

**Board of Zoning Appeals Meeting
November 18, 2009
ZA-07-09**

Members/Attendance:	X	Hank Grover
	N/A	Jim Burgham
	X	Al Franceschelli
	N/A	Holly Grant
	X	Bill Custer
	X	Mike Johnston
	X	Bill Hegarty
Also in attendance:	X	Bob Monus, Zoning Inspector
	X	Michele Richards, Recording Secretary

Hank Grover called the meeting to order at 7:06 p.m.

1st Order of Business:

Hank Grover stated that the first order of business is to approve the minutes from the meeting held on September 3, 2009. Bill Custer made a motion to accept the minutes from the September 3, 2009 meeting. All board members were in favor. Motion carried.

2nd Order of Business:

Case ZA-07-09 – A request by Fred Marchese who is representing Church of the Rock to seek a variance for a conditional permitted use for construction of an addition to the church facility. Location of church property is 7025 Lutheran Lane. Project will be situated on one parcel known as parcel number 35-035-0-014.05-0 known as great lot 36 and is located in Poland Township, Poland, Ohio, in an (E) Estate District.

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent from Fred Marchese
4. Warranty Deed
5. County Map
6. Property Description
7. Site Plan
8. Aerial Map
9. Building Plans

Hank Grover explained the meeting format to the audience.

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Fred Marchese
Marchese & Co., Inc.
33 Beechwood Trail
Poland, Ohio

Marchese stated he is representing the church, and is a member of the church as well as the builder for the church. He stated they are asking for the variance to increase classroom sizes and the size of the sanctuary.

Hank Grover asked if anyone would like to speak in favor of the request.

Suzanne McLemore
139 Lutheran Lane

McLemore stated that she does not see a problem with this variance for the church. She feels it is positive because it is a place for kids to ride bikes, church gatherings, basketball, and families in the area to gather.

Hank Grover asked if anyone would like to speak against the request.

Jim Burgham
7051 Lutheran Lane

Burgham stated that he is the neighbor directly next door to the church, north of the church. He stated that when the church was first built it did not require any type of zoning variance so there was never an opportunity for him or any of the neighbors to voice their opinion on the construction of the church.

He said the church has been a good neighbor. The size of the church is somewhat acceptable for the area and it is a nice looking structure, however, the increase in the size of the church is excessive, and not within character of the neighborhood and the developments.

The area (Lutheran Lane) is a quiet area with modest homes. It is now considered an (E) Estate District. The one hundred and eighty-eight percent (188%) increase in size that the church is requesting is quite excessive for the area. The frontage of the new building is going to be over one hundred and sixty-three feet (163'), plus the twenty feet (20') for the canopy. This size is larger than some of the strip plazas in the township. In addition to the size, another issue is the traffic.

Burgham stated he was born and raised in this area. His grandmother's maiden name was Lutheran. His great grandparents were Lutheran's. Lutheran Lane was the driveway to get to the original homestead to their farm. Lutheran Lane was tar and chips until a few years ago when they applied asphalt on top of the tar and chips. The road has never been upgraded, modified, or widened. He stated the additional traffic will cause problems. Right now Lutheran Lane averages

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seventeen feet six inches (17' 6") wide. In several spots there are huge trees that are less than two feet off the roadway. There are ditches along both sides of the road and two cars have difficulty passing. He referred to Section 6.04, 4. H, of the zoning resolution book, which states that points of ingress and egress shall be available only from major or collector thoroughfares and all driveways, shall exit onto such streets. Major thoroughfares are defined in the zoning book and it sites such streets like Route 224, Route 170, and Western Reserve Road. It does not specifically define collector thoroughfares, but a lane that has not been updated or modified and is only seventeen feet six inches (17'6") would be defined as a collector thoroughfare. The new development, Park Place, has twenty-four foot (24') wide roads, including two feet (2') on each side for the curb lane.

He stated that the size of structure that the church is proposing is excessive for the area and does not meet the spirit or the intent of the zoning resolution. He referenced Section 6.03, 1; proposed conditionally permitted use will be harmonious in accordance with the purpose, intent and planning objectives of the township land use plan, and with the regulations for the particular zoning district in which it is to be located. The church as it is now is not excessive. The proposed size, which will be a twelve thousand (12,000) square foot structure, is only one story. He feels this will take away from future land values and future development rights that the homeowners have.

Lutheran Lane was never upgraded and is not intended to handle the increased amount of traffic. He stated that when he built his home in 1990, he was not permitted to build it on Lutheran Lane because it was not a dedicated street. He had to purchase an odd shaped piece of property to get frontage on James Street, which was a dedicated street.

Burgham stated that Lutheran Lane, James Street, and Poland Center have no sanitary sewer. All of the homes have septic systems. Park Place has sanitary sewer. When the church was built they were given the right to tie into the existing sewer system. He tried to get the same privilege extended to him and he was told that the system was at its maximum. There could not be any additional facilities or homes added to it.

He stated in closing that even though the church is a good neighbor and it is a nice looking structure, a one hundred and eighty-eight percent (188%) increase and over a twelve thousand (12,000) foot single story structure is excessive for the area and not harmonious with the intent of the zoning regulations.

Mike Hosa
6816 James Street

Hosa stated he is opposed to the variance for the additional structure because the increased traffic will be a safety issue. There are additional lots in Park Place that are not sold yet. Once those are sold that will create an increase in traffic. In the event of an emergency, there may be a delay in getting an emergency vehicle there because of the increase of traffic.

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Bob Jeges
6755 Lutheran Lane

Yages stated that the speed limit on Lutheran Lane is 25 MPH. On Sunday, the traffic does not do 25 MPH; it is more like 40 MPH. It is a narrow street and cannot accommodate the increase in traffic.

