

**CITY OF MACEDONIA  
BOARD OF ZONING AND BUILDING CODE APPEALS  
MEETING AGENDA  
March 16, 2022**

**Time: 6:30 p.m.**

1. Call to Order
2. Roll Call: Mr. Shellko, Ms. Metzler, Mr. Pilato, Mr. Ferraro, Mr. Ioffreda
3. Approval of Minutes
  - a. Case 660 continued

4. **NEW BUSINESS:**  
**Case #668**

Mark Leszynski with MVL Construction Services, LLC  
on behalf of Don Basch Jewelers  
509 East Aurora Road  
Macedonia, OH 44056

*The Board of Zoning and Building Code Appeals will hear a request for a variance at Fairlane Drive. The variance request is to section 1167.06(a): purpose of a B-O Business Office District. The applicant is requesting a variance to have a commercial retail business within a B-O Business Office District.*

**Case #669**

Mark Leszynski with MVL Construction Services, LLC  
on behalf of Don Basch Jewelers  
509 East Aurora Road  
Macedonia, OH 44056

*The Board of Zoning and Building Code Appeals will hear a request for a variance at Fairlane Drive. The variance request is to section 1167.06(f): every building or structure intended for office use shall have a rear and side yard width of 90 feet from the lot line adjacent to an R District. The applicant is requesting a variance of 43 feet to have a building setback of 47 feet.*

**Case #670**

Mark Leszynski with MVL Construction Services, LLC  
on behalf of Don Basch Jewelers  
509 East Aurora Road  
Macedonia, OH 44056

*The Board of Zoning and Building Code Appeals will hear a request for a variance at Fairlane Drive. The variance request is to section 1167.06(f): every building or structure intended for office use shall*

*have a rear and side yard width of 90 feet from the lot line adjacent to an R District. The applicant is requesting a variance of 56 feet to have the dumpster setback 34 feet.*

**Case #671**

Mark Leszynski with MVL Construction Services, LLC  
on behalf of Don Basch Jewelers  
509 East Aurora Road  
Macedonia, OH 44056

*The Board of Zoning and Building Code Appeals will hear a request for a variance at Fairlane Drive. The variance request is to section 1167.06(e): the setback line for any building or structure erected shall be a minimum of 60 feet from any public right-of-way. The applicant is seeking a variance of 13 feet to reduce the building setback from the public right of way to 47 feet.*

**Case #672**

Mark Leszynski with MVL Construction Services, LLC  
on behalf of Don Basch Jewelers  
509 East Aurora Road  
Macedonia, OH 44056

*The Board of Zoning and Building Code Appeals will hear a request for a variance at Fairlane Drive. The variance request is to section 1167.06(j): the minimum lot area shall be one acre, and each lot shall be a minimum of 150 feet in width when measured at the setback line. The applicant is seeking a variance of 41 feet to reduce the minimum required lot width when measured at the setback line to 109 feet.*

If you approve of the above-mentioned use of said property, or, if such use is thought by you to be injurious to your premises or contrary to the public interest, please file a statement by letter or email stating your viewpoint to the Building Department no later than **two** business days before the meeting. You may also contact the Building Department at 330-468-8364. All public comments received to the City will be discussed during the conference call.

If you know of any affected property owners who may be interested, but who may not have read this notice, please inform them of this meeting.

If you are not interested in this matter, please disregard this notice.

**-Macedonia Board of Zoning and Building Code Appeals**



# City of Macedonia

## The Crossroads of Northeast Ohio

9691 Valley View Road • Macedonia, Ohio 44056  
(330) 468-8360 • FAX (330) 468-8396

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### INTEROFFICE MEMO

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**To:** Zoning Board of Appeals  
**From:** Chris Hall  
**Subject:** Variance Requests for Don Basch Jewelers, Fairlane Drive  
For Consideration by the Board on April 20, 2022  
**Cc:** Mayor Molnar, Bob Rodic, Rachael Gambatese  
**Date:** February 18, 2022

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**Applicant:** Mark Leszynski, MVL Construction Services, LLC

**Location:** Fairlane Drive

**Zoning:** B-O Business Office District

**REQUEST I:** Applicant is seeking an “*use variance*” allowing a commercial retail use within a B-O Business Office District.

**Standards:** **1167.06 B-O Business Office District.**

(a) Purpose. This District is established to provide for areas devoted exclusively to professional, administrative and management offices on parcels not considered appropriate for more intensive commercial uses, in order to: promote and foster the most desirable use of land in the City; provide employment opportunities; and protect adjacent residential areas by regulating the bulk and spacing of office uses, particularly at common boundaries with existing or likely residential areas.

**Findings:** According to Section 1135.13(h) variances expire after one year of no construction activity unless prior to expiration the BZA extends their approval. Reference Case # 627 approved July 15, 2020 (attached).

**Board’s Action:** The Board is to consider the request for a “*use variance*” to 1167.06(a) allowing a commercial retail use within a B-O Business Office District.



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### INTEROFFICE MEMO

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**REQUEST II:** Applicant is seeking an “*area variance*” reducing the required building setback from the lot line adjacent to a Residence District.

**Standards:** **1167.06 B-O Business Office District.**  
(f) Side and Rear Yards. Every building or structure intended for office use shall have a rear and side yard, each of which shall have a width of at least twenty-five feet from the rear and side lot lines. When adjacent to an R district, the width shall be ninety feet from the lot line adjacent to the R district.

**Findings:** According to Section 1135.13(h) variances expire after one year of no construction activity unless prior to expiration the BZA extends their approval. Reference **Case # 628 approved July 15, 2020**, for Building ONLY (attached) - setback was originally approved at 40 feet.

**Board’s Action:** The Board is to consider the request for an “*area variance*” to 1167.06(f) reducing the required **building** setback from the lot line adjacent to a Residence District from 90 feet to 47 feet, a variance of 43 feet.

**REQUEST III:** Applicant is seeking an “*area variance*” reducing the required dumpster setback from the lot line adjacent to a Residence District.

**Standards:** **1167.06 B-O Business Office District.**  
(f) Side and Rear Yards. Every building or structure intended for office use shall have a rear and side yard, each of which shall have a width of at least twenty-five feet from the rear and side lot lines. When adjacent to an R district, the width shall be ninety feet from the lot line adjacent to the R district.

