

REGULAR MEETING

BOARD OF ZONING APPEALS

DATE: March 22, 2011

AGENDA

STATE OF OHIO

COUNTY OF CUYAHOGA

TIME: 7:00 P.M.

WORKSESSION – 6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- a. Approval of Minutes of Regular Meeting of September 9, 2008

4. NEW BUSINESS

- a. Appeal of Thomas J. Crise, owner of industrially zoned property located at 24 Industry Drive, Bedford, Ohio seeking relief from Section 1941.02(e) of the Codified Ordinances, which prohibits the operation of auto body repair shops in this zoning district. Mr. Crise is seeking to permit one tenant area of the subject property to be used as an auto body repair center in light of the fact that it had been used similarly in recent years.

5. MISCELLANEOUS

6. ADJOURNMENT

Bedford, Ohio

March 22, 2011

Bedford Board of Zoning Appeals met in a work session at Bedford City Hall on Tuesday March 22, 2011, at 6:30 p.m.

Present: Board Members: John Trzeciak, Jim Wagner and Sharyna Cloud, Chairman. Administration: Building Commissioner Phil Seyboldt. Absent: Board Members: Kristy Glasier and Dennis Kotmel.

Building Commissioner Seyboldt began the Work Session with the discussion of the Regular Meeting agenda.

Building Commissioner Phil Seyboldt suggested that the Board elect a Chairman for the meeting. The Board appointed John Trzeciak as the chairman of the board.

Mr. Seyboldt read the applicant request of John Crise regarding his property at 24 Industry Drive. MR. Crise owns the industrially zoned property at 24 Industry Drive, Bedford, Ohio. He is requesting to use one tenant area of a 3-tenant area building as an auto body shop, a use which is not permitted in an industrial zone. Since there is evidence to suggest that such a use was present in the building in the recent past, the zoning code permits such an appeal to be presented to the Board for your consideration Mr. Seyboldt said that an auto body shop was present in the building around 10 years ago for about 5 years, then moved to a new location.

Mr. Trezciak asked if it was rezoned before they moved.

Mr. Seyboldt stated that it was.

Mr. Trezciak asked if there are any businesses in the building attached next door to it?

Mr. Seyboldt stated that the one portion of the building is vacant but the other is occupied. He also said that he believed Crise spoke with the business owner in building A and said he would have no complaints of having an automotive shop next door. Phil also said that letters were sent out to all the neighbors on Industry Drive and we had no responses back from any of the residents.

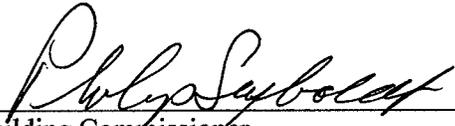
Mr. Seyboldt also stated to make sure that Crise is aware that this only pertains to this current shop going in now, if another wants to enter there must be another meeting to be approved.

Wagner questioned if the spray booth was approved by the fire department. Mr. Seyboldt said he was unsure and to question it at the meeting.

Mr. Seyboldt also mentioned that Woodside Village may be requesting a variance on having a larger sign for their company and that there may be another BZA meeting coming up shortly.

The Commission decided to continue discussion of 24 Industry Drive be able to offer space to businesses other than I-1 specific businesses at the Regular Meeting. No other discussion was had.

Work Session was adjourned at 6:00 p.m.



Building Commissioner



Chairman

Bedford, Ohio

March 22, 2011

The Board of Zoning Appeals met in regular session at Bedford City Hall on Tuesday, March 22, 2011 at 7:05 P.M. The roll was called: Present: Sharyna Cloud, John Trezciak, Jim Wagner. Absent: Kristy Glasier and Dennis Kotmel. Also in attendance was Building Commissioner Phil Seyboldt.

Motion made by Wagner seconded by Cloud to excuse the absence of Glasier and Kotmel. The roll was called. Vote - Yeas: Cloud, Trezciak, Wagner. Motion carried unanimously.

Motion made by Trezciak seconded by Wagner to approve the minutes of the regular meeting of September 9, 2008. The roll was called. Vote – Yeas: Cloud, Trezciak and Wagner. Nays: None. Motion carried unanimously.

