

Westfield Township Board of Zoning Appeals

Public Hearing; Use Variance/ Second Drive Northern Ohio Railway Museum July 10, 2014

Chair Daugherty called the public hearing of the Westfield Township Board of Zoning Appeals to order at 7:00 PM.

Roll call: Simmerer- aye, Zupanic- aye, Daugherty- aye, Moore- aye, Miller- aye. Not in attendance was Lee Evans. Also in attendance: ZI Sims, Trustee Schmidt, Trustee Thombs,

An application has been made in the RR, Rural Residential District by Northern Ohio Railway Museum, PP#041-15B-27-002, consisting of 38 acres, located at 5515 Buffham Road, Seville, Ohio 44273.

John Kostenik came before the BZA board representing the Northern Ohio Railroad Museum and their request for a second drive on their non-profit RR Museum property. Mr. Kostenik was sworn in and provided the board some background information regarding the mission statement for the N.O.R. Museum and their current need for a second drive on their property

Zoning Resolution 506 B states that only one drive access was permitted in a Rural Residential property and with their 1200 ft. frontage on Buffham Road he believes that a second drive is viable on this property.

Mr. Kostenik is requesting a Use Variance (Zoning Resolution 506 C) to fulfil the next stages of the master plan for the N.O.R. Museum and provide the visitors with a public entrance and keep the visitors from the first drive which leads to the maintenance and restoration area.

According to Zoning Resolution 906 C-2- he believes the drive poses a safe solution to a unique circumstance and 906-C-4- the N.O.R. Museum is the only one its kind in North East Ohio and his proposed Use Variance maintains the rural atmosphere of the neighborhood.

Mr. Miller asked if the intended additional drive would be placed at the existing gates on the property and would there be a culvert.

Mr. Kostenik said that yes to the culvert and a permit will be obtained through the Medina County Engineer's Office. Mr. Kostenik has also talked with the Fire Chief and the second drive would be beneficial for the fire department if there was an emergency.

Mr. Daugherty asked if the 2 way access was necessary for his business and would the drive be connected?

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Mr. Kostenik stated that the drive would not be a U at this time but they would connect through the grass for the Fall Foliage Tour which will be held on October 11th and 12th.

Mr. Simmerer asked if this was only an entrance/ drive application? And what about parking?

Mr. Kostenik informed the board that the grass area would be used for parking during the Fall Foliage Tour and at this time he is not seeking any parking.

Daugherty asked what the dotted white-out area was on his plans and Mr. Kostenik said it was the preliminary parking depending on donations.

Mr. Kostenik informed the board that a several thousand people would be on the tour if the weather was nice.

Simmerer asked if there were any plans to have the museum open on Sundays, and Mr. Kostenik said at this time it would only be Saturdays.

Simmerer asked about the flow of traffic and Mr. Kostenik said there will be a canopy for the public to start their tour and work trains will transport the visitors on a short ride to view the trains. There would also be a roped off area of approximately 3,800 feet along the tracks to keep the visitors away from them. There will also be 14 people at key locations to keep the visitors off and away from the areas that are not safe.

Dianne Davis of 5531 Buffham Road had some concerns which she brought before the board. Davis had concerns that the storm water drainage from the museum property was pitched towards her property and was causing water issues from the creek. There is a culvert that is causing silt to accumulate in the creek. Lee Evans dug out the creek and that did not alleviate the problem. She also said there were no records to pull a permit for the museum property owners to put in the creek culvert.

Simmerer explained that a permit was only necessary for a driveway culvert.

Davis was also concerned that buses and cars would be parked on the grass.

Mr. Kostenik said that the land would be tamped down and they would not allow buses to park in the grass if they thought they would get stuck. Kostenik also said at this time the parking area was not part of his application.

George Mikoli of 5545 Buffham Road said the RR Museum was a good neighbor but there has been an increase in the water level in the creek from sizable gravel that has been deposited and there has been an environmental impact from their culvert.

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Mikoli also believed that cars exiting a second drive would not be seen as a car comes over the tracks westbound. He said that he would like the board to act cautiously and his personal experience makes him worried regarding a second drive and more exiting traffic.

Simmerer said that the area half-way between the track and the current drive had a high elevation.

Mr. Kostenik said the gate was placed where it was so that the property was symmetrical but he believed that the west bound traffic would be able to see the entire area.

Ms. Davis interjected that 2 years ago a car bottomed out over the tracks and burned and the placement of the drive must allow all drivers a clear unobstructed view.

Walt (President of the N.O.R. Museum) at 8706 Friendsville Road would not like to move the drive. He stated that it would be on the high spot of the road and if they move the drive the east bound traffic would have limited visibility due to a gulley. It would also change the focus of the Visitor Center. He also explained that the back creek was having water drainage problems due to the Ryan Road 2002 culvert. Medina County Storm Water Management has visited his property on July 9, 2014 and Jeff Vanloom of the Medina County Soil and Water also checked the flow of the creek and it is backed up at the Chippewa Ditch.

The board reviewed the criteria for a variance:

Criteria #1: Unnecessary Hardship (not be economically viable without the variance).

Discussion:

Moore believes that we could not control what people will do coming over the tracks.

Daugherty asked the board to think about this variance as the minimal he could request to make the museum viable.

Simmerer stated that this drive will separate traffic from the public and the maintenance area.

Daugherty added that he was only asking for 1 variance not numerous requests.

Four board members agree there would be a monetary hardship. Simmerer disagreed.

Criteria #2: The variance is not substantial.

Unanimous

Criteria #3:

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Neighborhood would not be altered.

Discussion:

Moore agreed the neighborhood would not be changed and Daugherty stated that the museum is already there and it is just one weekend a year.

Unanimous

Criteria #4: The property does have a unique or exceptional circumstance or conditions that do not generally apply to other properties.

Discussion:

Simmerer stated that it does since it is a museum and is already a permitted use.

Unanimous

Criteria #5: Is the hardship/condition created by the property owner.

Discussion:

Simmerer believes it is irrelevant since it is within the spirit of the original application and nature of the museum.

Four board members believe it was a created problem.

Criteria #6: Within the spirit and intent of the zoning code.

Unanimous

Criteria #7: The request use is similar in impact to the permitted use in the subject district.

Criteria #8: The subject property is adequate to meet the needs and requirements of the proposed use.

Simmerer agrees the property is large enough for an extra drive.

Unanimous

After tabulating the pros and against votes, Daugherty asked the board if there were any conditions that they may want to place on the property if they were to vote yes to the granting of this variance.

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ZI Sims suggested that 250' frontage for the drive would be preferable since that is the minimal distance between drives.

The board would like the drive no closer than 500 feet from the CSX RR tracks.

Miller makes a motion for the board to grant the proposed variance with the one condition for the drive to be where the existing culvert/gates are presently located (or no less than 500 feet from the CSX RR tracks); seconded by Moore.

Roll call: Zupanic- aye, Daugherty- aye, Moore- aye, Miller- aye, Simmerer- aye. The proposed variance is granted.

Daugherty makes a motion to close the Public Hearing; seconded by Zupanic. Roll call: Unanimous.

Respectfully Submitted by:

Cheryl Porter, Zoning Secretary

Kevin Daugherty, BZA Chair

Wayne Moore, BZA Vice-Chair

Russ Zupanic, BZA Member

Keith Simmerer, BZA Member

John Miller, BZA Member

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