**Findings:** Dumpster relocated from south side of parking lot to north side of parking lot. Reference revised blueprints dated 2/16/22. This variance request was not included in the first submission to the BZA.

**Board’s Action:** The Board is to consider the request for an “*area variance*” to 1167.06(f) reducing the required **dumpster** setback from the lot line adjacent to a Residence District from 90 feet to 34 feet, a variance of 56 feet.



# City of Macedonia

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### INTEROFFICE MEMO

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**REQUEST IV:** Applicant is seeking an “*area variance*” reducing the required building setback from the public right-of-way.

**Standards:** **1167.06 B-O Business Office District.**  
(e) Setback Lines. The setback line for any building or structure erected shall be a minimum of sixty feet from any public right-of-way.

**Findings:** Building setback from the public right-of-way as it fronts Route 8 was addressed in Planning Commission. Building setback from the Harmon Road public right-of-way was not addressed.

**Board’s Action:** The Board is to consider the request for a variance to 1167.06(e) reducing the required **building** setback from the public right-of-way from 60 feet to 47 feet, a variance of 13 feet.

**REQUEST V:** Applicant is seeking an “*area variance*” reducing the minimum required lot width when measured at the setback line.

**Standards:** **1167.06 B-O Business Office District.**  
(j) Minimum Lot Size. The minimum lot area shall be one acre, and each lot shall be a minimum of 150 feet in width when measured at the setback line.

**Findings:** According to Section 1135.13(h) variances expire after one year of no construction activity unless prior to expiration the BZA extends their approval. Reference Case # 629 approved July 15, 2020 (attached) – lot width at the setback line was originally approved at 120 feet.

**Board’s Action:** The Board is to consider the request for a variance to 1167.06(j) reducing the minimum required lot width when measured at the setback line from 150 feet to 109 feet, a variance of 41 feet.

February 16, 2022

City of Macedonia Building Department  
9691 Valley View Road  
Macedonia, Ohio 44056  
Attn: The Board of Zoning Appeals

**RECEIVED**

FEB 22 2022

CITY OF MACEDONIA  
BUILDING DEPARTMENT

RE: Don Basch Jewelers Proposed Building

Board of Zoning Appeals:

Don Basch Jewelers is proposing a building west of Fairlane Drive behind 453 E. Aurora Road. It is bordered by Route 8 to the west and Harmon drive with residential property to the north. We have considered the suggestions from the Planning Commission regarding the site plan and have modified the plan to accommodate many of the concerns. We are requesting Five variances to allow for the proposed project.

1. The property is currently zoned B-O, Business Office. We are requesting a use variance for a retail use within the B-O district. Currently along Route 82, the B-1 district stretches North to an East-West line that roughly aligns with the North edge of our site. The variance for a retail use within the B-O district for the jewelry store function would be a function that is less impactful on the residential zone to the North. The function is contained within the building and vehicle traffic is light compared to some uses that are currently allowed on the property. This use variance will lessen the impact of the property on the residential zone to the north.
2. The current setback abutting residential property is 90'. We are requesting a variance to reduce the setback to 47' from the south side of Harmon Road. The closest resident to the north from that location is on the opposite side, North side, of Harmon Road is +/- 196' from the closet point of the residence to the closest wall of the proposed building. The exceptionally narrow site with the curve of Harmon Road pushes the property line to the south causing the inability for the required setback. This variance does not negatively impact the intent of the current spirit of the setback distance. The distance between the two structures is separated by a road. The variance would allow the owner to maximize the exposure to Route 8 and maximize the return of the investment in the property. Additional landscaping on a landscape mound is planned along the North property line to add additional screening.
3. The current setback abutting residential property is 90'. We are requesting a variance to reduce the setback to 34' for the masonry dumpster surround, and 47' from Harmon Road. The exceptionally narrow configuration of the site presents difficulties in the arrangement of the site. The proposed site plan places the building closest to the south property line as allowed per the setback creating the maximum amount of distance between the residential property. The proposed site plan also maximizes the distance from the parking to the residential zone to the north. This arrangement causes the surround to be placed to the North of the building and parking causing the need for the variance. The use of the building generates mostly paper and cardboard refuse. Pick up of the dumpster can be scheduled during daytime hours to lessen the noise impact of the location. The masonry surround will be 6' high and screened to the north residential properties by a landscape mound and additional landscaping.

RECEIVED

FEB 22 2022

CITY OF MACEDONIA  
BUILDING DEPARTMENT

4. The current setback from the Harmon Road right-of-way is 60 feet. We are requesting a reduction to 47 feet. The narrowing of the site caused by the curve of Harmon Road further reduces the width of the property. There is an existing vegetation buffer between the proposed location of the building and the road. This existing buffer creates separation from the right of way to the proposed building location.
5. The width of the lot fronting Route 8 at the setback is required to be 150'. The current lot width at the setback is 109'. The property becomes narrow on the west side of the property abutting Route 8 due to Harmon Drive on the North side of the property curving to the South and West. The 150' width requirement is unable to be met due to the physical constraints of the property.

Thank you for your consideration of the requests. The Don Basch family is excited to be staying in the community and remaining a part of the city.

