

Regular Meeting
Lafayette Township Board of Zoning Appeals
6392 Lafayette Rd.
Safety Services Building
Tuesday March 18th, 2025, at 6:30 pm

David Ruebensaal opened the meeting, the attendance sheet was passed to board members and alternates to sign in. Before we review the variance, I have a question, the recorder did not hear who made the motions from 2/18/25, does anyone recall who did? Curtis made the motion to accept the meeting minutes, seconded by Julie Stanton. To adjourn the meeting Julie made the motion, seconded by Bill Lister. The secretary will update the meeting minutes.

David: Is it okay to jump ahead to the meeting minutes? Has everyone had the chance to review them? Any changes, corrections, beside what we just reviewed? Curtis made the motion we accept the meeting minutes with the updates, seconded by Bill Lister. All voted in favor of approving them.

Roll call: Attending:

David Ruebensaal	
Julie Stanton	Simon Bartos-absent
Curtis Perkins	Robert Fertal-seated
Bill Lister	Kevin Piatt- alternate

David: The next item we have is Variance 001-2025, everyone should have that in front of them.

The zoning secretary read the application into the record as follows:

This is an application for a variance from the BZA of Lafayette Township. Application # 001-2025, dated 2/26/2025. The name of the applicant is Harpreet Singh, the last name is Aujla. The address of the applicant is on the application as 1155 Top of the Hill Rd, along with two phone numbers: 917-428-7633 & 419-790-9036. We have an email address and the address of the owner, phone number which is the same as I read previously. The location and address of the appeal is 6392 Lafayette Rd., Medina, OH. It's the Lafayette Market; the present zoning is Local Commercial District.

Variance requested and reasons; Section 303.3 Area and Yard Requirements, Local Commercial District. Zoning code requires a minimum setback of fifty feet at the side and rear yard, however due to the existing building location, and desired addition location, this setback requirement will need to be adjusted to allow the minimum setbacks to be reduced as indicated on AS100 of the attached drawings. The required fee was paid. There was additional paperwork which I will now read.

It is dated as 2/26/25 the address, phone numbers, email address, name of owners, location of property are all indicated.

Nature of variance: Variance required to meet setback requirements. Zoning code requires a minimum setback of fifty feet at side and rear yard, however due to the existing location and desired addition location, this setback requirement would need to be adjusted to allow the minimum setbacks to be reduced as indicated on sheet AS100 of the drawing submission.

Zoning code applicable is Section 303.3.

Justification of variance: Please note, in order for the above variance to be granted, the applicant must prove to the board of zoning appeals that the following items are true.

1. Special conditions that may exist peculiar to the land or building in question: The existing building sets relatively close to property lines & was already not in compliance with the side yard setback requirement.
2. A literal interpretation of the resolution would deprive the applicant of rights enjoyed by other property owners: The owner wishes to achieve the highest and best use of his site. The proposed expansion will enable that. A literal interpretation of the resolution will deprive the owner of achieving the highest and best use of his site.
3. The owner purchased the property as is, with the current condition of the building being relatively close to the property lines. Therefore, the current condition of the site does not result from previous actions of the applicant.
4. The requested variance is the minimum variance that will allow reasonable use of the land and/or building. That is correct, please see the answer to item #2 above.

Additional documents required: there is a list of those. I hereby certify that the information contained in the application and its attachments are true. There is a signature, it is dated. It lists any additional information needed for this variance. Please notify the applicant of any additional documents that are required, such as items, A.B.C, & D above. There is a copy of the check attached, and a copy of the receipt.

There is a copy of the AS100 drawing proposed expansion, a floor plan A100 is included, and A200 outside elevation view of the building, and a color sample of the new exterior of the building after remodel.

Zoning Secretary: David, sorry to interrupt, but when I went to review the requirements, I show that the minimum requirements for the side yard is twenty-five feet, and the minimum rear yard is fifty feet.

David: That is what I thought. We are only looking at the side yard for the purpose of the variance, not the rear, is that correct?

Applicant: Yes, only side.

David: Anyone today that wants to speak needs to be sworn in. Please stand and raise your right hand. Please state your name and address, and that you swear to tell the truth. I do. My name is Stephen Berry and I am the project architect for Mr. Harry Singh and Mr. Paul Singh who own the property. My address is 374 Boardman-Poland Rd., Suite 201, Youngstown, Ohio.

David R.: Please explain to the board what you want to do with this property.

