



**Board of Zoning Appeals
May 15, 2023 - 6:00 PM
233 South Main Street, Monroe, Ohio**

Call to Order

Roll Call

Approval of Minutes

- October 24, 2022 and January 31, 2023

Old Business

- None

New Business

- Public hearing- Consideration of a variance application from Marshall Construction Company regarding construction of a fence around the trucking docks

Adjournment



**Board of Zoning Appeals Minutes
January 31, 2023
233 South Main Street, Monroe, Ohio**

Call to Order

Mr. Adam, Chair, called the meeting to order at 5:58 p.m.

Roll Call

Board of Zoning Appeals members present: Lorenzo Adam, Joshua Mason, Mike Morris, Matt Romito, Casey Walters

Staff members present: Kameryn Jones, Assistant Director of Development; Jameson Cole, Planner; Michelle Layman, Planning and Zoning Specialist.

Election of Officer Positions

Mr. Adam asked for nominations for Board of Zoning Appeals Chair. Mr. Morris moved to nominate Mr. Adam. Seconded by Mr. Walters. Voice vote. Motion carried.

Mr. Adam asked for nominations for Vice Chair. Mr. Morris moved to nominate Mr. Walters. Seconded by Mr. Adam. Voice vote. Motion carried.

Mr. Adam asked for nominations for Secretary. Mr. Mason moved to nominate Mr. Morris. Seconded by Mr. Romito. Voice vote. Motion carried.

Adjournment

Mr. Adam moved to adjourn; seconded by Mr. Walters. Voice vote. Motion carried.

The Board of Zoning Appeals meeting adjourned at 6:01 p.m.

Respectfully submitted,

Michelle Layman
Planning and Zoning Specialist



CITY OF MONROE
Inter-Office Correspondence

TO: Members of the Monroe Board of Zoning Appeals
FROM: Kameryn Jones
Assistant Development Director

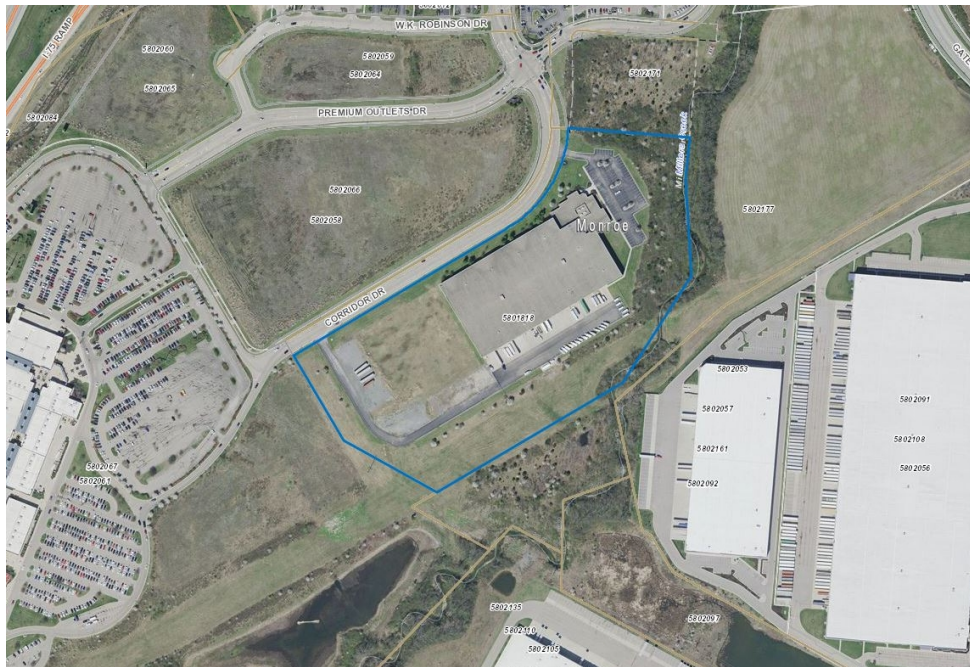
DATE: May 15, 2023

RE: Information Packet for **May 15, 2023** Board of Zoning Appeals Meeting at **6:00 p.m.**

