

BOARD of ZONING APPEALS
MINUTES of MEETING
June 19, 2019
4:30 p.m.

Attendance: Tom Moushey, Mike Aeling, Arnie Hirvela, Zoning Inspector Bill Hawley, Law Director Jennifer Arnold, and Secretary Theresa DeUnger.

1. **Minutes from the March 19, 2019 meeting:**

Hirvela made motion to approve minutes. Aeling seconded motion; unanimously approved. Moushey read the Board of Zoning Appeals procedures including the appellant recourse.

2. **Alliance Landscape Supply Appeal #19-002** – Variances for a ten foot separation from a display area from parking and separation from a display area and parking by a six foot fence or landscaping for a landscaping supply business, located in an I-1 zone.

Bill Hawley, 504 E Main St, was sworn in. This appeal is for 1305 Freshley Ave. The Planning Commission has referred the variances to the Zoning Board. Hawley explained in November 2018 the commission granted Alliance Landscape Supply a conditional use. In December 2018, they requested a waiver of site plan from the Planning Commission. Hawley explained Planning Commission gave conditions that all of the variances needed to be met. Hawley passed out minutes from the December 2018 Planning Commission meeting showing the commission would grant the waiver of site plan if the Zoning Board would grant the following two variances.

1. The display area needs to be 10 ft. from the parking area.
2. The display area has to be separated from the parking area with a fence or landscaping.

Bob Akins, 776 N. Union Ave., owner of Akins Land Surveying was sworn in. Akins explained the site is unique. The mulch piles are one of the display areas and a fence or landscaping would hinder customers loading their mulch. Akins showed the board the location of the existing building and a moveable building for the office. There will be a patio and a brick area to connect the proposed paved areas. The parking will consist of three paved areas, with one being ADA compliant. The paving will continue into a display area where the storage buildings are displayed. Akins said the bulk of the buildings will be in the graveled area. Another section of the lot will contain the play houses for children. Akins continued to show the board the different areas and how the owner plans to landscape and cement the area, which will tie them all together. Moushey and Akins discussed the 10 ft. variance needed between the display area and the parking area.

Moushey added an amendment to Hirvela's motion to read as follows.

Hirvela made the motion to grant the variance according to the plans submitted May 29,2019, to consider the grass as landscaping. Aeling 2nd the motion. Unanimously approved.

3. **Rane Construction – 833 S. Arch Ave. Appeal #19-003** – Variance from a condition of appeal #14-021 to allow equipment and materials to be stored outside within a six foot fence for a construction business, located in a B-4 zone.

Hawley explained the appeal is for some relief on the conditions. This property was granted a use variance in 2014, stating no vehicle or materials were to be stored outside. Hawley passed out a copy of the minutes from that meeting showing the board's decision. Ogden is proposing to put up a 6ft. fence so his vehicles and materials can be outside. Hawley said there have been some discussions as a council member has some concerns, but no citations have been issued.

Nathan Ogden, 833 S. Arch Ave., was sworn in. Ogden is not the owner of the property. The owners are Maurice Hatcher and Albert Carter. Ogden is currently renting the property from them. When he first moved to the property, he was mostly doing interior and insurance work. Lowe's contacted him on becoming an installer for Alliance, Canton, and Brimfield. Ogden said they are now installing roofs, siding, fences, and decks. Lowe's is having a hard time delivering materials to the customer's location so the supplies are being delivered to Rane. Since the tow motor he purchased is too big for the building, he would like to fence in the back yard with a 6ft. privacy fence. All property to be fenced in is west of the alley. Hawley sees no alley so it is possibly vacated.

Moushey asked about the pallets in front of the property. Ogden said Lowes and the public picks them up. Moushey also noticed a storage container off of Grant St. Ogden said he plans on starting the fence at the container and plans on painting it as well. He currently stores siding in it. The area to be fenced in is mainly an asphalt/gravel material. More gravel will be added by the storage container. He would like to put a 6ft chain link fence along Grant St. Moushey noticed numerous trucks parked out front. Ogden said some are employees and some belong to the business. Moushey asked him if the storage container could be moved into inside the proposed fence. Ogden said he could but was hoping the fence and painting the storage container would help improve the look of the property. The fencing would be on 3 sides and will line up to the container.

Hirvela made the motion to modify the previous 2014 decision for no storage outside. Hirvela motioned to amend the decision to allow outside storage of materials and vehicles if parcel #113488 is fenced in with a 6ft. white fence. Aeling 2nd the motion, unanimously approve.

4. **Other Business:**

Jen Arnold gave an update on the Lamar case. The judges has granted a summary judgement and Lamar filed an appeal. Arnold said the judge took a lot of time going through the 20 page opinion. There is a lot of support that the City Of Alliance did not violate Lamar's rights or the Constitution in any way. This was Lamar's claim for damages. Once this is resolved this case is closed. Arnold said the Zoning Review committee has addressed this in the rewrite and it will be submitted to Planning Commission.

No other business.

Hirvela made motion to adjourn. Moushey seconded motion. Meeting adjourned at 5:28p.m.