

Board of Zoning Appeals

Munson Township

Minutes of October 18, 2018

Chair Dennis Pilawa called the meeting to order at 6:30pm with Danielle Pitcock, Alternates Jim O'Neill and Tim Kearns, Secretary Paula Friebertshauser and Court Reporter Laura Ware present. Don Alexander, Gabe Kezdi and Joe Tomaric were absent. The Pledge of Allegiance was said.

Mr. Pilawa explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. The Board receives sworn testimony and applies that testimony and evidence to certain standards of law to then make a decision. A court reporter is present so that anyone wishing to speak for or against the case must be sworn in for the record. The record is made up of testimony and evidence presented. If a case goes to court, decisions are based on what is presented the evening of the hearing. Anyone not in agreement with the decision of the Board could file with the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

Tim Kearns moved and Jim O'Neill seconded to approve the September 20, 2018 minutes as written. Motion carried, 3-0.

Mr. Pilawa asked Zoning Inspector Jim Herringshaw if the two cases for University Hospital should be heard together. Mr. Herringshaw felt it made sense to do so. Mr. Pilawa explained to the appellant that with only four members present, a tie vote would be a no vote. He asked him if he would like the Board to hear the cases that evening. Mr. Gaglione said he would like them to proceed.

CASE 18-22: Richard Smith for University Hospitals Geauga Medical Center, 12475 Hospital Dr., Chardon OH - request to build a second principal structure 41' from the road right-of-way and 37' from the side yard. The driveway will be 0' from the west property line and 5' from the south property line. Additional parking will be located on the lot to the west and parking spaces will be located within the front, side and rear setbacks. Violates SEC. 503 Principal Structures Per Lot - (in part) no more than one principal structure may be constructed upon any one lot for the purposes of this resolution. SEC. 411 Minimum Dimensional Requirements - minimum setback from road right-of-way is 80'; minimum side yard is 50'; SEC. 511 Driveways (in part) - driveways shall be a minimum of 15' from any lot line. SEC. 521 (in part) - General Requirements for parking (c) all parking shall be located on the same lot as the use to be served; (k) Parking spaces shall not be located in the minimum setback for front, side, or rear yard of any lot.

CASE 18-23: Richard Smith for University Hospitals Geauga Medical Center, 13221 Ravenna Rd., Chardon OH - request to relocate driveway to be shared with property to the east with 0' from the east property line and 5' from the south property line. Add 19 parking spaces to be shared by both properties. Increase lot coverage from 72% to 80% and add 5 parking spaces in the front setback and 14 parking spaces in the rear setback. Violates SEC. 411 Minimum Dimensional Requirements - maximum lot coverage-50% is permitted. SEC. 511 Driveways (in part) driveways shall be a minimum of 15' from any lot line. SEC. 521 General Requirements for parking (c) all parking shall be located on the

same lot as the use to be served; (k) Parking spaces shall not be located in the minimum setback for front, side, or rear yard of any lot.

Mr. Pilawa read the variance requests and violations for both cases. Zoning Inspector Jim Herringshaw was sworn in. He pointed out that the site map shows both properties and that UH is requesting to move a portion of the driveway over onto the Ravenna Road parcel. On the photos included in their packets, he pointed out the property lines and views from the back and Ravenna Road. Mr. Pilawa confirmed they were not adding a driveway. Mr. Herringshaw responded they were just moving it over and widening it and extending parking spaces.

Robert Gaglione, Director of Facilities Operations at UH Geauga Medical Center, was sworn in (Richard Smith was not present). He explained they want to put up a wound care facility for patients in the area. Parcel #1 (Ravenna Rd.) has three variance requests and Parcel #2 (Hospital Dr.) is for a modular unit that will have two chambers for pain management. Mr. Pilawa asked when they would like to begin construction. Mr. Gaglione responded later this year or early 2019. It would take about four months and would be completed mid 2019 weather permitting. It would have a half brick facade and vertical siding to match the existing buildings.

Mr. Pilawa asked about plans for signage because historically it has been a somewhat prickly issue and he wanted him to be aware of that. Mr. Gaglione said they want to be a good neighbor but does not know about the signage. Mr. Herringshaw interjected that Richard Smith did not want to do signage until the variances were passed, but they are allowed one wall sign. Mr. Herringshaw added that sign regulations have been tightened up a bit in recent amendments.

Mr. Pilawa then asked if it were a practical matter for the additional parking. Mr. Gaglione said yes. Mr. Herringshaw approached the table and showed the Board the parking areas. He commented that for Case 18-23 the lot coverage increased from 72% to 80%. Mr. Pilawa asked what wound care was. Mr. Gaglione responded it was for a heologic chamber; being in the facilities department that was all he knew. Mr. Herringshaw commented that Richard Smith had told him that oxygen in chambers promotes faster healing for serious wounds.

