

BOARD OF ZONING APPEALS MINUTES

JUNE 4, 2025



MEETING LOCATION: City Council Chambers, City Building

MEMBERS PRESENT: David Kash Stefan Wannemacher
Thomas Evans Jerry Heidenreich
Gary Gross AJ Mentel

STAFF PRESENT: Kacie Savage, Zoning Administrator
Jon Roach, Staff Counsel

OTHERS PRESENT: Edward Schaefer, Byron Adkins, Daniel Diver, Andrew Savage, Taylor and Adam Kimmle

CALL MEETING TO ORDER

Chairman David Kash called the meeting to order at 5:30 p.m. The roll was called by Kacie Savage. A voting quorum was present. Mr. Kash led the pledge of allegiance.

APPROVAL OF PREVIOUS MEETING MINUTES – MAY 7, 2025

Mr. Kash then moved to the next item on the meeting agenda: the meeting minutes from the May 7, 2025 meeting. Mr. Kash asked if there was a motion to approve the May meeting minutes. Mr. Heidenreich motioned that the meeting minutes be accepted as presented; Mr. Gross seconded the motion.

David Kash – Yes to Approve
Stefan Wannemacher – Yes to Approve
Gary Gross – Yes to Approve
Jerry Heidenreich – Yes to Approve
Thomas Evans – Yes to Approve

USE VARIANCE CASE #14-25: 4214 GRAND AVENUE

Mrs. Savage then presented the first variance case of the evening, variance case #14-25: A request by applicant Tesla c/o SSC for an area and dimensional variance for the property at 4780 Roosevelt Boulevard to allow for the removal of curbing for the installation of EV charging dispensers where chapter 1218.04(g)(5) of the Middletown Development Code requires all parking areas be bounded by curbs.

Ms. Savage presented the staff analysis for the variance case using a PowerPoint presentation. Ms. Savage stated the applicant is seeking an area and dimensional variance to remove the curbing from the parking lot at 4780 Roosevelt Boulevard; a required element for off-street parking areas per the Middletown Development Code. Ms. Savage explained the purpose of the O-1P zoning district. Ms. Savage stated the applicant does not believe if granted the use variance would affect the surrounding properties and the delivery of

governmental services. Ms. Savage then cited Chapter 1218.04(g)(5), the section of code stating curbing is required.

Ms. Savage stated that per the Middletown Development Code, public notice was published as well as sent to all property owners contiguous and directly across the street or public right-of-way from the property in question. No public comments were received.

Ms. Savage then displayed pictures of the variance application, property and areas surrounding the property, the zoning map, the Area and Dimensional Variance Review Criteria, the time limit associated with an approved variance, and the appeal process. Ms. Savage then concluded her staff report. Mr. Kash sworn in Ms. Savage.

Mr. Kash opened the public hearing to anyone wishing to speak in favor of the request. Mr. Kash asked if anyone else wished to speak in favor of the variance. Hearing none, Mr. Kash asked if anyone wished to speak in opposition. Mr. Kash closed the public hearing.

Mr. Kash re-opened the public hearing for the applicant. Andrew Vega was sworn in.

Mr. Vega stated the curb cutting is for ADA accessibility.

Mr. Wannemacher asked Mr. Vega if there would be any curbing behind the dispenser. Mr. Vega stated the dispenser sits on pre-fab concrete so in a sense is sitting on curbing.

Mr. Kash wanted to affirm the need for the variance was for ADA compliance. Mr. Vega stated Mr. Kash was correct.

Mr. Kash asked if there was any ability for there to be curb placed behind the dispensers. Mr. Kash and Mr. Vega discussed the purpose of the Code requirement for curbing including for safety, engineering, and aesthetics.

Mr. Kash and Mr. Vega discussed the technical specs of the curb removal including number of chargers to be installed and the distance between each charger.

Mr. Kash stated it seemed that curbing could still be installed behind the perimeter of the charging units. Mr. Kash asked if it was a cost factor prohibiting Mr. Vega for installing curbing. Mr. Vega stated it was not a cost factor.

Mr. Vega stated he was trying to picture what Mr. Kash was explaining. Mr. Evans re-explained Mr. Kash's idea of adding curbing behind the charging units. Mr. Vega asked about encroachment on existing setbacks. Ms. Savage stated she was unaware of the setbacks in this zoning district and would need to verify. Ms. Savage also stated that the City's engineering department has approved the plans as proposed.

The board discussed the technical details of the grading of the property and the engineering site plans.

Mr. Gross asked Mr. Vega if the chargers had a curbing in front of them or baluster to

prevent people from backing into them. Mr. Vega said the unit itself is secured into the ground itself on the pre-fab concrete.

Mr. Kash asked if there were any additional questions for the applicant. Mr. Kash asked if anyone else wished to speak in favor of the variance. Hearing none, Mr. Kash asked if anyone wished to speak in opposition. Mr. Kash re-closed the public hearing.

Mr. Wannemacher spoke to the grading of the proposed parking area for the charging dispensers.

Mr. Heidenreich asked if there were parking restrictions for the dispensers that would prevent gas vehicles from parking in these spots. Ms. Savage said she was unaware of any restrictions. Mr. Gross stated there were additional parking spaces on the other side of the building.

