

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS MEETING
MARCH 18, 2024**

PRESENT

Amanda Dillon, Chairperson
Elayne Siegfried, Vice Chairperson
Bill Montalto
J.C. Stouffer
Donna Watkins

ALSO PRESENT

P. Jeffers, Planning and Zoning Director
B. Schwehm, Zoning Secretary
P. Condron I. Reed
J. Graber B. Rose
T. Pelton

HANDOUTS: None

- AGENDA:**
1. Public Hearing: Conditional #02-24-004/Taco Bell/Wooster Pike #030-11A-01-034/Drive-thru Facility
 2. Public Hearing: Variance #02-24-007/Landmark Homes – Haslinger Holding Co./5782 New Haven Drive/Section 410.5, Front Yard Setback
 3. Public Hearing: Variance #02-24-008/Landmark Homes – Haslinger Holding Co./5767 New Haven Drive/Section 410.5, Front Yard Setback
 4. Motion to Continue Georgio Decision – Res Judicata #01-24-002
 5. Zoning Updates

Board Chairperson Amanda Dillon called the Monday, March 18, 2024 meeting of the Montville Township Board of Zoning Appeals to order at 7:00 p.m.

ROLL CALL: Board Member J.C. Stouffer – Present; Board Member Elayne Siegfried – Present; Board Member Bill Montalto – Present; Board Member Donna Watkins – Present; Board Chairperson Amanda Dillon – Present.

Board Chairperson Dillon asked if the meeting had been properly advertised in the paper.

Planning and Zoning Director Paul Jeffers said the meeting had been properly advertised.

Board Chairperson Dillon asked if contiguous property owners had been properly notified.

Planning and Zoning Director Jeffers said contiguous property owners had been properly notified.

Board Chairperson Dillon said everyone in attendance should sign in if they had not already done so. Anyone who wished to speak would be sworn in before testifying. The meeting was taped for transcription purposes; therefore, it was important for everyone to state their name clearly before speaking. As a quasi-judicial body, the Board of Zoning Appeals based its decisions on evidence and not on opinions. The official documentation of the proceedings would be the typed transcripts. She asked for cell phones and pagers to be silenced or turned off during the proceedings.

Board Chairperson Dillon presented the items on the agenda.

Board Member Watkins would be recusing herself for the fourth agenda item since she lived in the Rustic Hills Subdivision.

1. PUBLIC HEARING: CONDITIONAL ZONING CERTIFICATE #1

Application No.:	02-24-004	
Applicant:	Lori Ginther Taco Bell of America, LLC 1 Glen Bell Way Irvine, CA 92618	Agent: Josh Graber GPD Group 520 S Main Street, Ste 2531 Akron, OH 44311
Property/Owner:	Parcel #030-11A-01-034 Montville Township, Medina County, Ohio South Town Center, LLC 4015 Medina Road, Ste 200 Medina, OH 44256	
Zoning District:	Community Business District	
Request:	Chapter 450, Conditional Use Regulations A conditional for a dual lane drive-thru facility associated with a permitted use.	

Board Chairperson Dillon opened the public hearing and read/referenced the following:

- Application #02-24-004, which included a narrative related to the application; an aerial of the subject property; and Sheet C-111, Site Plan.
- Memo from Planning and Zoning Director Jeffers regarding the subject application.

Mr. Josh Graber, GPD Group, 1801 Watermark Drive, Columbus, Ohio was sworn in by Board Chairperson Dillon.

Planning and Zoning Director Jeffers was sworn in by Board Chairperson Dillon.

Board Chairperson Dillon asked if Mr. Graber had any information to present in addition to what had already been read into the record.

Mr. Graber offered to answer questions regarding the request for a conditional use for a drive-thru.

Board Member Siegfried thought the plan showed the drive-thru would have space for 12 cars.

Mr. Graber confirmed that was correct. He referred to the gap after the second car; the drawing represented the worst-case scenario. More cars would fit than were shown.

Since no one had any additional information to present or questions to ask, Board Chairperson Dillon closed the public portion of the hearing and asked for a motion.

MOTION: Board Member Watkins moved to approve Conditional Zoning Certificate Application 02-24-004 submitted by applicant, Lori Ginther, at 1 Glen Bell Way in Irvine, California 92618 for Taco Bell on Parcel #030-11A-01-034 on Wooster Pike in Montville Township, Medina County, Ohio. The agent of applicant is Josh Graber, GPD Group at 520 South Main Street, Suite 2531 in Akron, Ohio 44311.

Per Chapter 450, Conditional Use Regulations, a conditional for a dual lane drive-thru facility associated with a permitted use is approved for a Taco Bell restaurant. The property is located in the Community Business District and owned by South Town Center LLC at 4015 Medina Road, Suite 200 in Medina, Ohio 44256.

