

BOARD OF ZONING APPEALS MINUTES
February 1, 2022



MEETING
LOCATION: City Council Chambers, City Building

MEMBERS: Christopher Amburgey Todd Moore
PRESENT: Stefan Wannemacher Gary Gross
 Jim Hall Jerry Heidenreich

STAFF
PRESENT: James Metz, City Planner

OTHERS PRESENT: Scott Bunch and Mark Quinn

Chairman Moore called the meeting to order at 5:30 P.M. The roll was called by James Metz. A voting quorum was present for the meeting. Mr. Moore led the pledge of allegiance.

APPROVAL OF PREVIOUS MEETING MINUTES – DECEMBER 7, 2022

Mr. Moore asked if everyone had a chance to review the previous meeting minutes and asked for a motion. Mr. Hall made a motion to approve the December 7, 2022 meeting minutes. Mr. Amburgey seconded the motion. Mr. Moore and Mr. Wannemacher abstained from voting due to an absence. The motion was approved through a roll call.

VARIANCE REQUEST #1-23: 230 SOUTH VERITY PARKWAY

Mr. Moore presented Variance Case #1-23: A request by applicant Mark Quinn with U-Haul for approval of an Area and Dimensional Variance for the property located at 230 South Verity Parkway. The property is zoned B-3: General Business District. The two variances requested are for a reduction in the setback from a residential neighborhood from 100ft to 25ft and for the construction of self-storage units without a fence surrounding the entirety of the property where the Middletown Development Code states that all self-storage facilities need to be completely enclosed by walls, fences, or buildings.

Mr. Metz was sworn in and presented the case using a PowerPoint presentation.

Mr. Metz displayed photos of the subject property.

Mr. Metz displayed a zoning map and stated that the property is zoned B-3: General Business District. Mr. Metz displayed Table 1204-3: Permitted Principle Uses and read the City of Middletown's Development Code regarding the permitted uses within the B-3 District then Mr. Metz read the standards for self-storage facilities.

Mr. Metz stated that per the Middletown Development Code, the requirement for legal notice for variance requests, and meeting notice letters for the proposed appeal were sent to all property owners contiguous and directly across the street or public right-of-way and noted that no comments were received.

Mr. Metz displayed and read Chapter 1226.10: Variances and the Use Variance Review Criteria.

Mr. Metz displayed the following Appeals information: any person or entity claiming to be injured or aggrieved by any final action of the Board of Zoning Appeals has the right to appeal the decision the court of common pleas as provided in the Ohio Revised Code Chapters 2505 and 2506.

Mr. Metz stated the applicant was present and concluded his staff report.

Mr. Moore stated he would like to open the public forum. Mr. Moore asked if there is anyone who would like to speak in favor of the project.

Mark Quinn was sworn in by Mr. Moore. Mr. Quinn explained the process that U-Haul and the City of Middletown have worked through to finally agree upon an expired contract. Mr. Quinn stated numerous times he was excited to move forward with the project.

Mr. Moore asked if there was anyone else who would like to speak in favor or in opposition to the application. Hearing none, Mr. Moore closed the public hearing.

Mr. Hall made a motion to approve the variance as submitted. Mr. Gross seconded the motion. The motion was approved through roll as a 6-0 vote.

- Mr. Gross – Yes to Approve
- Mr. Hall – Yes to Approve
- Mr. Wannemacher – Yes to Approve
- Mr. Moore – Yes to Approve
- Mr. Amburgey – Yes to Approve
- Mr. Heidenreich – Yes to Approve

VARIANCE REQUEST #2-23: AREA AND DIMENSIONAL VARIANCE – 3593 SOUTH DIXIE HWY

Mr. Moore presented Variance Case #2-23: A request by applicant Scott Bunch with Bigby Coffee for approval of an Area and Dimensional Variance for the property located at 3593 South Dixie Highway. The property is zoned B-2: Community Business District. The variance requested is for the removal of a stacking lane curb where the Middletown Development Code states when stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.

Mr. Metz was sworn in and presented the case using a PowerPoint presentation.

Mr. Metz displayed photos of the subject property and the future site plan.

Mr. Metz displayed a zoning map and stated that the property is zoned B-2: Community Business District. Mr. Metz read the City of Middletown's Development Code regarding stacking lanes being separated from other stacking lanes, bypass lanes, or from other site areas by a raised concrete median, concrete curb, or landscaping.

Mr. Metz stated that per the Middletown Development Code, the requirement for legal notice for variance requests, and meeting notice letters for the proposed appeal were sent to all property owners contiguous and directly across the street or public right-of-way and noted that

no comments were received.