Regards,

Mark Leszynski, R.A.  
MVL Construction Services, LLC  
440. 821. 6284



RECEIVED

FEB 17 2022

CITY OF MACEDONIA  
BUILDING DEPARTMENT



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

LIC#: 313315 EXP: 12-31-21

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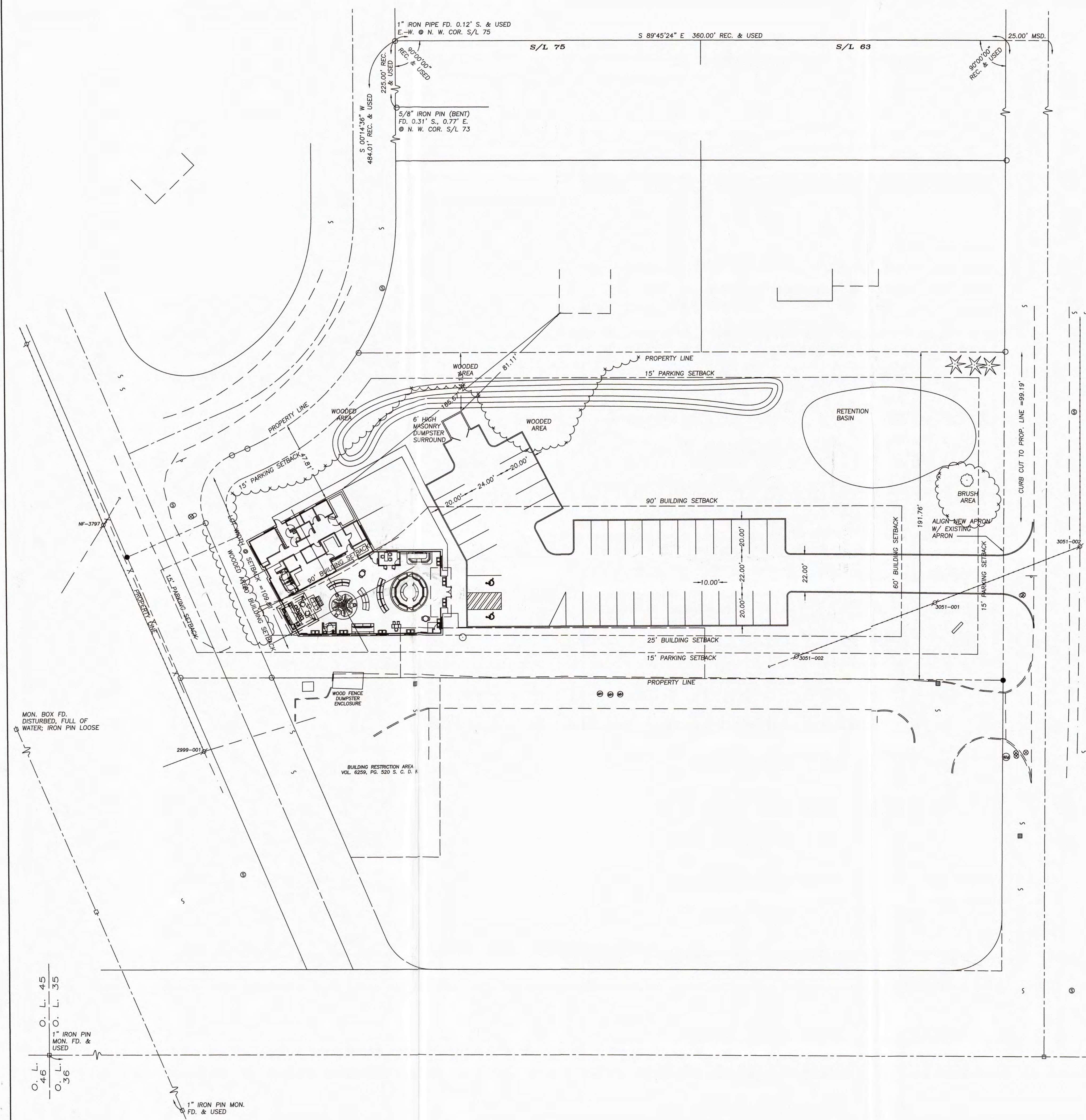
(c) 2020, MVL Construction Services, LLC.

Project Number: 20-DBJ

Date: 02-16-22

REVIEW

REVISION DATES:



FAIRLANE DRIVE (50) (PUBLIC)



LOCATION MAP  
SCALE: N.T.S.

**DON BASCH JEWELERS  
FAIRLANE DRIVE  
MACEDONIA, OHIO**

DRAWING NO:

**A-100**

PRELIMINARY  
SITE PLAN



ROOF PEAK  
+37'-0" A.F.F.

T. O. MASY  
+31'-4" A.F.F.

ROOF  
+22'-10"  
A.F.F.

ROOF  
+17'-8" A.F.F.

WINDOW HEAD  
+10'-0" A.F.F.

T. O. CMU  
+3'-4" A.F.F.



**1 EAST ELEVATION**  
SCALE: 3/16"=1'-0"

**MATERIAL LEGEND**

- 1 8X16 SPLITFACE  
COLOR: BUFF
- 2 STANDARD BRICK  
COLOR: RED
- 3 STANDARD BRICK  
COLOR: BROWN
- 4 NOT  
USED
- 5 KAWNEER 451T WINDOW FRAMES  
COLOR: BRONZE  
GLASS  
COLOR: GREY
- 6 PRECAST HEADER
- 7 PRECAST SILL
- 8 EFIS CORNICE TRIM  
COLOR: WHITE
- 9 ARCHITECTURAL ASPHALT  
SHINGLES  
COLOR: BROWN

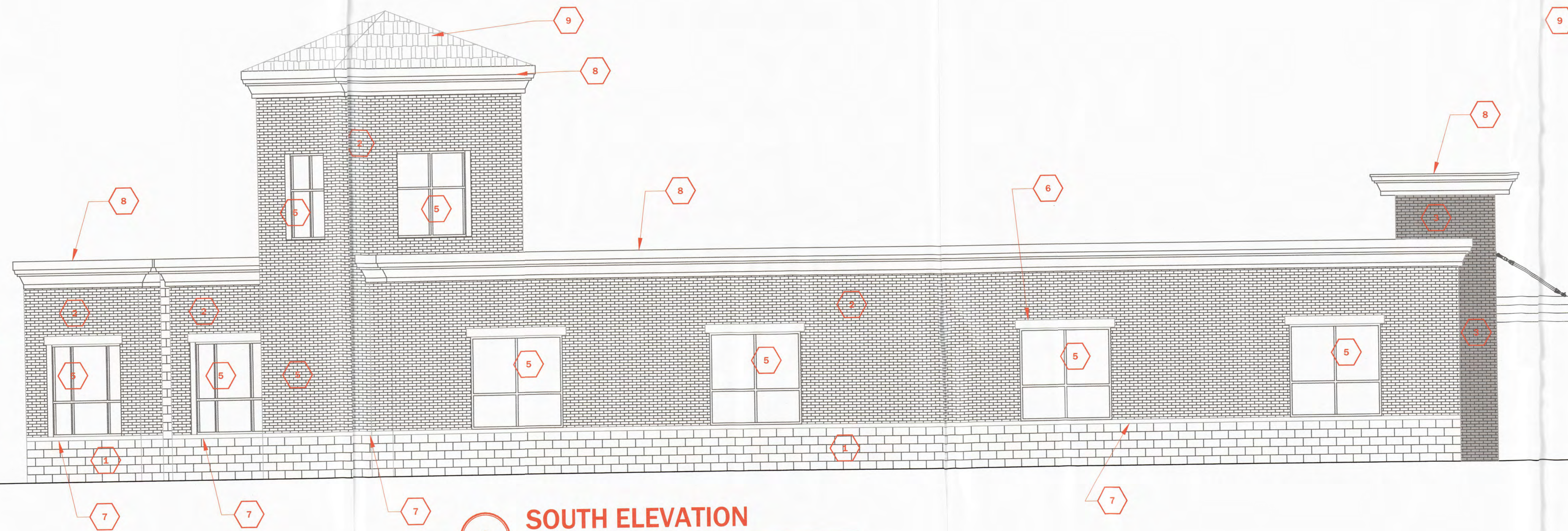
ROOF PEAK  
+37'-0" A.F.F.