SECOND: Board Member Siegfried

ROLL CALL: Board Member Montalto – Approved; Board Member Watkins – Approved; Board Member Siegfried – Approved; Board Member Stouffer – Approved; Board Chairperson Dillon – Approved, upon consideration and review of the application. The applicant met all of the requirements and qualifications.

Motion Approved: 5 – Ayes; 0 – Nays; 0 – Abstentions.

2. PUBLIC HEARING: VARIANCE

Application No.: 02-24-007

Applicant: Landmark Homes
125 North Broadway
Medina, OH 44256

Property/Owner: 5782 New Haven Drive/SL 12
Montville Township, Medina County, Ohio
Haslinger Holding Company
PO Box 1139
Bath, OH 44210

Zoning District: R-3, Single-Family Urban Residential District

Request: Section 410.5, Yard Requirements
A variance of 10 feet is requested from the minimum front yard setback of 40 feet.

Board Chairperson Dillon opened the public hearing and read/referenced the following:

- Application #02-24-007, which included a letter from Mr. Tim Pelton to Planning and Zoning Director Jeffers regarding the subject variance request; and a layout/map showing the subject property and neighboring property.
- Memo from Planning and Zoning Director Jeffers regarding the subject variance request.

- Email from Mr. Ivan Reed, Landmark Homes, to Planning and Zoning Director Jeffers dated March 5, 2024, which included photos and additional information related to the variance requests for 5782 and 5767 New Haven Drive.

Mr. Tim Pelton, Landmark Homes, was sworn in by Board Chairperson Dillon.

Board Chairperson Dillon asked if Mr. Pelton had any information to present in addition to what had already been read into the record.

Mr. Pelton thought the application summed up the request. He did not have any additional information to present.

Planning and Zoning Director Jeffers said everyone knew Phase 1 and Phase 2 of the Preserve at Trillium Creek Subdivision would be challenging when it came to riparian ways. In his opinion, a 10-foot difference in the front yard setback would not be noticeable when transitioning from the existing subdivision into the new subdivision due to the shorter length and curvature of the street.

Referring to the information provided with the application, Board Member Siegfried said the variances that were approved for Sublots 13 and 14 did not create a precedent and would not be considered by the Board that evening.

Board Member Montalto referred to paragraph 4 of Mr. Pelton's letter, which indicated the variance would *mitigate the necessity to alter or remove 10 feet of trees from the natural environment*. He asked where the tree line was located.

Mr. Pelton referred to Sublot 12 and said the whole lot was wooded. By moving the house forward 10 feet, trees at the back of the lot would not have to be taken down, which would keep the natural barrier between the subject house and the house behind it.

Board Chairperson Dillon opened the hearing to the public.

Mr. Paul Condron, 4799 Stockbridge Drive, was sworn in by Board Chairperson Dillon.

Mr. Condron thought the variance request was to move the house back; however, it appeared the house would be moved forward, which would allow more trees to remain.

Since no one else asked to testify, Board Chairperson Dillon closed the public portion of the hearing; and the Board reviewed the Duncan Factors.

MOTION: Board Member Siegfried moved to approve Variance Application 02-24-007 submitted by Landmark Homes for the property at 5782 New Haven Drive in Montville Township, Medina County, Ohio owned by Haslinger Holding Company.

A variance of 10 feet is approved from the minimum front yard setback of 40 feet, per Chapter 410, Single-Family Residential Districts, Section 410.5, Yard Requirements. The property is located in the Preserve at Trillium Creek Subdivision in the R-3, Single-Family Urban Residential District.

SECOND: Board Member Watkins

ROLL CALL: Board Member Watkins – Approved; Board Member Stouffer – Approved; Board Member Siegfried – Approved; Board Member Montalto – Approved; Board Chairperson Dillon – Approved, upon consideration of the application, and the fact that the variance would allow the house to be moved away from the riparian area and would preserve additional natural landscaping.

Motion Approved: 5 – Ayes; 0 – Nays; 0 – Abstentions.

3. PUBLIC HEARING: VARIANCE

Application No.: 02-24-008

Applicant: Landmark Homes
125 North Broadway
Medina, OH 44256

Property/Owner: 5767 New Haven Drive/SL 20
Montville Township, Medina County, Ohio
Haslinger Holding Company
PO Box 1139
Bath, OH 44210

Zoning District: R-3, Single-Family Urban Residential District

Request: Section 410.5, Yard Requirements

A variance of 10 feet is requested from the minimum front yard setback of 40 feet.