Stephen Berry: Good evening, everyone, thanks for having us tonight. This is an existing convenience store on Lafayette Rd. and the owners wish to expand the store with an addition on the rear of the building for over 1680 sq. feet which and also an extensive renovation of the front of the building to give it a whole new look. The drawings that you have should reflect what the building will look like. I have a set of drawings also. I would be happy to entertain whatever questions you might have about the property.

Essentially the addition is situated at the rear of the building, and down along the north side. There is an existing drive-thru that would be maintained. The drive-thru lane would loop around the back of the addition, and the addition actually extends a little bit closer to the side yard than the existing building. This building was already non-conforming about twenty feet away and we are going to be, with our new addition, about 13 feet 3 inches.

This allows the car to drive around and still gives adequate space from the property line. We are respectfully asking for your permission to grant this variance so the addition can be built, along with the rest of the improvements to the building. Which again is the new look of the building on the front. As part of that, the height of the building would remain the same, except the cupola on the existing building would come down. The gas pumps out front would remain the same. We have added some landscaping areas within the site to comply with the zoning landscaping requirements. There would be a new dumpster enclosure at the rear of the site.

So again, any questions you might have I would be happy to answer.

Julie S.: I am not familiar with this property, has there been any consideration to expand in the other direction? So that you weren't getting closer to the setbacks?

Stephen: We came up with this design solution because of the layout of the store, the function. To consider the other would cause more difficulty in putting in a new restroom.

The short answer to the question is, we didn't really consider that strongly mainly due to the way the floor plan currently functions. Mr. Singh pointed out that new restrooms are being planned.

Mr. Harry Singh: We want to have a restroom for the customers. We have so many complaints about the bathrooms, customers complain about that. Our current bathroom is only for the workers.

Robert: Basically, the port-o-john outside would disappear, and you would have facilities inside for employees and customers.

David R.: If everyone is going to talk, I need to swear you in. I need your name, address, and confirm that you will tell the truth. My name is Harpreet Singh Auji, 5982 Laughing Wood Drive, Medina, OH. David: And you swear that your testimony will be truthful? Harpreet: Yes.

Curtis Perkins: We have a letter here from one of your neighbors regarding the drive-thru being so close. Did you see the letter?

Secretary: Do you want me to read that into the record?

Curtis: Yes, if you would.

Secretary: This is a letter from Michele McBride.

This is for the zoning appeal for 6392 Lafayette Rd.

I am Michele McBride(property owner) of 6404 Lafayette Rd., my property butts up against 6392 Lafayette Rd. I am unable to attend due to being out of state at this time.

When the Lafayette Market was built in 1995, it was built too close to the property lines. At that time, we filed a complaint because they were too close to the property line, and they were found in violation, and therefore had to put up a fence. And they were supposed to maintain it. Because the fence was there, it left their drive-thru unable to be used. So therefore, I do not know how it can possibly be built even closer to the property line now.

My home is a family home, where kids play in the yard, and yes sometimes next-door gas station can be a nuisance with the noise and trash that blows in our yard from there and the traffic can be bad at times, but we have learned to co-exist.

Now, if they want to build in the other direction on the other side of the building, I have no problem with it but building it towards my property is a problem.

Please keep me informed of any developments of 6392 Lafayette Rd. I will be home on 4/14/25 for one week if we need to discuss this any further.

Thank you, Michele McBride.

David R.: You plan on having a drive-thru window?

Mr. Singh: Correct

David R.: And where is that located?

Stephen B.: There is already an existing drive-thru window. It shows up on plan A100, it's along the south side of the building. It is a stacking lane that wraps around the building. We are showing thirteen foot three inches on our site plan and a standard one lane of traffic is twelve feet. Mr. Singh indicated that he would be happy to repair the fence or make a better barrier with the neighbor. We were not aware of the neighbor's letter until just now.

Curtis: Is there enough room to get a car around there, to use that drive-thru, without hitting your fence or the building?

Stephen B.: Yes, sir. Our plan is thirteen feet three inches, and a standard lane is twelve feet. We could also put a guardrail or ?? around there to make sure the fence is protected. When the building gets staked out, we can make sure that is all verified.

Curtis: That seems like a major concern.

Bill: If you look here, only 13'3" right there.

Stephen B.: Like I said the existing corner of the building was already non-conforming.

Curtis: How long have you owned that property?

Mr. Singh: 12- 13 years.

Curtis: In 12-13 years, you have never done anything to the drive-thru?

Harry Singh: We still have a drive-thru but we have never used it.

Curtis: It's all existing.