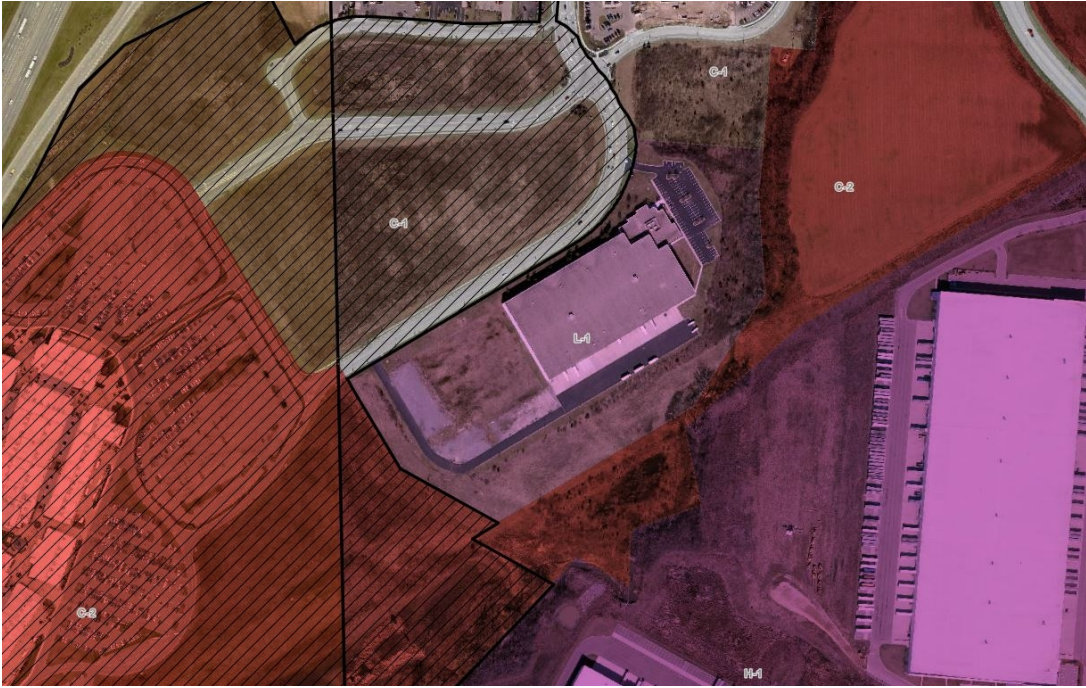
I. BZA-2023-1— Consideration of a variance application from Marshall Construction Company regarding construction of a fence around the truck docks

A. Background:

- Darin Satterwhite on behalf of Marshall Construction Company, has applied for variance regarding a chain link fence in the rear of the property surrounding truck docks.
- The property owned by Gateway Tire is 22.2 acres and is zoned L-1 Light Industrial.
- The applicant wishes to use a non permitted galvanized chainlink fence including the installation of barbed wire atop.
- The non permitted galvanized chainlink fence with barbed wire has been installed.
- The non permitted galvanized fence with barbed wire has been installed in opposition to the approved site plan. The Planning Commission approved the site plan on XXXX, XX, XXXX.
- Gateway Tire was issued a notice of violation for the non permitted galvanized chainlink fence with barbed wire on XXXX, XX, XXXX.



Overhead View of Site



Surrounding Zoning



Eastbound on Corridor Park Drive



Westbound on Corridor Park Drive



Facing East towards Property on North Garver Road

B. Variance Purpose:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

C. Variance Request:

- To allow the use of galvanized steel for the chain link fence in place of the plastic black coating and placing barb wire on top of the fence.

- Section 1204.05(A)(e) outlines this requirement as the following:

- vi)** The use of barbed wire, razor wire, spikes, nails, electrical or similar type fences shall be prohibited. Barbed wire and electrical fences are permitted in Agricultural districts except along lot lines adjacent to residential zones.
- viii)** Chain Link fencing is prohibited in the front yard in residential zoning districts or in the front yard of residential lots. Chain link type fences may be used in the rear yard of business and industrial zoning districts provided they are plastic coated and are black in color or as otherwise approved by the Code Enforcement Officer.

This property is similar to other L-1 Light Industrial properties in this area in terms of lot size and size of area. It is dissimilar to other industrial properties in the immediate area in that it is surrounded on all sides by commercial zoned property. The property is located near but not directly adjacent to the H-1 heavy industrial properties of Park North.