T. O. MASY  
+31'-4" A.F.F.

ROOF  
+17'-8" A.F.F.

WINDOW HEAD  
+10'-0" A.F.F.

T. O. CMU  
+3'-4" A.F.F.



**2 SOUTH ELEVATION**  
SCALE: 3/16"=1'-0"

ROOF  
+22'-10"  
A.F.F.

B.O. CANOPY  
+10'-0" A.F.F.

M  
16270 LAKE FOREST DR.  
Stow, Ohio 44224  
PH: (440) 821-6264  
MVL CONSTRUCTION  
SERVICES, L.L.C.

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

LIC#: 313315 EXP: 12-31-21

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Project Number: 20-DBJ

Date: 03-10-20  
REVIEW

REVISION DATES:

04-13-20  
PRELIM

04-22-20  
PRELIM

06-17-20  
ZONING VARIANCE

10-01-20  
REVIEW

01-17-22  
PLANNING

**DON BASCH JEWELERS  
FAIRLANE DRIVE  
MACEDONIA, OHIO**

DRAWING NO:

**A-300**

PRELIMINARY  
EXTERIOR ELEVATIONS



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

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Project Number: 20-DBJ

Date: 03-10-20

REVIEW

REVISION DATES:

04-13-20

PRELIM

04-22-20

PRELIM

06-17-20

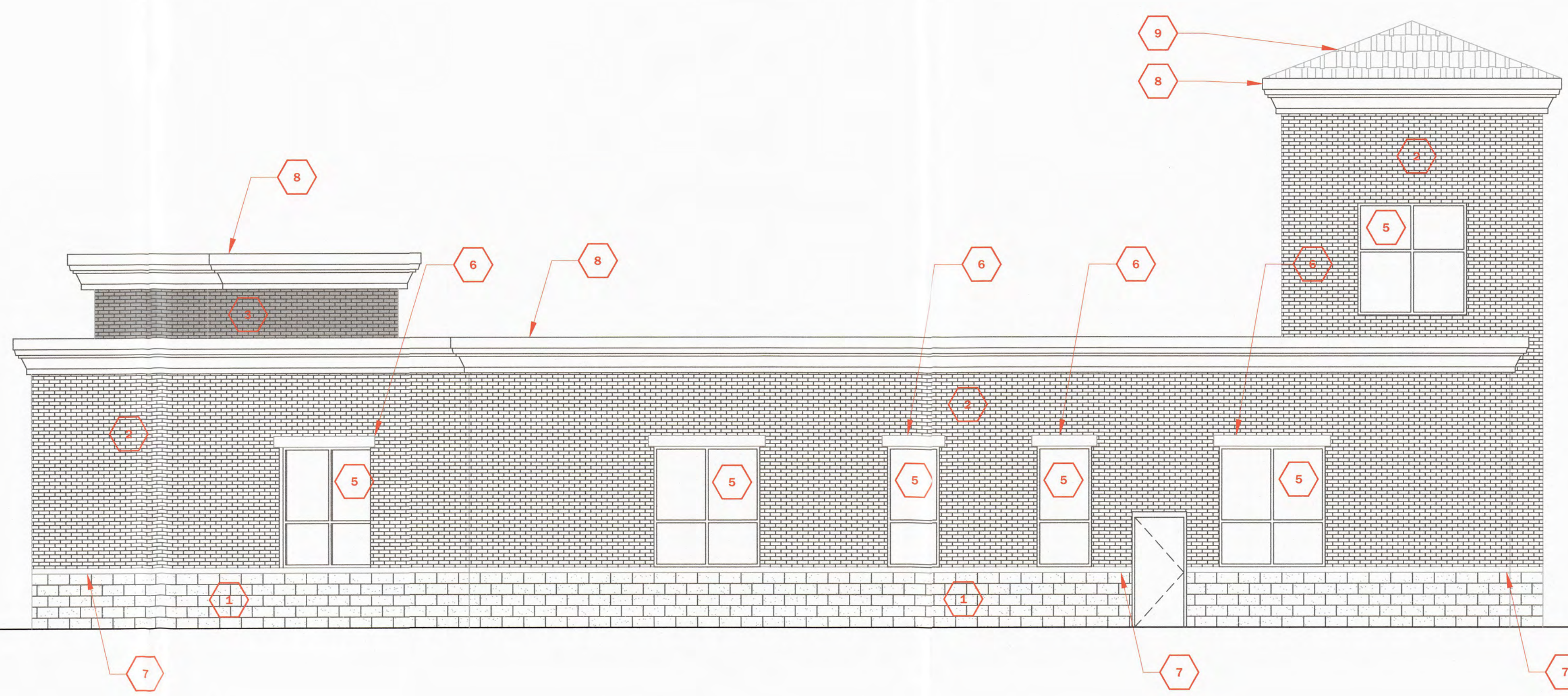
ZONING VARIANCE

10-01-20

REVIEW

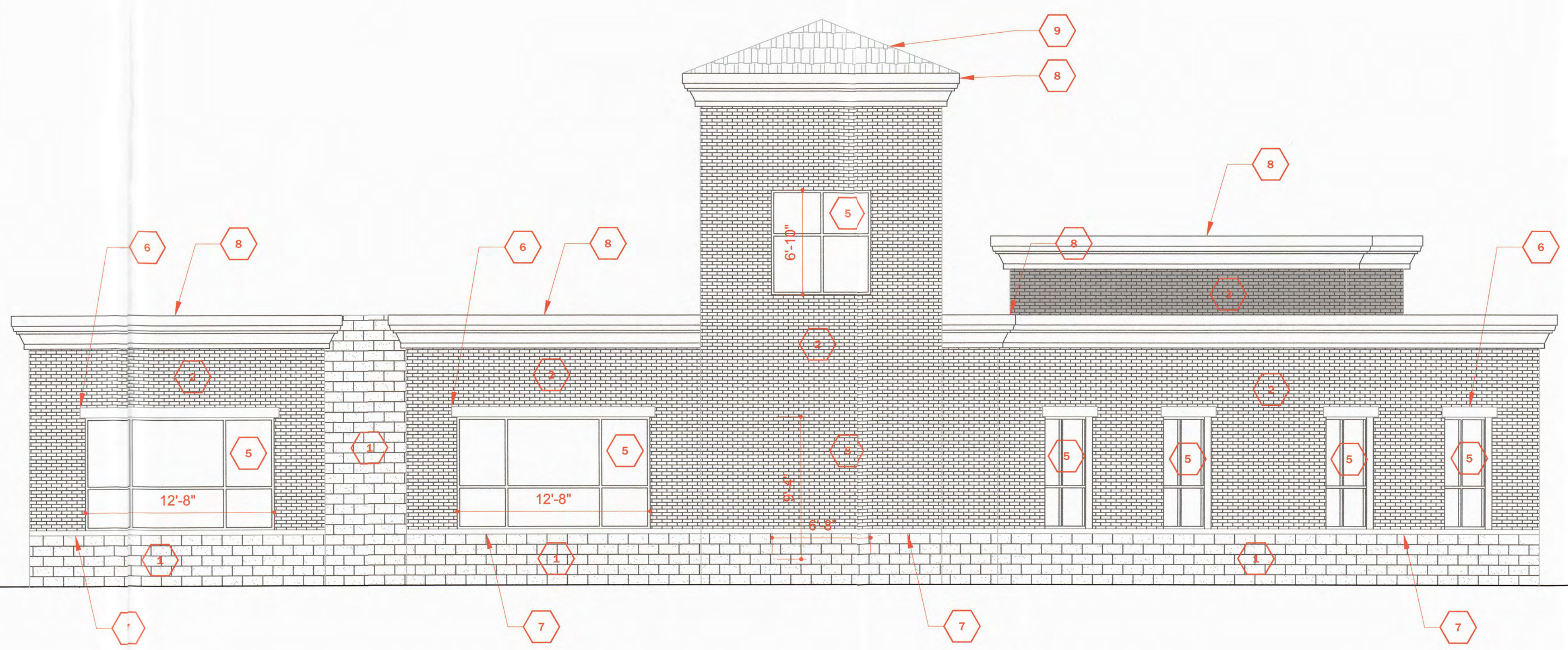
01-17-22

PLANNING



**3 NORTH ELEVATION**  
SCALE: 3/16"=1'-0"

- ROOF PEAK  
+37'-0" A.F.F.
- T. O. MASY  
+31'-4" A.F.F.
- ROOF  
+22'-10"  
A.F.F.
- ROOF  
+17'-8"  
A.F.F.
- WINDOW HEAD  
+10'-0" A.F.F.
- T.O. CMU  
+3'-4" A.F.F.



**4 WEST ELEVATION**  
SCALE: 3/16"=1'-0"

**DON BASCH JEWELERS  
FAIRLANE DRIVE  
MACEDONIA, OHIO**

DRAWING NO:

**A-301**

PRELIMINARY  
EXTERIOR ELEVATIONS





**A** ENTRANCE - DAYTIME  
SCALE: N.T.S.



HARMON ROAD VIEW



VIEW FROM ROUTE 8



**B** ENTRANCE - NIGHT TIME  
SCALE: N.T.S.

**M** 16270 LAKE FOREST DR.  
STOW, OHIO 44224  
PH: (440) 821-4284  
MVL CONSTRUCTION SERVICES, L.L.C.

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

LIC#: 313315 EXP: 12-31-21

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Project Number: 20-DBJ

Date: 03-10-20  
REVIEW

REVISION DATES:

04-13-20  
PRELIM

04-22-20  
PRELIM

06-17-20  
ZONING VARIANCE

01-17-22  
PLANNING

DRAWING NO:

**A-302**

RENDERINGS

**DON BASCH JEWELERS  
FAIRLANE DRIVE  
MACEDONIA, OHIO**



# Memorandum

**TO:** Nicholas Molnar, Mayor  
and Macedonia Planning Commission