John Shirilla
6873 Lutheran Lane

Shirilla stated that he lives directly across from Park Place, three houses down from the church. The street is narrow and it is a safety issue with the traffic. He is also concerned about his property value decreasing. He stated he grew up on James Street and built his home in 1994. He never would have wanted this on his street.

Bob Clemmons
6775 Lutheran Lane

Clemmons stated he opposes the variance because of the damage on his property. He has to reseed his lawn every spring; his next door neighbor lost his mailbox several times. It all happens on Sundays.

J.C. Henderson
3406 Park Place Drive

Henderson stated she built her home in 2005. The church is fine the way it is. She has two small children and used to walk, but on Sundays they can no longer do that because of all of the traffic. Lutheran Lane is narrow and cannot accommodate the traffic. They also do not abide by the speed limit. She is against the variance.

Dwayne Lloyd
3612 Park Place Drive

Lloyd stated he built last year. He stated that the church has a retention pond that has to be relocated. The retention pond drains under Lutheran and is incapable of handling it now. Lutheran floods out directly across from the church. He is concerned about where the water will go.

Grover explained that when the church was built they had to meet certain requirements of the County and the proposed plan shows a larger retention area, which will be moved back. Grover stated that the issues of concern are traffic and the size of the proposed addition.

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John Pittman
6725 Lutheran Lane

Pittman stated that when he purchased his property the road was dirt. He questioned why the developer of Park Place used Lutheran Lane as the entrance to the development. He is concerned about the increase of traffic because of the church.

Grover asked if anyone else would like to speak in opposition. No one responds. Grover asked Marchese if he would like to speak to address some the concerns of the residents.

Marchese stated that he has no control over the street as far as the width is concerned. Not many people use James Street because it is heavy gravel and not blacktop. As far as increased traffic, the church has enough room for one hundred (100) more seats, which does not mean one hundred (100) more cars. The church has one service on Sunday. If the variance is not approved, the church may have to hold two services on Sunday.

Jim Penny
6152 Circle Drive

Penny is a member of the church. He stated they do not want to go to multiple services. They currently seat two hundred (200) in the sanctuary. If a second service is added, that would double the potential of seats. The potential for more traffic would be if they have multiple services. As far as the speed limits, he is not sure he has ever seen a speed limit sign on Lutheran Lane. They would have no objection in putting some type of sign on the church property relative to the speed limit. They are at the church from 9:00 a.m. to 12:00 p.m. on Sunday; there are a few cars in the parking lot on Wednesday night and Saturday morning. There is not excessive traffic all day, every day.

Grover asked if anyone else would like to speak.

Suzanne McLemore
139 Lutheran Lane

McLemore stated she is a member of the church. There is a lot of traffic every day on Lutheran Lane. There are four wheelers, motorcycles and other types of vehicles every day which are far more disturbing. She stated there is blind spot before the Jeges property that needs addressed.

Hank Grover asked if there were any other questions.

Al Franceschelli asked what the classrooms will be used for. Jim Penny replied that the rooms will be used for Sunday school class, a nursery for small children, junior church or children's chapel for infants through sixth grade school age children, and one week in the summer for vacation bible school. Al Franceschelli asked if there is a possibility of daycare on a Monday through Friday basis. Penny stated there are no plans at this time but that is not say it would never happen.

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Hank Grover asked the audience for their comments for a compromise on the size of the addition.

Jim Burgham
7051 Lutheran Lane

Burgham stated that he does not experience the traffic issues as the other neighbors because he lives on the other side of the church. He stated that the current structure is suitable for the neighborhood; however, the proposed addition is too massive, especially the wing coming out of the side of the building.

Shirley Burgham
7051 Lutheran Lane

Shirley asked what is the intention of the church for the addition? Is day care a possibility? Will the hall be rented out for various functions? Traffic will become an ongoing problem.

Nancy Wood
Park Place

Wood stated that she is not against the church growth, but you need the proper roads to access it. Lutheran Lane cannot accommodate the traffic; it is a lane, not a road.

Fred Marchese stated there is access to the church on James Street. He also stated that the hall will not be rented for any functions; it is in the middle of the building. As far as the length of the building in the front, that can be addressed. They can cut the frontage down in the front.

Jim Penny stated they do not want to do multiple services to accommodate church growth. They also cannot continue to add on to the building. If they have church growth, maybe they will start another church at another location. As far as the current building, they are not looking to do any other additions or modifications.

Mike Johnston asked if there is an alternate plan if the variance is not approved. Marchese stated they would have to go to two services.

Grover asked Marchese when the church was built was there was a basement in the plans? He asked why the basement was not built. Marchese stated it was due to the cost.

Grover stated to the Board that from the audience comments it does not seem that a restructuring or a redesign of the addition will change the situation. He asked the board members if they are in agreement to vote on the variance. All board members agreed.

Bill Custer commented to the audience that if the church goes to two services, traffic will increase.

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Marchese stated that when the church was originally designed, it was designed to fit into a residential neighborhood. Jim Burgham stated that as the church sits today, it is fine; however, the increased size does not fit the neighborhood.

Grover asked if there were any other comments or discussion from the board. There was none.

Motion

Bill Custer made a motion in Case ZA-07-09 to accept the request from the Church of the Rock for the conditional use variance request as per the plans submitted. The motion is not seconded.

Al Franceschelli made a motion in Case ZA-07-09 to deny the variance request. Mike Johnston seconded the motion.

Voting:

Yes Al Franceschelli
Yes Mike Johnston
Yes Bill Custer
Yes Bill Hegarty
Yes Hank Grover

Motion carried.

Meeting adjourned at 8:45 p.m.

Submitted by:
Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (7)
Zoning Commission (8)
J. Granitto (1)
File (1)