- ***Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.***

The property may yield a reasonable return and be of beneficial use without the requested variance as Gateway Tire warehousing and distribution.

The applicant states the purpose is to protect the companies good while matching its existing look.

- ***Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.***

The variance requested is substantial because all existing warehouses and distribution centers in Park North and throughout the City are not permitted to have barbed wire unless built pre-2013 zoning code update.

- ***Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.***

The property is not directly adjacent to but is near to Park North where there are similar uses but is H-1 Heavy industrial. All newer buildings that have put up fencing around the truck docks have been black plastic coated with no barbed wire as required by code subsection 1204.05 (A)(4)(e)(vi)(viii).

The applicant has stated the structure will not be visible from the street due to its location towards the rear of the site.

- ***Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.***

The variance would not adversely affect the delivery of governmental services.

- ***Whether special conditions or circumstances exist as a result of actions of the owner.***

The requested variance is due to the new building addition and the applicant stating that it is to protect and secure the truck docks.

- ***Whether the property owner's predicament can feasibly be removed through some method other than a variance.***

The applicant could put up the fence with plastic black coating in the same position and not put barbed wire on top.

- ***Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.***

The spirit and intent behind requiring black coated chainlink fencing is to push for better quality materials while understanding that chainlink is a practical security fencing for larger sites such as warehousing and distribution.

The spirit and intent behind prohibiting barbed wire is that it is an unnecessary hazard for most uses throughout the City and those uses that are permitted to have it are in conformance to the code and its accompanying zoning district.

- ***Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.***

The granting of this variance would provide this applicant the ability to change the type of fencing the City has required of all the newer warehouses within Park North, as well as throughout the remainder of the city. In addition the City has not allowed any of the newer warehouses with similar uses to that of Gateway Tire to place barbed wire on top of their fences.

E. Department Comments:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

F. Public Comments:

- None

G. Staff Recommendation:

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. No single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Please note as detailed in the picture above, a non permitted galvanized chain link fence with barbed wire has already been installed prior to this application, is in opposition to the approved site plan, and is currently in violation of City code.

Staff **does not make a recommendation** regarding a variance request. Notwithstanding, the City of Monroe Development Department, in accordance with the criteria for a Use Variance under code section 1203.08(4)(c), does not recognize any special conditions, practical difficulty, or unnecessary hardship pertaining to the applicants request. Moreover, code section 1204.05 (A)(4)(e)(vi) expressly calls attention to the use of barbed wire being a prohibited material use in the L-1 zone, and that chainlink fences may only be used in the rear yard if they are black coated as specified in subsections 1204.05(A)(4)(e)(viii). Furthermore, the property does not demonstrate any characteristics unique in comparison to other L-1 zoned lots in this area that would qualify for the requested variance to the code.



Application for a Variance

Monroe Development Department
233 South Main Street, Monroe, Ohio 45050
Phone: 513-539-7374
planning@monroeoohio.org
www.monroeoohio.org

For Staff Use Only

Submittal Date:

Date Application Determined Complete:

Date of BZA Review:

Fee Paid: **RES/AG- \$300 COMM- \$500**

Staff Initials:

Application/Case Number:

Variance Review Information

1. The variance review procedure and review requirements are established in Section 1203.08 of the Monroe Planning and Zoning Code.
2. There are separate review criteria for an area/dimensional variance (a request to vary any numerical or dimensional requirement in the code) and for a use variance (a request to have a use approved that is not otherwise allowed in the applicable zoning district. The applicant must demonstrate a practical difficulty for an area/dimensional variance or an unnecessary hardship for a use variance.
3. Approval of a variance does not guarantee any other approvals (e.g., site plan or zoning permit reviews). The applicant shall be responsible for applying for any other necessary permits or reviews.
4. Applicants shall obtain a zoning compliance inspection within one year of a variance approval or the approval shall be voided.
5. The application fee for a variance is \$300 for a residential or agricultural use and \$500 for all other uses, due at the time the application is submitted.

Basic Project and Site Information

Project Address: 100 Cooridor Park Dr, Monroe OH 45050

County: Butler Warren Total Lot Area:

County Tax Parcel ID: 11-05-400-011

Project/Development Name: Gateway Tire Warehosue Expansion

Existing Zoning District:

Variance Type: Area/Dimensional Variance Use Variance

Applicant Information

Applicant Name: Marshall Construction Company

Contact Person: Darin Satterwhite

Contact Address: PO Box 1092, Bath OH 44210

Contact Phone Number: 330-690-0729

Contact Fax Number:

Contact E-Mail: dsatterwhite@mccdesignbuild.com

Property Owner Name: Gateway Tire Co. Inc.