Mr. Wannemacher states he can see Mr. Kash's perspective why the curbing is necessary, but given the topography of the parking lot questions the necessity of the curbing.

Mr. Wannemacher motioned to approve the variance; Mr. Wannemacher seconded the motion.

Mr. Kash invited the applicant back up to the podium. Mr. Kash asked how the grading of the parking lot affects the installation of the dispensers. Mr. Vega stated that the install would protrude approximately 8 feet into the grading of the grass behind the existing parking lot.

Mr. Heidenreich asked Mr. Vega about the parking restrictions. Mr. Vega stated it is just common curtesy and there is a limit in place for how long the electric vehicles can park in these spots.

Mr. Kash asked Council if there are any parking restrictions. Mr. Roach stated there are no state laws regarding this and it would be up to the discretion of the property owner.

Mr. Kash reiterated his stance that there is a purpose for the Code requirement for curbing including for safety, engineering, and aesthetics.

Mr. Wannemacher stated that coming into the lot, aesthetically, you would still see nice clean concrete edge. Mr. Wannemacher stated after he saw the grading of the extension of the lot he would be in favor of the request.

Mr. Wannemacher made a motion to approve the request based on criteria nine; Mr. Gross seconded the motion citing the ADA compliance as another factor to consider in the approval. The motion was approved through a roll call vote, with a 5-0 vote.

David Kash – Yes to Approve

Stefan Wannemacher – Yes to Approve

Gary Gross – Yes to Approve

Jerry Heidenreich – Yes to Approve
Thomas Evans – Yes to Approve

USE VARIANCE CASE #15-25: 1699 WOODSIDE BOULEVARD

Mrs. Savage then presented the next variance case of the evening, variance case #15-25: A request by applicant Woodside Cemetery Association for a use variance for the property at 1699 Woodside Boulevard to allow for the establishment of a funeral home. The property is zoned R-4: Attached Residential District. The variance requested is to allow for the funeral home use type in the R-4 district, a prohibited use according to Table 1204-3 of the Middletown Development Code.

Ms. Savage then presented the staff analysis for the variance case using a PowerPoint presentation. Ms. Savage stated the applicant does not believe if granted the use variance would affect the surrounding properties and the delivery of governmental services.

Ms. Savage stated that per the Middletown Development Code, public notice was published as well as sent to all property owners contiguous and directly across the street or public right-of-way from the property in question. Ms. Savage stated she received one comment from a resident who was neutral about the request, but curious to know if a new building was being constructed.

Ms. Savage then displayed pictures of the variance application, property and areas surrounding the property, the zoning map, the Use Variance Review Criteria, the time limit associated with an approved variance, and the appeal process. Ms. Savage then concluded her staff report.

Mr. Kash opened the public hearing to anyone wishing to speak in favor of the request. Mr. Kash swore in Edward Schaffer, Daniel Diver, and Byron Atkins.

Mr. Schaffer dove into the history of Woodside Cemetery and the reason for the variance request. Mr. Schaffer stated the applicant wants to keep up with the growing trend of cemeteries across the nation converting to both cemeteries and funeral homes to provide traditional in-ground burials and cremations. Mr. Schaffer stated in order to provide cremation at the property for consumers and to be licensed through the state Woodside Cemetery needs to be classified per zoning as a funeral home.

Mr. Heidenreich stated the building that is proposed for cremation is farther back on the property from the main entrance and asked if there were future plans to put in shorter access to the building. Mr. Diver stated that building was chosen for the Certificate of Occupancy. Mr. Diver stated they would use multiple buildings on the property and eventually in 3-5 years construct a new building.

Mr. Heidenreich asked about concern for large gatherings. Mr. Diver stated the crematory can handle 25 people, but larger services would be held elsewhere.

Mr. Kash wanted to clarify that the building itself would be classified as the funeral home. Mr. Diver stated yes, they would be using the existing building.

Mr. Evans asked which site would be used for larger services. Mr. Diver stated they have a community room located in the same building as their general offices that would be used.

Mr. Kash asked if anyone else wished to speak in favor of the variance. Hearing none, Mr. Kash asked if anyone wished to speak in opposition. Mr. Kash closed the public hearing.

Mr. Kash asked if any other funeral homes reached out. Ms. Savage stated no.

Mr. Wannemacher motioned to approve the request; Mr. Heidenreich seconded the motion.

The motion was approved through a roll call vote, with a 5-0 vote.

David Kash – Yes to Approve

Stefan Wannemacher – Yes to Approve

Gary Gross – Yes to Approve

Jerry Heidenreich – Yes to Approve

Thomas Evans – Yes to Approve

OLD/NEW BUSINESS

No old or new business was discussed.

ADJOURNMENT

With no further business to conduct, Mr. Kash motion to adjourn the meeting. The meeting was adjourned at 6:15 p.m. The motion passed unanimously.



Board of Zoning Appeals Chairman



Kacie Savage
Board of Zoning Appeals Liaison

*Full Meeting Recording Available on the City's YouTube Channel.