Robert F.: I think the scary thing with the drive-thru is you have them coming around the back of the property, they are heading straight into the fence. I know you don't control your cliental or what they do on the way to the drive-thru but you get someone who is hammered up there late at night and then plow right through that fence and they are going to go right into that neighbor's house. That would be my concern if I was the property owner.

Stephen B.: There would be some room to put some solid pipe bollards to keep them from hitting the fence.

David R.: Does anyone else have any other questions?

Robert F.: I guess my question would be around the protected structure, along that fence line. We are looking at thirteen ½ feet, your average lane of travel is ten feet, so I'm assuming you would have a ten foot travel lane like you would in any other situation, that only leaves you about one-foot & ½ on either side of that travel lane. If we are looking at a foot ½ at the property line, I would assume you would have to put in there

some type of concrete stanchions. I couldn't see anything that would be robust enough to stop a vehicle that would fit into a foot ½ area.

Stephan B.: What I am envisioning is an eight-inch steel pipe bollard, that would go down below the frost line, it would be set in concrete eight-inch diameter. And we could put a number of them in to create the barrier. We could also have a guardrail on it. And do that within that foot and a half. We could also make sure that they would stay closer to the building to direct them.

Julie: I'm curious, what will the drive-thru be utilized for?

Stephen B.: It is a typical drive-thru, you would purchase at the store and you come around...there is no intercom. Mr. Singh states for people who would order food ahead, but there is no intercom system. They would come around and order food & pick up right there at the window.

Mr. Singh: Some people have come there, they cannot get in. They can come through the drive-thru get the service.

Robert F. : I think everyone agrees that it is a good service to bring to the community if you have handicapped folks who can't get out of the car, or small children inside the car, everyone agrees that it's a good service to bring to the community. The concern is the proximity to the adjoining property.

Curtis: Your utilities out there, are you on municipal water and sewer? Well or septic.

Mr. Singh: We have septic & well.

Curtis: Have you approached them with what you want to do to make sure that you comply with the size of your septic, etc.?

Mr. Singh: We will contact the EPA.

Curtis: Medina County Health Department or the Sanitary Engineers did you speak with them?

Stephen B.: We need the zoning first. But we did submit it to the county building department, and they have already reviewed the plans. And the follow up would be to go to the health department. We would have to get those approvals first.

David: Anything else from the board? Anything from the public?

David: We'll move onto the Duncan Factors. In Ohio, a set of seven guidelines which are prescribed for officials to use which fairly and equitably consider how to gauge practical difficulties, these are commonly referred to as the Duncan Factors. These are enshrined in Duncan v. Middlefield 1986, 23OhioState 3D83.

#1. Will the property in question yield a reasonable return or whether there can be beneficial use of the property without the variance?

Julie yes
Curtis yes
Bill yes
Robert yes
David yes

#2. Whether the variance is substantial?

Julie yes
Curtis yes
Bill yes
Robert yes
David yes

#3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties could suffer substantial detriment as a result of this variance?

Julie yes
Curtis no
Bill yes
Robert yes
David yes

#4. Whether the variance would adversely affect the delivery of governmental services?

Julie no
Curtis no
Bill no
Robert yes
David no

#5. Whether the property owner purchased the property with the knowledge of the zoning restrictions?

Julie yes
Curtis no
Bill yes
Robert yes
David no

#6. Whether the property owner's predicament, feasibly could be obviated through some other method than a variance?

Julie yes
Curtis yes

Bill yes
Robert yes
David yes

#7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance?

Julie no
Curtis no
Bill no
Robert no
David no

David: That concludes the Duncan Factors. At this time, I will entertain any motions to approve the variance as written.

Curtis: What is the current setback?

David R: Required setback is twenty-five feet, and they are at thirteen three. They want almost a twelve-foot variance. About half the distance. They are already at twenty feet if I remember correctly.

Stephen B.: Actually, it's a little closer than that. It's about sixteen foot, four inches right now.

David R.: They are asking for another three feet. There was an issue with being too close previously, which is why the fence was installed. They are asking to move another three feet closer to the property line. The previous owner was found to be in neglect of the existing zoning laws.

Curtis: I make a motion that we grant the variance as written. Do you plan on doing this right away?

Stephen B.: We would be happy to verify those measurements as part of our commitment.

Curtis: As part of this I would like to include that you will work with the property owner regarding the fence and to come to an agreement as to how you will handle that.

David R.: Let's vote on the variance to start with and then we can go into additional requirements.

Secretary: You have a motion on the floor to grant the variance as written.