The applicant may attach a separate sheet of a paper with contact information for additional people, if necessary (e.g., additional owners, registered engineer, landscape architect, etc.). The same contact information shall be provided for each contact name.

Project Address or Tax Parcel ID:

Additional Project Information

1) Please describe, in detail, the proposed uses and/or the proposed development.

The project was a 128,360 sf expansion to the existing warehouse, with minor site work (added paving in front of new truck docks, extension of existing fence around paved area, additional parking and landscaping.

2) Identify what variances are being sought including the applicable code sections, required dimensions, or the established standard.

Requesting a variance on the fencing code. 1204.05-A-4-e-vi-viii

3) What are the characteristics of the property that prevent you from meeting the minimum requirements of the planning and zoning code?

- Lot is too narrow Lot is too small Lot is too shallow The soil or subsurface is unique to the lot
 The shape of the lot Building or lot elevation Topography Other (Describe in #4 below.)

4) Explain how items checked above prevent the reasonable use of the property under the existing requirements.

Gateway is requesting to match existing fence in lieu of current code requiremnet of black coated chainlink. Intent was to extend the existing fence on the south to enclose the additional paved truck dock area. The fence and gate on the west end of the existing paving was to be relocated to the end of the new pave area. All this if behind the warehouse facility and not viewable to the public. Existing fencing is all galvanized chainlink with three strands of barb wire at the top. We would like to match existing in order to maintain consistency in the fencing material and visual as opposed to installing the new code required black coated.

5) Explain how the property cannot yield a reasonable return or whether there can be any beneficial use of the property without the variance.

Matching the existing type and finish on the fence adds to the aesthitic appeal and value as opposed to a section of fencing installed that does not match approximately 80% or more of the existing fence.

Project Address or Tax Parcel ID:

Additional Project Information Continued

6) Will the granting of the variance request(s) be consistent with the surrounding neighborhood and will the variance request(s) negatively impact or impair the essential character of the area?

Yes No Please explain your rationale below.

Granting of the request will allow consistency with existing fencing on site and maintain the essential character of the area. Following the current code of black coated fence will visually contrast against the existing fencing that is being tied into.

7) To the best of your knowledge, is the difficulty or hardship described in this application self-imposed? Are the circumstances surrounding the request the result of the actions of the owner?

Yes No Please explain your rationale below.

8) Identify how the proposed variance application will protect the surrounding properties from any negative impacts (e.g., noise, light, traffic, etc.)

Adds consistency to the existing facility. Existing property is surrounded by unusable low land area and wetland. The fencing is not viewable by the public or any adjacent properties.

Project Address or Tax Parcel ID:

Additional Project Information Continued

9) Are the variance request(s) substantial and the minimum necessary to make possible the reasonable use of the land and/or structures on the property?

Yes No Please explain your rationale below.

Granting of the request will allow consistency with existing fencing on site and maintain the essential character of the area.
Following the current code of black coated fence will visually contrast against the existing fencing that is being tied into.

10) Will the granting of the variance impact governmental services such as water, sewer, refuse pickup, safety services, etc.?

Yes No Please explain your rationale below.

11) Explain how the property owner's predicament cannot be feasibly removed through another method other than a variance.

Adds consistency to the existing facility. Existing property is surrounded by unusable low land area and wetland. The fencing is not viewable by the public or any adjacent properties.

Project Address or Tax Parcel ID:

Additional Project Information Continued

12) Would the spirit and intent behind the code requirement be observed and substantial justice done by the granting of the requested variance(s)?

Yes No Please explain your rationale below.

Granting of the request will allow consistency with existing fencing on site and maintain the essential character of the area.
Following the current code of black coated fence will visually contrast against the existing fencing that is being tied into.

13) Would the granting of the variance(s) requested confer on the applicant any special privilege denied by the code regulation(s) to other lands, structures, or buildings in the same zoning district?

Yes No Please explain your rationale below.

Please feel free to add any other information or rationale related to the request in the box below or as an attachment.