Board Chairperson Dillon opened the public hearing and read/referenced the following:

- Application #02-24-008, which included a letter from Mr. Tim Pelton to Planning and Zoning Director Jeffers regarding the subject variance request; and a layout/map of the subject property and neighboring property.
- Memo from Planning and Zoning Director Jeffers regarding the subject variance request.
- The email from Mr. Ivan Reed, Landmark Homes, to Planning and Zoning Director Jeffers dated March 5, 2024, was again referenced.

Board Chairperson Dillon asked if Mr. Pelton had any information to present in addition to what had already been read into the record.

Mr. Pelton thought the site plan told the story. The lot was odd shaped; and with the curvature of the street, only a small portion of the house would encroach into the setback. The extra 10 feet would be a huge win for the size of the home. The extra 10 feet would allow a home to be built that was 10 to 15 feet wider and would match the other homes in the neighborhood. He said there was a buyer for the subject lot.

Planning and Zoning Director Jeffers thought he had talked with the buyer and had discussed applying for a variance due to the challenging circumstances. He thought the request for a variance was the least intrusive way to place a house on the subject lot.

Mr. Pelton said the sanitary easements were somewhat of a last minute addition to the plat. Landmark Homes participated in the development of the subdivision but was not the actual developer. None of the sanitary easements were on the initial plats that he had seen. When he saw the final plat, he noted the subject lot would be tough. However, their client was willing to work with the challenges, and he thought the proposed plan was a good solution.

Board Chairperson Dillon noted that no one else was present to testify and closed the public portion of the hearing.

The Board reviewed the Duncan Factors.

MOTION: Board Member Montalto moved to approve Variance Application #02-24-008 submitted by Landmark Homes for the property at 5767 New Haven Drive in Montville Township, Medina County, Ohio owned by Haslinger Holding Company.

A variance of 10 feet is approved from the minimum front yard setback of 40 feet, per Chapter 410, Single-Family Residential Districts, Section 410.5, Yard Requirements. The property is located in the Preserve at Trillium Creek Subdivision in the R-3, Single-Family Urban Residential District.

SECOND: Board Member Siegfried

ROLL CALL: Board Member Siegfried – Approved, and appreciated the difficulty of the subject lot and the sanitary sewer easement and the fact that only a small portion of the house would be within the 10-foot ask; Board Member Montalto – Approved; Board Member Watkins – Approved; Board Member Stouffer – Approved; Board Chairperson Dillon – Approved, and agreed with Board Member Siegfried. With the unique challenges of layout and topography, she thought a variance was appropriate.

Motion Approved: 5 – Ayes; 0 – Nays; 0 – Abstentions.

Board Member Watkins recused herself for the following agenda item.

4. MOTION TO CONTINUE GEORGIO DECISION - RES JUDICATA #01-24-002

Review to determine if there has been a substantial change in the underlying conditions to reconsider a variance request for Alan and Mary Georgio at 3177 Rustic Valley Drive in Medina, OH 44256.

Board Chairperson Dillon asked for a motion to continue the decision for the Georgio res judicata matter.

MOTION: Board Member Montalto moved to continue the Georgio res judicata decision #01-24-002 to April 15, 2024 at 7:00 p.m.

SECOND: Board Member Siegfried

ROLL CALL: Board Member Stouffer – Approved; Board Member Siegfried – Approved; Board Member Montalto – Approved; Board Chairperson Dillon – Approved.

Motion Approved: 4 – Ayes; 0 – Nays; 0 – Abstentions.

Board Member Watkins once again took a seat on the Board.

5. ZONING UPDATES

Montville Township Easter Egg Hunt

The Easter egg hunt would be held at Cobblestone Park on Sunday, March 24, 2024 at 1:00 p.m.

Mixed Use Overlay District

Work continued on the overlay district for the east side of State Route 3 near the Cobblestone Park Subdivision.

River Styx Road and Smith Road Closure

The intersection would be closed for one week beginning Monday, March 25, 2024.

Tilted Farmer

The restaurant at 7249 Wooster Pike opened on Sunday, March 17, 2024.

Spooky Walk Volunteers

Volunteer opportunities would be available in August and September for the Spooky Walk.

Comprehensive Plan Review Committee Meeting

The committee was scheduled to meet at 6:30 p.m. on Wednesday, March 20, 2024 to approve minutes.

ADJOURNMENT:

MOTION: Board Member Siegfried moved to adjourn the March 18, 2024 Board of Zoning Appeals meeting.

SECOND: Board Member Watkins

A collective oral vote was taken.

Motion Approved: 5 – Ayes; 0 – Nays; 0 – Abstentions.

The March 18, 2024 Board of Zoning Appeals meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Bonnie Schwehm
Zoning Secretary

Signature _____
Chairperson

Date _____