**FROM:** Brian M. Frantz, AICP

**SUBJECT:** Don Basch Jewelry (new building) – Site Plan Review

**DATE:** February 2, 2022

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I have reviewed an application dated January 21, 2022 (including site plan) in connection with a request to construct a 6,500 square foot building (previously 7,300 sq. ft.) on seven consolidated (proposed) parcels located west of Fairlane Drive and north of Route 82. Based on my review of the application and supporting materials (including minutes from the Board of Zoning Appeals), I offer the Planning Commission with the following comments for their consideration:

## Use/Variance Approvals

The property is zoned B-O Business Office and new buildings/uses are regulated pursuant to Section 1167.06 of the Planning and Zoning Code. To address the use issue, the applicant requested a variance from the Board of Zoning Appeals (BZA). Moreover, a dimensional (setback) variance was requested from the BZA as a separate case. At their July 15, 2020 meeting, the BZA approved both variances, but did not address one of the previously noted items in my 2020 report. The approvals read as follows:

- Use – “Mr. Pilato made a final motion to grant case 627 for the use of the proposed property from Business Office to Business retail to Don Basch currently and future jewelry stores.” **ACTION ITEM: The BZA only addressed the use question with this action and approved jewelry stores on the subject property. They did not address Section 1167.06 (j), which requires the lot width be 150 feet at the setback line. Previously the plans illustrated the width of the lot fronting Route 8 at the side yard setback as 120 feet. The current site plan is dimensioned at 1”=20’, but does not scale appropriately. As such, I can’t determine if the required 150 feet is met or if a variance is needed.**
- Setback (dimensional) – “Mr. Pilato moved to accept the re-proposed Case 628 for a 40-foot set back instead of 21.5 feet with some landscaping.” **ACTION ITEM: The site plan must be updated to provide the property lines compared to the Zoning District boundary lines to ensure the 40 feet is being met.**