Adds consistency to the existing facility. Existing property is surrounded by unusable low land area and wetland. The fencing is not viewable by the public or any adjacent properties.

Project Address or Tax Parcel ID:

Certification and Signatures

Applicant Signature - I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and any subsequent zoning permit or other review applications.

Print Name: Darin Satterwhite

Signature:



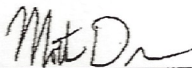
Date: 4/20/23

Property Owner Signature - If the property owner is not the named applicant on this form, the property owner shall sign the form below acknowledging that the applicant is an authorized agent of the property owner as it relates to proposed project. If the variance request affects multiple properties, a signature from each property owner is required.

Print Name:

Martin Dunlap

Signature:



Date:

4/20/23

Note: A letter signed by the property owner, authorizing the applicant to act on their behalf may be submitted in lieu of the property owner's signature on this form.

Submittal Requirement Checklist

Submittals shall include 8 copies (minimum of 11" x 17").
Additional copies may be required based on project specifics.

Digital Submittal Requirements

All document applications shall be submitted in an electronic format compatible (Adobe PDF) with the city's computer systems.

General Information

Variance Application Form

Application fee

Copies of the plans and maps established below at a reasonable scale, as determined by the Development Department, to review the variance request.

Any additional information determined to be necessary by the Development Department.

Variance Site Plan

Date, north arrow, scale, and a legend for all symbols – the plan shall be oriented with north to the top

All existing lot lines and parcel numbers for each lot subject to the variance request and all lots adjacent to the subject lot, including any across a street.

A survey, stamped and signed by a surveyor or engineer licensed in Ohio, documenting the exact boundaries and dimensions of the subject lot.

Boundaries and dimensions of all existing and proposed buildings and structures

All existing and proposed streets, rights-of-way, and related names

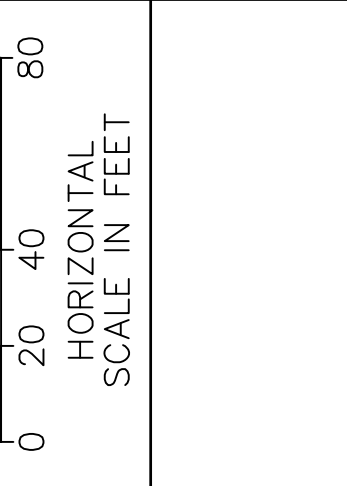
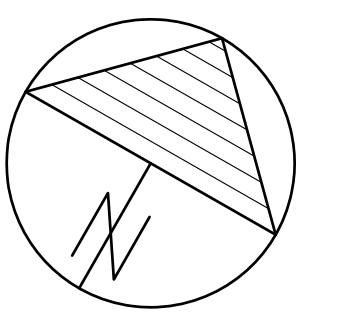
Identification of proposed variance (e.g., required setback and proposed setback, or maximum height and proposed height)

CORRIDOR PARK DRIVE (Width Varies)

PLANNING AND ZONING CODE DATA

ZONING DISTRICT * L-1 - LIGHT INDUSTRIAL DISTRICT

MINIMUM PARKING SPACES CODE DATA				
EXISTING SITE:	S.F.	REQUIRED		
* INDUSTRIAL OFFICE (18,979 - 2,340)	16,318	55.5		
* WAREHOUSE (165,441 - 8,085)	157,356	125.9		
1 space/300 SF		181		
PROPOSED ADDITION:				
* WAREHOUSE (128,360 - 5,660)	122,700	98.2		
1 space/1,250 SF (10,001 SF OR MORE)		279		
10% REDUCTION CH. 1211.03 (I) (2) (a)	-28	251		
TOTAL PARKING PROVIDED:				
	AMOUNT			
* EXISTING PARKING	108			
* PROPOSED PARKING	20			
* SHADOW PARKING (50% MAX)	123 (49%)			
	251			
* HANDICAP SPACES REQUIRED:	7 (5 EXISTING + 2 FUTURE)			
* 10' x 18' SPACE - 24 ft Min. Aisle Width (20' Depth Provided)				
LOT & YARD REQUIREMENTS				
	REQ'D	PROPOSED		
* MINIMUM BLDG FRONT YARD SETBACK	20 ft	50.15 ft		
* MINIMUM BLDG SIDE YARD SETBACK	10 ft	136.70 ft		
* MINIMUM BLDG REAR YARD SETBACK	10 ft	329.93 ft		
* MINIMUM PARK FRONT YARD SETBACK	20 ft	-- ft		
* MINIMUM PARK SIDE YARD SETBACK	10 ft	-- ft		
* MINIMUM PARK REAR YARD SETBACK	10 ft	-- ft		
* MAXIMUM BUILDING HEIGHT	70 ft	40.42 ft		
* MAXIMUM LOT COVERAGE	85%	54.53%		
LAND USE DATA				
	EXISTING AREA (AC.)	%	PROPOSED AREA (AC.)	%
* BUILDING	4.235	19.07	7.180	32.33
* PAVEMENT/IMPERVIOUS	4.611	20.75	4.028	18.13
* LANDSCAPING/BUFFERS	13.366	60.18	10.065	45.31
* SHADOW PARKING AREA	0.000	0.00	0.939	4.23
* TOTAL (NOT INCLUDING R/W)	22.212	100	22.212	100



