by staff prior to issuance of any building permits for the project. So those were the conditions that they agreed to comply with so, Planning has essentially mandated that's the way it has to be.

Mr. Nienaber: Great, thank you.

Mr. Taylor: You certainly have the right to include them in the variance if you wish.

Chairman Ramirez: Mr. Anderson.

Mr. Anderson: Thank you and thank you for that explanation from Planning. It is my understanding though that the Planning does have the ability to change those conditions when they come back with that plan so just for the record, I do support the variance but it is with the understanding that the applicant has stated that they intend to follow through on those current conditions. I understand that there's not a formal condition that goes on our variance request but just for the record I do support it with the understanding that you gave us that you do support those variances.

Mr. Gottenbusch: I absolutely understand and support, absolutely and it is clean run off, it's just the water from the roof of the new construction on the freezer we are talking about.

Mr. Anderson: Thank you.

Chairman Ramirez: I don't see any other questions so at this time we are going to run these as three separate variances so we will have to have a motion, second and vote on each one individually. So, at this time the chair will accept a motion for the rear set back reducing it to 35 feet from 50 feet. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I'd like to make a motion to approve BZA application 35245 for 311 Northland Boulevard to section 153.253(F) table 253-2 reducing the rear setback from the required 50 feet to 35 feet with the understanding that buffer screening, lighting, mechanical screening and bmp requirements will still comply with the existing zoning code.

Mr. Nienaber: Second.

Chairman Ramirez: Do we have a second at this time. Secretary please poll.

(Secretary polled the members and the motion was approved with a vote of 7-0.)

Chairman Ramirez: Thank you for that. That has passed with a 7 to 0 vote. At this time item number two, rear buffer yard width reduced to 35 feet from 50. Do we have someone to provide a motion for that? Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I'd like to make a motion to approve BZA application 35245 for 311 Northland Boulevard to section 153.404(G) table 404-1 to reduce the rear yard buffer width reducing from the existing 50 feet in the code to 35 feet with the understanding that buffer screening, lighting, mechanical screening and bmp requirements will still comply with the existing zoning code requirements.

Mr. Weidlich: Second.

Chairman Ramirez: We have a motion and a second. Please poll.

(Secretary polled the members and the motion was approved with a vote of 7-0.)

Chairman Ramirez: Thank you and again that has passed with a 7 to 0 vote. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I'd like to make a motion to approve BZA application 35245 for 311 Northland Boulevard to section 153.253(F) table 253-2 reducing the minimum green space requirement from 30% to 27% with the understanding that buffer screening, lighting, mechanical screening and bmp requirements will be maintained to the existing zoning code.

Chairman Ramirez: Second?

Mr. Weidlich: Second.

Chairman Ramirez: Mr. Weidlich second. Secretary please pole.

(Secretary polled the members and the motion was approved with a vote of 7-0.)

Chairman Ramirez: Thank you. Again, that was approved with a 7 to 0 vote. So, all three of your variances have been approved.

Mr. Gottenbusch: Thank you very much.

Chairman Ramirez: Thank you.

IX DISCUSSION

None.

X ADJOURNMENT

Chairman Ramirez: Finally, motion for adjournment.

Mr. Anderson: Move to adjourn.

Mr. Nienaber: Second.

Chairman Ramirez: Moved and second, voice vote.

(Voice vote to adjourn approved with 7 to 0 vote)

Chairman Ramirez: Meeting is adjourned.

Respectfully submitted,

_____, 2019

Chairman, Joseph Ramirez

_____, 2019

Secretary, Carmen Daniels