David: Do we have a second?

Julie S.: I'll second the motion.

Roll Call Vote:

Julie no
Curtis no
Bill no
Robert no
David no

David: Now if you want to make stipulations.

Curtis: I make a motion as written, with the additional step of working with the property owner, Michele McBride to rectify the fence, a two-year limitation on completing the project, if not, the variance expires and installing bollards and/or guard rails or both.

Unknown speaker: What is the exposure to the Township from the neighbor? We have this letter; she made a request, and we could be stepping all over her request without conversation.

Discussing the fact that she is not here, the board is taking into account what she has communicated to us. Discussion according to the letter, the fence that is there is in disrepair. Discussion that the address is on MLS and is for sale.

David R.: That is irrelevant to our decision.

Robert F.: If we delay the vote until next month, that property may very well belong to someone else.

David R.: Our issue is that the variance is in front of us, what they are asking, and we are going to make the best decision based on the information that is provided to us and is in front of us. For all we know, next week someone could offer the owner a million dollars for his property, and he would be out of here. We can't vote on "what ifs", we need to vote on what is in front of us.

Robert F.: If we are given directions to communicate with the property owner, that could be changed within days.

Julie: I think we have a property owner who at one time was upset because it was built too close to the property line, I understand that we are trying to come up with something that could be workable for everyone, but if she is concerned about the noise, about the trash, and this will push it closer to her property line. I'm not sure that our solutions would alleviate her concerns.

David: Does the exiting fence that is there, does it go the whole distance on the property line?

Stephan B.: Yes

Jason Seeley; 5665NVandemark Rd. : I bought the rental towards her house.

David R.: Hold on, I need to swear you in. Raise your right arm, do you swear to tell the whole truth.

Jason: Yes, I do. I bought the rental property next to hers, I know Michele. I'm not going to speak for Michele, because I don't know what she is going to say, but I know that she is very adamant in having that cleaned up. Having the barriers might help her not complain about it. She was very frustrated in the beginning, that fence is leaning over towards her yard.

David R.: We are putting the stipulation in that they need to fix the fence, properly maintain the fence, I'm feel bad she is out of town, but I don't see that as a barrier to use holding off on making a vote.

Jason: My only concern is having a barrier.

Stephan B.: That issue is within the scope of this project. To do a good job of maintaining that and directing the traffic. We can maintain it with curbing, and the bollards can continue around the curve, direct everyone, and the fence can be repaired. And do our best to improve the noise pollution, all of that. I think that is a relatively minor fix.

David R.: The only other question that I have is, would you be willing to relocate the air compressor? Those can be noisy. Does it have to be over on that property line?

Stephan B.: Reviewing the plans.

David R.: It is up towards the street, but closer to the adjoining property. Look at AS100, they are looking to relocate the air compressor from being up on the building to being over there. My concern is that would be a noise complaint as well.

Stephan B.: We can certainly take a look at that.

Many voices were talking.

Julie: I can tell you where I'm at, looking at where we are now, the information we have, I'm not sure that would help me to make any other decision than I have already made, but I defer to everyone else. If they want to work with the property owner and come up with a solution and come back and apply for a variance, but I feel too uncomfortable..

Robert F.: I agree with that. I would like to see diagrams and drawings of what the barriers would look like, and how they would be configured. The fence, that is going to be repaired and replaced, and what that is going to look like. And then get the input from the current property owners.

Curtis: Can we do that?

David: I don't think so.

Robert F.: Can we defer a vote until next month?

Secretary: I believe it can be done. You can pend or continue a meeting. Is that correct Justin?

Justin P.: They have already voted on it.

David R.: If we leave it sit as is, we have denied the original variance as written. Now, unless we decide to add in a new variance with stipulations what's on the record is the

board all voted no. It would be a denied variance. We can't delay it, we need to finish our decision.

Curtis: Sherri, if we tell them they have to work with the neighboring property owner regarding the fence, how do we police that to make sure it's done? Is that something you would follow up on?

Sherri detailed her conversation on Monday with the adjoining property owner. I'm not sure how you would police something like ensuring the fence is maintained.

David R.: If we make the stipulation and add onto the variance that the fence needs to be repaired or replaced and needs to be maintained. I think the ZI would be able to visually drive by and see the condition of the fence.

Bill L.: For one thing, we don't have any specs showing us what they are going to do, how they are going to put it up, without any of that...

Julie: Since we denied the variance, that doesn't mean they can't come back.