PREPARED BY:
ALBAN SURVEYING CO.
Engineers and Surveyors
 38052 Euclid Avenue, Suite 200
 Willoughby, Ohio 44094
 Phone: 440-946-0752

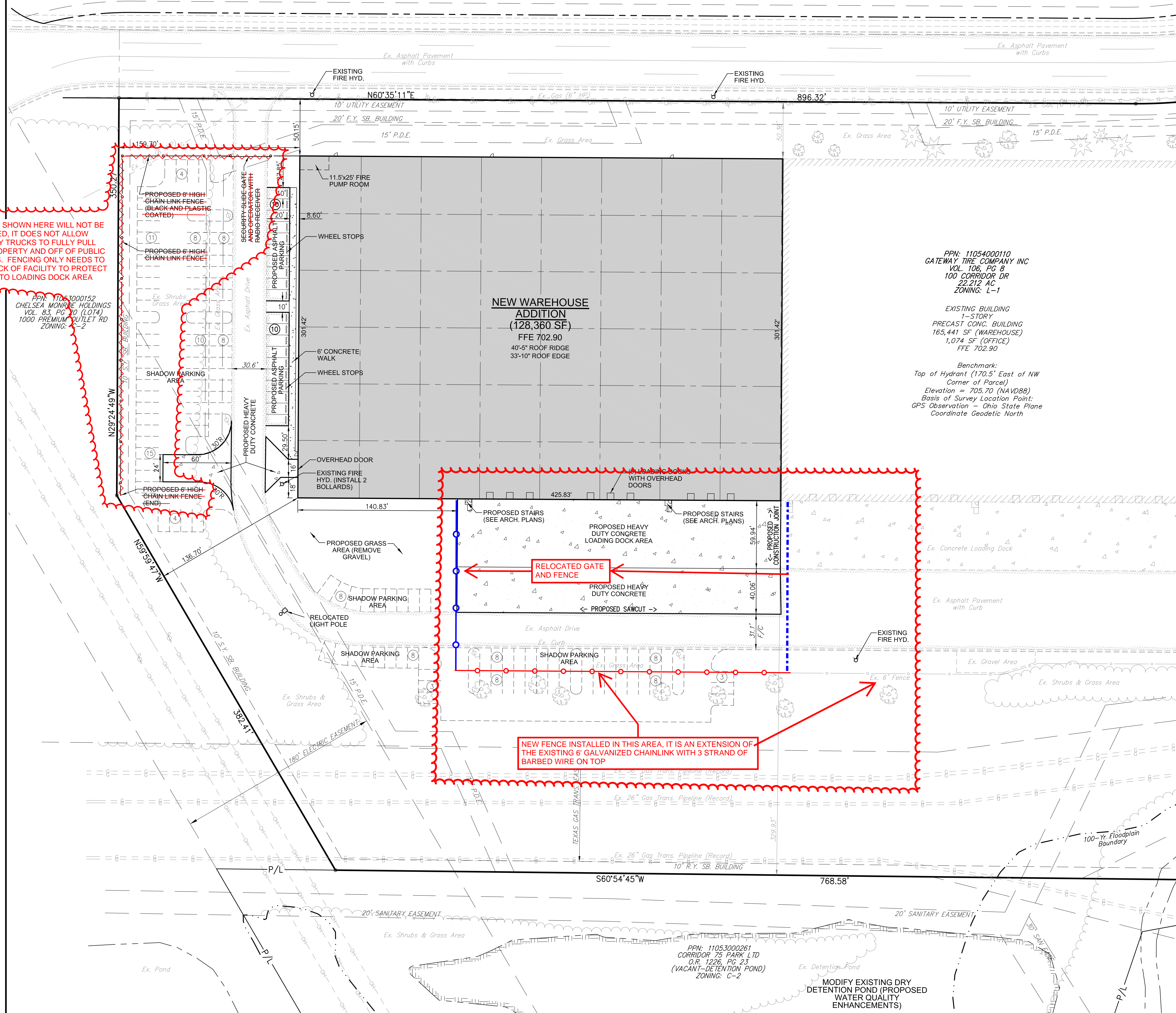
FENCING SHOWN HERE WILL NOT BE INSTALLED, IT DOES NOT ALLOW DELIVERY TRUCKS TO FULLY PULL INTO PROPERTY AND OFF OF PUBLIC STREETS. FENCING ONLY NEEDS TO BE IN BACK OF FACILITY TO PROTECT ACCESS TO LOADING DOCK AREA

