

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Scott Fisher, Stephanie Atkinson, Ann Harris, Gerald Krone, George Cook

Members Absent: None

Others Present: Corey Weaver, Michelle Weaver, Dave Brewer, Greg Heim, Belinda Kingsley, Zoning & Code Enforcement Administrator, Zoe Crowley, Recording Clerk.

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Fisher called the meeting to order at 6:32 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Harris, supported by Member Krone, to move Item 7.1 to follow 5.1, and approve the Agenda as recommended.

MOTION CARRIED

3.0 Communications and Announcements

None.

4.0 Items from the Floor

None.

5.0 Public Hearings

5.1 ZBA 20-06 Zippy Auto Wash

Submitted for Variance to Encroach in Required Greenbelt on Carpenter 3952 Bestech Dr., Section 23

Ms. Kinglsey summarized the staff report. The applicant is seeking preliminary site plan and conditional use approval to construct a 4,843 square foot automatic car wash with a 150-foot fully automatic wash bay, mechanical dryers, heated exit and entrance slab, and vacuum stations. The 1.75-acre site is currently vacant. The site includes two (2) automatic pay stations located at the rear of the site to provide additional stacking spaces for traffic queuing on site. The concrete entrance and exit ramps shall be heated to prevent freezing. Areas beyond these slabs shall be salted regularly in freezing temperatures to prevent ice on paved surfaces. There will be three (3) vacuum islands located adjacent to the building with two (2) vacuums each. Employee and customer parking are located adjacent

to the building. The applicant is requesting a variance from Section 13.02.E.2.a., which requires greenbelts shall be a minimum of ten (10) feet in width. As proposed, the drive adjacent to Carpenter Road is located five (5) feet from the ROW line. Section 12.05.C.3. requires driveways parallel to adjacent streets or roads shall not be permitted in the required greenbelt. However, many of the proposed drive-aisles are 30-feet in width where only 22 to 24-foot widths are required. In addition, the one-way drive-aisle into the carwash is 16-feet in width. This drive-aisle only needs to be 10 to 12-feet in width. Lastly, the one-way drive aisles adjacent to the parking spaces are 22-feet in width which is the width required for two-way movements. We requested the applicant look for opportunities to reduce drive-aisle widths to eliminate the need to encroach into the greenbelts, and the applicant has responded that the proposed drive widths are the minimum design standards for proper, safe, and efficient operation of the use on the site. The applicant is encroaching 5-feet into the required 10-foot greenbelt on Carpenter Road.

Dave Brewer, on behalf of the applicant, clarified the modifications to the site plan since the May 7, 2020 Planning Commission meeting. He also explained why a variance is needed. The right of way along Carpenter Road steps in ten (10) additional feet, most likely due to a drainage pipe, leading to the community detention pond. The applicant is appealing to the Road Commission to grant the ten (10) feet of right of way, in lieu of a drainage easement. The building will be about 100 feet from Carpenter Road. The steepness of the site will also allow for more screening.

Corey Weaver, applicant, added that this site is encumbered with an additional ten (10) feet of right-of-way compared to other sites on Carpenter Road. He explained the experience he and his team have gained from their other Zippy Auto Wash projects in the area has taught him that stacking is an issue.

Chairperson Fisher opened the Public Hearing.

Motion by Member Harris, supported by Member Atkinson, to close the Public Hearing for ZBA 20-06 Zippy Auto Wash.

MOTION CARRIED

Item 7.1 of New Business moved to follow Item 5.1 of the Public Hearing.

7.1 ZBA 20-06 Zippy Auto Wash

Submitted for Variance to Encroach in Required Greenbelts on Bestech and Carpenter 3952 Bestech Dr., Section 23

Discussion was held on:

- 1) Right of way
- 2) Turn radii
- 3) Storm pipe under Bestech Drive
- 4) Screening Ordinance

Chairperson Fisher read the findings for **ZBA 20-06 Zippy Auto Wash** in the Staff Report for Section 13.02.E.2.a, which requires greenbelts shall be a minimum of ten (10) feet in width, and Section 12.05.C.3., which requires driveways parallel to adjacent streets or roads shall not be permitted in the required greenbelt, and permit the driveway to encroach 5' into the required greenbelt.

1. *That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Cook agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.
Member Atkinson agrees with the finding.
Member Fisher disagrees with the finding.

2. *That the granting of a variance would do substantial justice to the applicant as well as to the other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Krone agrees with the finding.
Member Atkinson agrees with the finding.
Member Fisher agrees with the finding.
Member Cook agrees with the finding.
Member Harris agrees with the finding.

3. *That the plight of the applicant is due to the unique circumstance of the property and not to general conditions in the area.*

Member Harris agrees with the finding.
Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher agrees with the finding.
Member Atkinson agrees with the finding.

4. *That the plight or problem is not self-created.*

Member Atkinson agrees with the finding.
Member Fisher agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.
Member Cook agrees with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of the variance.*

Member Fisher agrees with the finding.
Member Cook agrees with the finding.
Member Atkinson agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Harris agrees with the finding.
Member Atkinson agrees with the finding.
Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher disagrees with the finding.

Chairperson Fisher mentioned the oppositional email received from a resident.

Motion by Member Atkinson, supported by Member Krone, to approve petition ZBA 20-06 Zippy Auto Wash to grant a variance from Section 13.02.E.2.a, which requires greenbelts shall be a minimum of ten (10) feet in width, and Section 12.05.C.3. requires driveways parallel to adjacent streets or roads shall not be permitted in the required greenbelt, and permit the driveway to encroach 5' into the required greenbelt.

ROLL CALL

YES: HARRIS, COOK, ATKINSON, KRONE
NO: FISHER
ABSENT: None
ABSTAIN: None

MOTION CARRIED

6.0 Old Business

None

8.0 Zoning Administrator's Report

There are currently no applications for a June meeting. June 1, 2020 is the deadline. Members will be notified if the meeting is cancelled.

9.0 Member's Report

None

10.0 Secretary's Report

None

11.0 Chairperson's Report

None

12.0 Approval of Prior Minutes

12.1 Minutes of April 27, 2020

**Motion by Member Krone, supported by Member Cook,
to approve the Minutes of April 27, 2020.**

MOTION CARRIED

13.0 Adjournment

Chairperson Fisher adjourned the meeting at 7:12 p.m.

Ann Harris, Secretary

June