Acting Chairman Trezciak informed those present that according to a ruling made by the Law Department anyone wishing to speak at a public meeting is to rise, raise their right hand and the following oath administered. “Do you solemnly swear and affirm that the statements you are about to make are the truth.” Then give your name and address for the record.

APPEAL OF THOMAS J. CRISE – 24 Industry Drive Bedford, Ohio 44146

Present: Thomas J. Crise – 360 Woodland Drive, Medina Ohio 44256.

Acting Secretary Annie Zgrabik read the appeal. Applicant’s name, Thomas J. Crise.; Property Location, 24 Industry Drive Bedford, Ohio 44146; P. P. No. 814-06-011; Zone I-1; Present Use of Property, Vacant; Reason for Filing Appeal, Variance to rezone or permit renting to businesses that are not industrial by I-1 definition Applicant requests Board to vary the terms of Codified Ordinance 1941.02(e). Set forth special conditions pertinent to this appeal, the ability to offer space to businesses other than I-1 specific will bring business into Bedford and allow the building to sustain itself. Set forth unnecessary hardship imposed on the owner of premises if strict letter of the ordinance was to be enforced: The limitation of renting space to only I-1 specific businesses causes the turning away of interested parties, ready and willing to conduct business at 24 Industry Drive, Bedford, Ohio. This causes the owner to have inadequate funds for taxes and standard upkeep not generated by the property putting unnecessary hardship on the owner to pay these from personal accounts.

Mr. Crise, thanked the board for meeting and taking the time to consider allowing the property to be used in a way it has been previously used from 1988 through approximately 2002 there was an automotive shop operating on the premises. In section 1941.02 (e) permits facilities to either repair or rebuilt in a certain equipment, the requests in not contrary to the general purpose intent or objective of the code. It will not effect neighbors adversely in any way. The granting of the variance will not be materially detrimental to the public welfare or injuriously to the property while improvements to the property in the neighborhood in which the property is located. With granting of the variance will not be contrary to the general purpose, intent and objective of this code and the master plan of the City of Bedford. This variance request is in true spirit in intent behind the zoning requirement and would be advert substantial justice would be done by granting this variance.

Mr. Trzeciak asked if there was any one in the audience that would like to speak for the appeal. No response.

Mr. Trzeciak then asked if there was any one in the audience that would like to speak again the appeal.

Mr. Seyboldt asked if there was going to be a spray booth in the auto body shop and if it was approved by the Fire Department.

Crise said it would have a spray booth and it was approved and followed all the proper codes.

Mr. Seyboldt asked if building B was rented. Crise said no it was currently vacant.

Mr. Seyboldt said he was concerned because controlling the smell of the fumes may bother neighbors.

Mr. Trezciak asked, which one of the three units were used for the auto body shop in the past.

Mr. Crised answer Unit B.

Mr. Trezciak asked if that still counted as evidence of the auto body working in the past as the same building even though it was in a different unit.

Mr. Seyboldt said that the code requires the business to have previously been there and it is able to be considered to be previously use at that location since the buildings are attached.

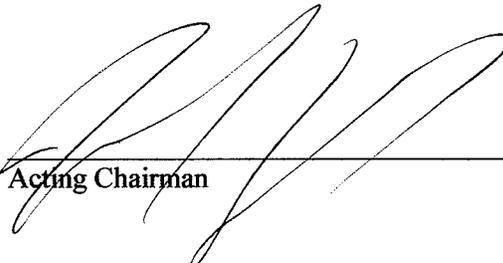
Mr. Wagner said that based on the fact that there have been auto businesses in this building I would like to make a motion to approve this variance, seconded by Cloud. The roll was called. Vote – Yeas: Cloud, Trezciak, Wagner. Nays: None. Motion carried unanimously.

Mr. Seyboldt stated that the Board has now recommended approval of the variance, and it will go to Council at the next meeting to be approved.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Wagner seconded by Cloud to adjourn. The roll was called. Vote – Yeas: Cloud, Trezciak. Nays: None. Motion carried unanimously.

Meeting adjourned at 7:30 P.M.



Acting Chairman



Secretary