PPN: 11053000152
 CHELSEA MONROE HOLDINGS
 VOL. 83, PG. 10 (LOT4)
 1000 PREMIUM OUTLET RD
 ZONING: C-2

PPN: 11054000110
 GATEWAY TIRE COMPANY INC
 VOL. 106, PG. 8
 100 CORRIDOR DR
 22,212 AC
 ZONING: L-1

EXISTING BUILDING
 1-STORY
 PRECAST CONC. BUILDING
 165,441 SF (WAREHOUSE)
 1,074 SF (OFFICE)
 FFE 702.90

Benchmark:
 Top of Hydrant (170.5' East of NW Corner of Parcel)
 Elevation = 705.70 (NAVD88)
 Basis of Survey Location Point:
 GPS Observation - Ohio State Plane Coordinate Geodetic North



- ### SITE NOTES
- FOR EXACT BUILDING DIMENSIONS PLEASE SEE THE ARCHITECTURAL PLANS.
 - ALL PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE M.U.T.C.D. OR AS OTHERWISE SHOWN IN THE PLANS. PARKING SPACES SHALL BE 4" WIDE PAINTED WHITE ON ASPHALT AND YELLOW ON CONCRETE. HANDICAP STRIPING SHALL BE SHERWIN WILLIAMS "H.C." BLUE.
 - THE BUILDING SQUARE FOOTAGE WAS REDUCED IN ACCORDANCE WITH 1211.03 (D) (F) (A) FOR THE REQUIRED PARKING SPACE CALCULATIONS.
 - THE REQUIRED PARKING SPACE REQUIREMENT WAS REDUCED BY 10% IN ACCORDANCE WITH 1211.03 (I) (2).
 - "SHADOW" PARKING SPACES WILL BE CONSTRUCTED ACCORDING TO THE CITY OF MONROE ZONING REGULATIONS IN THE EVENT THAT THE CODE ENFORCEMENT OFFICER DETERMINES AT ANY TIME THAT ALL OR ANY PORTION OF THIS PARKING IS NECESSARY.
- ### MISC. NOTES
- THERE ARE NO KNOWN ACTIVE OR PLUGGED OIL/GAS WELLS LOCATED WITHIN THE PROJECT PARCEL BASED ON INFORMATION AVAILABLE FROM ODNR.
 - THE PROPOSED BUILDING AND PAVEMENT AREA IS LOCATED IN FLOOD ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD ZONE) AS SHOWN ON COMMUNITY PANEL NUMBER 39017C0240F (10/19/2018). PORTIONS OF THE SITE ARE WITHIN A ZONE AE REGULATORY FLOODWAY.
- ### LANDSCAPE NOTES
- ALL DISTURBED AREAS NOT MULCHED SHALL BE SEEDDED.
 - SEE LANDSCAPE PLAN FOR FURTHER DETAILS AND PLANT LOCATIONS.
 - ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE CITY OF MONROE.



GATEWAY TIRE
WAREHOUSE ADDITION 2022
 100 Corridor Park Dr, Monroe, Ohio
SITE PLAN

Sheet Number:
CE-5