Mr. Metz displayed and read Chapter 1226.10: Variances and the Use Variance Review Criteria.

Mr. Metz displayed the following Appeals information: any person or entity claiming to be injured or aggrieved by any final action of the Board of Zoning Appeals has the right to appeal the decision the court of common pleas as provided in the Ohio Revised Code Chapters 2505 and 2506.

Mr. Metz stated the applicant was present and concluded his staff report.

Mr. Moore stated he would like to open the public forum. Mr. Moore asked if there is anyone who would like to speak in favor of the project.

Scott Bunch was sworn in by Mr. Moore. Mr. Bunch explained his reasoning for the removal of the raised concrete median including the median impacting trash removal and the curb being a safety hazard.

Mr. Moore asked if there was anyone else who would like to speak in favor or in opposition to the application. Hearing none, Mr. Moore closed the public hearing.

Mr. Moore asked Mr. Bunch if there will be traffic signs to help guide the drivers. Mr. Bunch confirmed that there would be.

Mr. Amburgey stated "this property I know when we had the Time Warner situation in there. Getting out of there could be quite a chore. Because I don't know if there's been any consideration the 9 to 11 time period means something to me, okay, because my concern would have been traffic flow, we have a traffic light, and if you go down beyond the Sonic, there is a traffic light there, which is a very good thing to come straight out of this in front of this strip center. Sometimes, people, you have a heck of a time getting out and you won't get out if you intend to turn left. I mean, you simply have to go down that traffic light but I didn't know how much consideration had been given to that even by you before you came to set up your business".

Mr. Bunch stated he had spent several hours at the site watching traffic flow into and out of the property at peak hours.

Mr. Amburgey stated "Well, my concern is what my vote is what it might do".

Mr. Heidenreich stated "I'd like to pick up on what you're saying. I think entrance into that part is a problem as well. I happen to live down that street and I know if like from coming up Roosevelt, my turn left there, there are people that will I don't know if it's illegal or not. But they'll want to turn in that entrance that you're talking about as an exit too and what happens is, you got an arrow that comes in, allowing you to turn left on there and there are actually two lanes that turn left from Roosevelt on to Dixie Highway and that left lane can get backed up to where I've been stuck on Roosevelt because they line up to turn left and you can't turn left because of the traffic that's going south on Dixie Highway and it's backed up and actually blocks access to that entrance and they're not smart enough to go down to the light or something in turn left and come into the traffic. So I don't know that it's your problem. But it's

the city's problem because that's going to cause or that can cause some traffic incidents. Especially if you're increasing the amount of people turning in to get your coffee. I've got a suggestion that the city might consider the traffic engineer might consider putting those two-foot yellow flexible posts along that whatever yellow lines you got there that would prevent a person from turning left from Dixie Highway into that entrance".

Mr. Moore asked Mr. Metz what are their options when voting on this application. Mr. Metz stated they can vote to approve, approve with modifications, vote to table the item, or vote to deny. Mr. Metz recommended that they state the specific review criteria when making a decision.

MR. Amburgey stated "I don't know that I would want to even attempt to stipulate anything relative to the traffic thing but I think it would be nice if you accepted from us the comments and attach them as a concern and a consideration in Jerry's point about those flexible things in the street, I don't know the proper term for them but that it's an excellent suggestion to be considered.

Mr. Metz stated that is something he can share with the Public Works department as what they are asking for is a traffic impact study and is within the purview of the Public Works department.

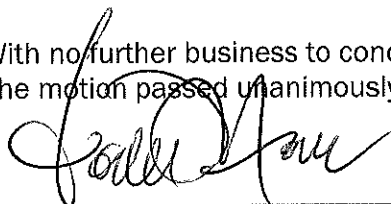
Mr. Moore asked if there was a motion. Mr. Heidenreich made a motion to approve the variance as submitted. Mr. Gross seconded the motion. The motion was approved through roll as a 6-0 vote.

Mr. Gross - Yes to Approve
Mr. Hall - Yes to Approve
Mr. Wannemacher - Yes to Approve
Mr. Moore - Yes to Approve
Mr. Amburgey - Yes to Approve
Mr. Heidenreich - Yes to Approve

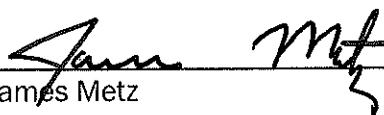
NEW/OLD BUSINESS

ADJOURNMENT

With no further business to conduct, there was a motion to adjourn at 6:37 pm.
The motion passed unanimously.



Todd Moore
Chairman



James Metz
City Planner

*Full Meeting Recording Available in the Development Services Department.