**GENERAL COMMENT: According to Section 1135.13 (h) of the Code, the variances expire after one year of no construction activity unless prior to expiration the BZA extends their approval. To the best of my knowledge, the BZA did not extend the 2020 approvals and therefore new requests must be made pursuant to the original submittal process. The three variances needed are: 1) a use variance to permit (or conditionally permit) jewelry stores in the B-O District; 2) a dimensional variance to address the required lot width issue pursuant to Section 1167.06 (j); and 3) a dimensional variance to address the required 90-foot setback to residential property lines. A fourth variance might be needed to address the required separation of the driveway to the residential zoning district (see item five below).**



### **Analysis – Preliminary Site Plan – Based on Business Office Standards**

- 1) Section 1167.06 (e) requires a 60-foot setback from the public right-of-way. **ACTION ITEM: The building, as it fronts on Route 8, appears to have been adjusted to meet the 60-foot requirement. This will be confirmed once a plan to scale is submitted.**
- 2) Section 1167.06 (g) provides a maximum building height of three stories or 40 feet. **ACTION ITEM: The height of the building is now shown as 42 feet to the roof peak of the tower. The Building Official should confirm if the proposed building height adheres to the definition of building height pursuant to Section 1133.02 of the Code. Regardless, I am concerned about the height of the tower when compared to the rest of the building (see number nine below).**
- 3) Section 1167.06 (j) requires the lot width to be 150 feet at the setback line. **ACTION ITEM: A variance from the BZA might be required to address the lot width at the setback line fronting Route 8.**

### **Analysis – Preliminary Site Plan – General Code Requirements**

- 4) Section 1171.11 (c) details off-street parking requirements based on the property use. The subject property (as combined) is 150 feet wide and the use of the property will be retail. Therefore, the Code requires one off-street parking space for every 250 square feet.  
**ACTION ITEM: Based on the revised 6,500 square foot building, the required off-street parking is 26 and 33 spaces are provided. The applicant should eliminate three parking spaces from two key locations. First, the single space at the southeast corner of the northern parking lot should be removed and the land area converted to a tree planter. This will eliminate a blind spot for cars entering and exiting the northern parking lot. Second, the two northern most parking spaces in the northern parking lot should be eliminated to provide more turn-around room for cars backing out and exiting the lot.**
- 5) Section 1171.11 (e) (3) requires drive entrances be 60 feet from residential zoning districts. **ACTION ITEM: Previously the plan proposed a 45-foot separation from the adjoining residential district to the north. It appears this condition hasn't changed. To the east (directly across Fairlane Drive) is another commercial plaza where Don Basch Jewelers is currently located. This plaza has two drive entrances from Fairlane Drive and the northern one lines up with parcel #3303242 in the location of the proposed retention pond. In my opinion, the drive entrance to the new Don Basch site should be relocated south to line up with the existing northern drive entrance across Fairlane Drive. This will eliminate an off-set intersection and provide the required 60 feet of driveway separation to the adjacent residential to the north. If the required 60 feet isn't provided, an additional variance from the BZA is needed.**
- 6) Signage information must be submitted as a separate Planning Commission application for future approval.
- 7) A photometrics plan in compliance with the Code must be submitted for Planning Commission review and approval.
- 8) A landscape plan has been provided but does not provide dimensions between materials. Moreover, the BZA required screening is set on a mound that can't be dimensioned to

determine proposed separation. **ACTION ITEM: The landscape plan must be revised to include a separate detail for the mound and associated landscape materials to ensure proper separation. To fulfill the BZA requirement, the Commission will need to ensure the landscaping is sufficient to screen the adjoining residential homes.**

- 9) Architectural elevations are now submitted with this application. In general, the building design is acceptable and will compliment the corner frontage on Route 8 and 82. However, a few concerns are noted and should be discussed with the City Designer. **ACTION ITEM: 1) the windows must include muntin bars; 2) there is too much EIFS at the tower roof peak. This is a prominent feature and the materials should compliment the highly visible location at Route 8 and 82. Moreover, the height of the tower is excessive when compared to the remainder of the building (~17') and should be reduced; 3) the use of concrete block is not acceptable in the Town Center District; and 4) the roof should be standing-seam metal and not asphalt shingle similar to other recently approved buildings.**
- 10) Stormwater management details in compliance with the Code must be submitted for Planning Commission review and approval.
- 11) A lot consolidation plat must be submitted and approved by the Commission prior to final site plan approval.

### **Recommendation**

The expiration of the 2020 variances is the most critical issue for the plan to progress. Once reconfirmed, the plans should be revised, printed to scale and resubmitted for Planning Commission approval. Given these concerns, the proposal must be tabled until the variances are approved and the plans are updated.

Please do not hesitate to contact me with any questions.



STATE OF OHIO  
SUMMIT COUNTY

IN THE MACEDONIA BOARD OF ZONING  
AND BUILDING CODE APPEALS  
CASE 627-629

SS

MARK LESZYNSKI, DON BASCH JEWELERS  
509 E. AURORA ROAD  
MACEDONIA, OHIO 44056

Appellant

-vs-

ZONING INSPECTOR OF  
THE CITY OF MACEDONIA and  
THE CITY OF MACEDONIA  
9691 VALLEY VIEW ROAD  
MACEDONIA, OH 44056  
Appellee

The Board of Zoning Appeals held a teleconference on Wednesday, July 15, 2020. Board members present were Kent Shellko, Sue Metzler, Sam Pilato, and Richard Ioffreda. Zoning Inspector, Chris Hall, and Building Commissioner, Nino Monaco, represented Macedonia. Discussions and voting were all conducted in accordance with the Ohio "Sunshine Law".

The hearing was called to order at approximately 6:30 p.m. Applicants, Mark Leszynski, Dustin Basch, Denise Basch, Don Basch, and Donny Basch, were duly sworn in. Also sworn in were residents Terry Repak, Bob and Anna Gatos, and Doug Hauser. Mr. Shellko and Secretary, Rachael Gambatese, began by reading the correspondence emails from property owners regarding the cases.