Mr. Pilawa stated for the record that 20 affected property owners were notified in Cases 18-22 and 23. Dorothy Bauer of 13149 Ravenna Road was sworn in. They own 11 acres that borders the hospital on the south and east sides. She explained that UH purchased the two parcels between them. They were unaware they were for sale. Mrs. Bauer further explained they have always had flooding issues, and was concerned about the amount of green space. She noticed there were several trees with ties on them and commented that trees absorb a lot of water. She asked about their reason for building there and mentioned there are 33 acres behind their property.

Mr. Gaglione responded that the site was chosen so that it would be closer to building 2 which is also a pain clinic. When Mrs. Bauer asked about disposal of refuse, Mr. Gaglione explained that medical waste is regulated by agencies and they have their own internal housekeeping. He added there are concrete pads there now, and he does not know if a new one will be needed. Mrs. Bauer approached the table to look at the photos of the trees. Mr. Gaglione pointed out the sidewalk with trees nearby some of which are dead and pose a safety concern. Mrs. Bauer reiterated she is concerned with runoff

and pointed out some areas have a ditch; and in other areas it goes over the road. She also mentioned UH owns a three-acre parcel beyond the parking lot.

Jean Hills of 12311 Nantucket Drive was sworn in. She commented that she understands the need for the building; her dad died a painful death and could have used something like that. She felt it should be off of 44 and perhaps they could make a nicer approach on Hospital Drive.

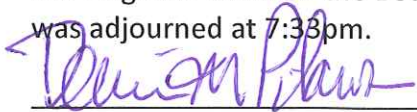
Jerry Webb of 13191 Nottingham Court was sworn in. She mentioned there is a small home across from the entrance to their development. Richard Hills was sworn in and clarified the home is south of the existing hospital in a nice area and suggested a turning lane there. Mr. Pilawa explained there has been much discussion in the past regarding the traffic on 44; however, traffic would be an issue for ODOT. The Board of Zoning Appeals applies certain factors to what is requested, not personal opinions.

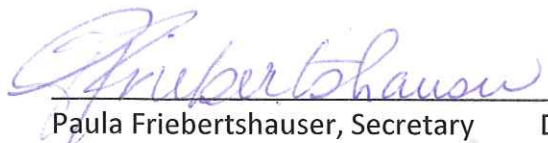
William Bauer was sworn in. He referenced Section 411 Minimum Dimensional Requirements and questioned if Mr. Pilawa had said it was forever. Mr. Pilawa responded that nothing the Board does sets a precedent; each case falls on its own merit. He explained that when the zoning resolution was developed, they could not possibly account for every circumstance; therefore, the variance procedure provides a built-in process for a variation from zoning. There are factors the Board considers when someone requests something different - there are no hard and fast rules. Mr. Bauer asked if the properties were in the commercial district. Mr. Herringshaw verified the parcels are in the Medical Use District. Mr. Pilawa questioned how the amendment process to change a zoning district works. Mr. Bushman explained if someone wants to rezone it would be a referendum vote and be put on the ballot. Mr. Pilawa then explained the use and area variance differences and noted that an area variance is easier to get. Mr. Herringshaw mentioned that the two purchased properties referenced earlier by Mrs. Bauer are zoned residential, and the 33 acres owned by UH are located in Claridon. Mr. Herringshaw added that UH would have to go to Geauga Soil & Water before they do anything. Mr. Pilawa asked Mr. Herringshaw what Geauga Soil & Water does. He responded they look at the site plan and drainage. Mr. Pilawa said the OEPA and ODOT would probably be other steps.

Mr. O'Neill asked if the oxygen tank enclosure exists now. Mr. Herringshaw said no.

Tim Kearns moved and Danielle Pitcock seconded to approve the variances requested in Cases 18-22 and 18-23. Mr. Kearns commented that a lot more will be going on with this venture and pointed out Mr. Gaglione was taking notes. Mr. Pilawa explained that the application meets most all of the Duncan Factors although he conceded that maybe not the one factor, that adjoining properties will suffer a detriment. However, the Ohio Supreme Court says that not one factor is more important than the other and in this case, seven out of the eight have been met. Mr. Pilawa added that just because the variance is a yes does not mean UH is going to do it this way; they still have to consult Geauga Soil & Water, the Building Department, etc.; however, based on the application and evidence presented, the Duncan Factors have been met. Upon the roll call, all members voted yes, 4-0. Motion carried.

Mr. Gaglione thanked the Board and the residents and said he would do his due diligence. The meeting was adjourned at 7:33pm.

 11/15/18
Dennis Pilawa, Chair Date

 11/15/18
Paula Friebertshauer, Secretary Date