

**Board of Zoning Appeals  
Meeting Minutes  
October 28, 2009**

Vice Chairman Dave Robinson convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Dave Robinson, Paul Wilkerson, Robert Juve, Russell Hose and Neal Call. Assistant Zoning Inspectors Matt Springer and Sue Schultz along with Attorney Irv Sugerman were in attendance. Chairman Joe Weinstein and Naureen Dar were absent.

**PUBLIC HEARING**

**APPLICANT: DR. RICHARD VIERING**

**LANDOWNER: WHEATON PLACE HOME OWNERS ASSOCIATION**

**LOCATION: WHEATON PLACE/CREEKSTONE SUBDIVISION**

**ZONING DISTRICT: PRDD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT**

**VARIANCE: SECTION 451-5 (A)**

Mr. Robinson opened the public hearing.

Mr. Robinson swore in Assistant Zoning Inspectors Matt Springer and Sue Schultz along with the applicant, Dr. Richard Viering and Mr. George Clark.

Ms. Schultz stated the landowners in Wheaton Place are requesting that the two existing roads that are undedicated to become dedicated. This would change the front setback from 25 feet from edge of pavement to 50 feet from the road right-of-way (currently there is no right-of-way). Ms. Schultz stated that in doing so, the applicant is requesting to keep the existing minimum building setback line at 25 feet from the edge of pavement. Creekstone Parkway and Clifford Drive will have established 50 foot right-of-ways.

Ms. Schultz stated that the landowners in Wheaton Place made numerous upgrades and improvements to the existing road infrastructure to satisfy the standards of the Summit County Engineer Department. Ms. Schultz stated that the Board of Trustees, Service Director Mark Mitchell and the Fire Department had no objections to this request.

The following properties affected by the road dedication are: permanent parcel numbers 1508012, 1234 Clifford Drive; 1508013, 1230 Clifford Drive; 1508096, 1222 Clifford Drive; 1508056, 1245 Clifford Drive; 1508115, 1263 Clifford Drive; 1508057, 1275 Clifford Drive; 1508058, 1285 Clifford Drive; 1508015, 1295 Clifford Drive; 1508016, 1301 Clifford Drive; 1507820, 1311 Clifford Drive; 1507821, 1315 Clifford Drive; 1508097, 1325 Clifford Drive; 1508033, 1335 Clifford Drive; 1508098, 1346 Clifford Drive; 1507548, 1336 Clifford Drive.

Mr. George Clark stated that he resides at 1222 Clifford Drive and supports the public road dedication. Mr. Clark continued by stating that the Wheaton Place Home Owners Association has spent thousands of dollars to make necessary upgrades to the infrastructure prior to the Township taking ownership. Mr. Clark presented the Duncan v. Middlefield factors and stated that the Wheaton Place Homeowners Association satisfactorily meets each category used to evaluate a hardship.

Mr. Robinson asked for additional comments. None were offered.

**Mr. Call moved to close the public hearing, Mr. Hose, second.**

**Mr. Robinson called for a vote.**

**Roll call on the motion:**

**Aye: Dave Robinson, Bob Juve, Neal Call, Paul Wilkerson,  
Russ Hose.**

**Nay: None**

**Abstain: None**

**The motion carried.**

Mr. Robinson asked for discussion from the Board.

**Mr. Hose moved to approve the application as submitted and allow future lots including existing structures to be built and/or remain at the minimum 25 feet setback from curve once the road is dedicated to the Township and a 50 foot road right-of-way is established, Mr. Call, second.**

**Mr. Robinson called for a vote.**

**Roll call on the motion:**

**Aye: Dave Robinson, Russ Hose, Bob Juve, Paul Wilkerson, Neal Call.**  
**Nay: None**  
**Abstain: None**  
**The motion carried.**

**PUBLIC HEARING**  
**APPLICANT: KURT LOOS**  
**LANDOWNER: KLL INVESTMENTS LLC.**  
**LOCATION: 58 BROOKMONT RD.**  
**ZONING DISTRICT: C-4 COMMERCIAL**  
**VARIANCE: ADMINISTRATIVE APPEAL**

Mr. Robinson opened the public hearing.

Mr. Robinson swore in Mr. Kurt Loos and Mr. Tom Meinert.

Ms. Maryanne Chandler stated that was the attorney representing Mr. Loos. Ms. Chandler stated that the Mr. Loos requested to place a pet wash at his current location at 58 Brookmont Road. Ms. Chandler stated that a pet wash would be a permitted accessory use at this location.

Mr. Tom Meinert stated that he is president of National Automotive which constructs and services car washing facilities. Mr. Meinert has constructed 13 pet wash facilities in recent years. Mr. Meinert said, "An average pet washing facility could see approximately five to 10 customers per day and it takes about 15 minutes for them to complete their wash."

Mr. Meinert stated that pet wash facilities are a growing trend and expects them to become the standard accessory use to the primary car wash station.

Mr. Kurt Loos stated that he would like to construct the pet washing facility to supplement his car washing bays during periodic slow periods. Mr. Loos stated that he would comply and work with any health codes that may be applicable for pet washes.

Mr. Robinson stated that the applicant should present this to the Zoning Commission rather than the Board of Zoning Appeals. Mr. Robinson asked the applicant if he would like to table his application and go before the Zoning Commission prior to coming before the Zoning Appeals again.

Ms. Chandler stated that her client wishes to table and appear before the Zoning Commission.

**Mr. Juve moved to approve the minutes dated September 30, 2009 as submitted, Mr. Wilkerson second the motion.**

**Mr. Robinson called for a vote.**

**Roll call on the motion:**

**Aye: Dave Robinson, Paul Wilkerson, Russ Hose, Bob Juve,**

**Neal Call.**  
**Nay: None**  
**Abstain:**  
**The motion carried.**

The Board had no pending applications at this time and therefore will set the next meeting once an application has been filed.

With no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

Approved By:

Submitted By:

\_\_\_\_\_  
Dave Robinson, Vice Chairman

\_\_\_\_\_  
Matt Springer, Assistant Z.I.