Case 627- Chris Hall stated that the applicant is requesting a variance on Fairlane drive to section 1167.06(a) to have a commercial retail business within a B-O Business Office District. Mr. Monaco added for record purposes that the applicants are not requesting a zoning change for this location, they just want a use variance, which is completely different. Mr. Leszynski agreed with this statement and explained that he believes a jewelry store would be better for this location than an office with less traffic. Dustin Basch repeated that they only want a use variance, and that the amount of traffic will only grow if the business does, but they think it will be minimal. The entrance will be from Fairlane drive, close to the entrance of where they are located now at 509 E. Aurora. There were questions about the square footage of the building and future tenants coming in and Dustin Basch explained that they will be taking up the entire square footage of the proposed building with no plans to have another tenant. Mr. Pilato questioned what would happen if 10 years from now the jewelry store closes down, Mr. Hall said variances run with the property, and Mr. Monaco said the board has the ability to approve on the condition that this approval would be for this tenant only and all future proposals would have to return to the board.

The board directed the audience members to share their comments. Terry Repak, resident at 8250 Harmon drive, said he lives directly across the street from the location of the proposed building. He was heavily involved in the fight to deny the rezoning here three to four years ago when the planning commission approved it with no consideration for the residents. He read back a part of the Code to the board, and then finished off by stating that he does not have a problem with Don Basch going there, he believes it to be far superior than an entire re-zoning of the property being retail like the First Watch strip. Doug Hauser, another nearby resident, said he concurs with everything Mr. Repak said; he has no problem with this himself. They are an outstanding family and business; he is concerned that once the door is opened for this kind of business here what would happen next. Bob Gados, nearby resident, added that if he were in his backyard, these buildings would be facing them. What they do today will determine what can be built there. Mr. Monaco assured the residents that if another building were proposed to be placed in front of the existing building then they would have to get many more variances. Anna Gados, nearby resident, asked for clarification of a variance versus a re-zoning, and Mr. Monaco explained.

Dustin Basch asked the board that if they were to approve this variance, if they would consider the use being granted if it is a jewelry store here, not necessarily "Don Basch." Mr. Repak said he thinks it is reasonable in case Mr. Basch ever sold his store and the name of it would change. After a motion by Sam Pilato and a few amendments, Mr. Pilato made a final motion to grant case 627 for the

use of the proposed property from Business office to Business retail to Don Basch currently and future jewelry stores. Ms. Metzel seconded the motion. Mr. Shellko: yes; Ms. Metzel: yes; Mr. Pilato: yes; Mr. Ioffreda: yes. Case 627 approved.

**Case 628-** Chris Hall stated that the applicants are requesting a variance to section 1167.06(f): every building or structure intended for office use shall have a rear and side yard width of 90 feet from the lot line adjacent to an R District. The applicant is requesting a variance of 68.5 feet to have a side yard setback of 21.5 feet. Mr. Leszynski explained that this lot consists of seven parcels that are combined into one, there is a retention basin, and they just cannot meet the 90-foot setback requirement. The board and Mr. Leszynski discussed the drawings that were submitted for review. Denise Basch said that the lot is super narrow at the south side at Route 8, it dips in, and that is why their variance request is so large. Ms. Metzel wanted clarification that their hardship was due to the irregular shape of the building and Dustin Basch said it is from the irregular shape of the lot. Mr. Repak questioned if there was another location on the site where the building can be placed, if moving it to the east and then rotating it would make it comply with the set back, and why the applicant chose to place it there. Mr. Leszynski said moving it east would make it too close to the home on the north and it is a 7,000 square foot building. Dustin Basch said they chose this location to maximize their visibility from the road for success. Mr. Repak questioned if this was criteria for the City to grant a variance and Mr. Leszynski said it is up to the board to decide; they are just trying to find the highest and best use. Dustin Basch added that they would need a set back variance no matter where they placed the building on the lot. Bob Gados added that he and his wife agree with Mr. Repak in that the 20-foot setback would cause a great deal of trouble of cars by their property. Mr. Repak went on to say that having the setback that close would kill his property value. Mr. Hauser agreed with all the above. Mr. and Mrs. Gados said that they agree that the building could be built a different shape to fit in the lot and be agreeable to all of them. Mrs. Gados particularly asked the board to reconsider the shape and size of the building for the residents. Mr. Ioffreda made a motion to deny the variance request at this time and Ms. Metzel seconded the motion. Mr. Shellko: no, Mr. Pilato: no, Mr. Ioffreda: yes. Ms. Metzel abstained. The board could not meet a decision at this time and decided to re-visit this case after completing case 629.

**Case 629-** Chris Hall stated that the applicants are requesting a variance to section 1167.06(j): the lot width shall be 150 feet at the setback line. The applicant is requesting a variance of 30 feet to have a lot width of 120 feet. Mr. Leszynski stated that the width requirement is unattainable due to the physical location of the road itself. Ms. Metzel said that it is hard to tell and decide on this without an actual document indicating South Farm drive. This led to a discussion between the applicants and the board of the property and the roads in better detail to help better visualize the lot, and after this discussion Mr. Pilato made a motion to accept case 629 and Mr. Ioffreda seconded. Mr. Shellko: yes; Ms. Metzel: yes; Mr. Pilato: yes; Mr. Ioffreda: yes. Case 629 approved.

**Case 628 revisited-** Mr. Leszynski began by stating that he and the applicants would be willing to move farther away from Harmon drive so that there is a 40-foot setback instead of 21.5 feet. Ms. Metzel asked if that would impact the building and Mr. Leszynski said that it will and they are going to have to change the plans to have a smaller building, but they will be willing to double the setback to 40 or 42 feet for closure. There was discussion about the appropriate way to go about changing this variance request during the current meeting, and after some back and forth it was agreed upon that they will just review the case as a 40 foot setback instead of 21.5 feet. Mr. Repak and Mr. Gados shared their thoughts on the matter. Mr. Repak also proposed that the board make a condition for landscaping.

After a little more discussion, Mr. Pilato moved to accept the re-proposed Case 628 for a 40-foot set back instead of 21.5 feet with some landscaping and Ms. Metzel seconded. Mr. Shellko: yes; Ms. Metzel: yes; Mr. Pilato: yes; Mr. Ioffreda: no.

Mr. Pilato motioned for the Case 623 meeting minutes be approved and all voted yes in favor. Ms. Metzel abstained. Ms. Metzel motioned to adjourn at approximately 9:22 p.m. and all voted aye in favor.