Stephen B.: We would have no problem with you stipulating a new fence, with the screens and guards that we talked about. We would be happy to submit for your review the plans for that and the verification of dimensions we discussed.

David R.: Our big issue now is that we already said no to the variance as it was originally written. We have to make a decision on adding stipulations or it stands as a no. I'm going to make the motion that we approve the variance as written with the addition of the bollards going down the side near the fence, the replacement and upkeep of the fence, the relocation of the air compressor and for this project to be completed within two years from the time we approve it.

Robert F.: Is there anyway for us to lay down some preliminary or scope for the barrier? The architect is stating eight-inch bollards, but we don't know how many. I would like enough to prevent a car from running into the next-door property but not sure how to state that.

Stephen B.: A car is about 6 foot wide to 7 foot wide, they could be placed 5-6 feet apart and they could form the entire curve of that driveway and get you past the fence.

Robert F.: Can we put that language in there? I like the bollards five feet on center, around the radius of the curve, it is something that could be verified.

Stephen B.: I would say five feet on center starting at the radius of the 90 degree turn and continuing up to the front of the building. With a new fence that has a visual screen, like six foot tall.

David R.: He is talking about putting bollards every 5-6 feet from the curve up to the front of the building.

Stephen B.: Let's take it along the straight away until where the new addition starts.

Julie: I'm less concerned about safety; I'm concerned that it is a significant variance for a property that was out of compliance to begin with.

David R.: They are asking for three feet from where they are now, if this was any other variance if they would have been compliant to start with and they were at twenty-five feet I don't think we would blink much of an eye at three feet. The problem is, whoever was there before the current owners, was non-compliant, got penalized, put up the fence, they are asking for a small amount.

Julie: If they had been in compliance....

David R.: If they were in compliance, they would need a three-foot variance, but you would be looking at twenty-two feet but unfortunately the building wasn't built that way. That's my opinion.

David R.: I am making a motion to approve the variance as written, with the following additional stipulations: project is done within two years, new six-foot fence, re-locate the air compressor to the other side of the building, bollards five feet across the radius to the new addition spot on the building.

Curtis: I will second the motion

Roll Call vote:

Julie	no
Curtis	yes
Bill	no
Robert	no
David	yes

The variance does not pass.

Stephan B.: Mr. Singh did state that he would be willing to forego the drive-thru and put the same addition up. Could possibly consider coming back, it would be the same variance without the drive-thru.

David R.: I would be open to consideration; I can't speak for my colleagues. So here is the question for those of you who voted no, what would you like to see?

Stephan B.: In all fairness, the owners bought the building without being aware that the existing building was already too close to the property line.

Robert F.: I understand that this is a hardship. We try to be very reasonable; property owners should have rights and a say in what they do with their property. Where it

becomes a factor is when it affects the adjoining neighbor and/or property. For me, if you could pivot the addition to the building and maintain the property lines.

Discussion about what exactly Robert means between applicants and architects.

David R.: How far is the existing building from the property line?

Discussion between applicants and architect, Sherri at the table w/ applicants & architect.

Stephan B.: Is it correct, if it is twenty-five feet off, within the setback, we would not need a variance. If we re-designed the addition to be twenty-five feet away.

David R.: That's correct. We would still require permitting, but you would not need a variance if you met the setbacks.

David R. Reviewing possible redesign with applicants and architect. They are looking at cutting off this part of the building, moving the restroom and the office, or whatever it was, the storage and giving you twenty-five feet from here to the property line at which case they won't need a variance because they will be within the zoning regulations. At this point, they will follow the code.

Robert F.: That would make it a lot cleaner.

Curtis: Are you all right? You are going to make the changes and not get a variance?

Stephan B.: It looks that way.

Curtis: I don't understand why you want to put in a public restroom, when other business owners are getting away from them.

Mr. Singh.: Discussion about people with little babies, we have so much nice customers, trying to do something to help them out.

Stephan B.: It is also something that is required by the building code.

Curtis: Thank you for coming out.

Stephan B.: We appreciate your discussion and your sincerity.

David R.: Continue with the rest of our meeting.

Hand Outs: Variance for April was passed out to the BZA board members.

Upcoming Meetings: The next meeting is April 15.

Adjourn: Bill made a motion to adjourn the meeting, seconded by Julie. Everyone voted in favor of adjourning.

David Ruebensaal, Chair

Julie Stanton, Vice Chair

Curtis Perkins

Bill Lister

Simon Bartos

Robert Fertal-Alternate

Date: _____

Kevin Piatt-Alternate