  
Rachael Gambatese - Secretary

  
Kent Shellko - Chairman



**MACEDONIA PLANNING COMMISSION  
FEBRUARY 14, 2022  
MEETING MINUTES**

**CALL TO ORDER:** Mr. Westbrooks called the meeting to order at approximately 5:30 p.m.

**MEMBERS PRESENT:**

Planning Commission: Mr. Westbrooks, Mr. Schiavone, Mr. Cox, Mr. Wallenhorst, and Mr. Roberts was absent.

City Planner: Mr. Frantz

City Fire Inspector: Mr. Smith

City Engineer: Joe Gigliotti

Building Commissioner: Bob Rodic

**APPROVAL OF THE JANUARY 10, 2022, PLANNING COMMISSION MEETING MINUTES.**

Mr. Cox motioned to approve, Mr. Wallenhorst seconded, and all were in favor.

**PROPOSED SIGNAGE FOR WAYBACK BURGERS LOCATED AT 463 E. AURORA RD.**

Mr. Evans with FASTSIGNS was present. Mr. Frantz made his comments. Mr. Cox motioned to approve as submitted, Mr. Schiavone seconded, Mr. Westbrooks and Mr. Wallenhorst agreed.

**PROPOSED SIGNAGE FOR BIND TECH LOCATED AT 8212 BAVARIA DR.**

Mr. Costiuc with Signarama was present. Mr. Frantz made his comments. There was much discussion of the faux sign materials and colors. Mr. Westbrooks commented that there is some landscaping present. Mr. Westbrooks motioned to approve with the modified materials being the entire sign is made from stone looking material with a cap on top with attached letters to be approved for look and color administratively, Mr. Wallenhorst seconded, Mr. Schiavone and Mr. Cox agreed.

**PROPOSED SITE IMPROVEMENTS INCLUDING PARKING LOT RESTRIPIING, AND ISTALLATION OF SIGNS AND LIGHT POLES AT TARGET LOCATED AT 8282 GOLDEN LINK BLVD.**

Mr. Immel with Target was present and made his proposal. Mr. Frantz made his comments. Mr. Gigliotti made his comments. There was much discussion of the curbed ramp and its location. Mr. Westbrooks motioned to approve the restriping and parking plan with the exception to the curbed ramp being moved so that the crosswalk is perpendicular with the drive isle and is to be reviewed administratively. Mr. Wallenhorst seconded, Mr. Cox and Mr. Schiavone agreed.

**PROPOSED PLAT APPROVAL FOR SPRUCE HILL CROSSINGS PHASE III.**

Mr. Coblentz with Coblentz homes was present and gave an overview of the proposal. Mr. Frantz made his comments. Mr. Coblentz explained that it was going to be developed as one phase but decided to split it up into phase 3 and 4. Mr. Frantz commented he didn't know where the Conditional Zoning Certificate stands in the approval by City Council, but it is a necessary step. Mr. Gigliotti commented that the plat is acceptable. Mr. Smith commented that the fire access road is missing from the plan and the Kelly Dr. requires a turn around of 96 ft. cul-de-sac. Mr. Gigliotti commented that the fire access road is shown on the improvement plans. Mr. Westbrooks motioned to approve the plan as submitted with the admission of Mr. Frantz's comments to reviewed administratively, Mr. Wallenhorst seconded, Mr. Schiavone and Mr. Cox agreed.

**PROPOSED PRELIMINARY APPROVAL OF A NEW BUILDING FOR DON BASCH JEWELERS LOCATED ON FAIRLANE DR.**

Mr. Leszynski with MVL Construction and Mr. Basch was present. Mr. Westbrook commented that the BZA approvals have expired and that they must be re applied for. Mr. Leszynski commented that the purpose for attending the meeting was for feedback on the project. Mr. Frantz made his comments regarding the lot consolidation. Mr. Gigliotti made his comments regarding the lot consolidation plat. Mr. Wallenhorst motioned to approve the lot consolidation as submitted with the City Planners comments. Mr. Cox seconded, Mr. Westbrook, and Mr. Schiavone agreed. Mr. Frantz made his comments regarding the New Building proposal. Mr. Westbrook went over the Architectural Advisors comments. Mr. Gigliotti made his comments. Mr. Wallenhorst discussed landscaping and screening with the applicant. The height of the tower was discussed and to maybe lower it. Mr. Westbrook questioned the trees on the North side of the site and if the trees would stay, Mr. Leszynski commented that the trees in question were not on the property. Mr. Westbrook motioned to continue the proposal to the March 21, 2022 Planning Commission meeting. Mr. Cox seconded, Mr. Schiavone and Mr. Wallenhorst agreed.

**PROPOSED SITE PLAN APPROVAL FOR THE WAVE CAR WASH LOCATED AT 307 HIGHLAND RD.**

Mr. Johnson with MDM Services was present and gave an overview of the proposal. Mr. Frantz made his comments. Mr. Gigliotti made his comments. Mr. Johnson commented that the intent is to comply. Mr. Smith commented that they may need to add an additional hydrant. There was much discussion of the one-way drive exiting south from the pay station. Mr. Gigliotti recommended the applicant verifying survey that showed the catch basin and everything else. Mr. Gigliotti had issues with the design site engineer's calculations, and to develop the site there needs to be storm water detention on site and he is willing to discuss with the design engineer. Mr. Rodic commented that the Architectural advisor will go over the recently submitted plans. There was discussion of the color of the brick being used on the building. Mr. Gigliotti commented that an area can be shown on the plan for storm water retention. Mr. Schiavone commented that a site plan/grading plan showing utilities would be beneficial, and could show fire hydrants, grades, and storm water retention plan, without it, he doesn't believe that it should be approved. Mr. Westbrook motioned to continue the proposal to the March 21, 2022 Planning Commission meeting. Mr. Cox seconded, Mr. Wallenhorst and Mr. Schiavone agreed.

**MISCELLANEOUS:**

**PROPOSED GRADING ADJUSTMENT FOR OPTIMA DERMATOLOGY LOCATED AT 8183 GOLDEN LINK BLVD.**

Mr. Sullivan with Macedonia Retail Management LLC was present and gave an overview of the proposal. Mr. Frantz made his comments Mr. Gigliotti made his comments.

**ADJOURNMENT:**

Mr. Schiavone motioned to adjourn at approximately 8:48 p.m. Mr. Cox seconded, and all were in favor.