

Board of Zoning Appeals Meeting

July 22, 2021

ZA-07-21

Members/Attendance: X Michael Johnston
X Ricky Morrison
X Albert Sciulli
N/A Robert Durick
X John Grahovac
X John Savarise

Also in attendance: X Bob Monus, Zoning Inspector
X Michele Richards, Recording Secretary

Mike Johnston called the meeting to order at 7:00 p.m.

1st Order of Business:

Mike Johnston stated that the first order of business is to approve the minutes from the meeting held on May 20, 2021. John Grahovac made a motion to approve the minutes from the May 20, 2021 meeting. Ricky Morrison seconded the motion.

Voting:

Yes John Grahovac
Yes Ricky Morrison
Yes Al Sciulli
Yes John Savarise
Yes Mike Johnston

Motion carried.

2nd Order of Business:

Case #ZA-07-21 – This case is to modify a previously approved Conditional Use Permit for the following purpose: The Poland Touch Free Car Wash located at 3345 Center Road, Poland, Ohio, has installed an external air drying system outside of the rear part of the building. These dryers are creating complaints of excessive noise from the residential properties to the rear of the car wash. Since this variance was approved as a Conditional Use, the Board of Zoning Appeals needs to approve or deny this modification of the dryers and/or come up with a solution to resolve the matter. The representative of the car wash is Dustin Bach DBA/East Ohio Properties, LLC and East Ohio is the owner. The parcel is known as Lot 2, parcel #35-022-0-001.01-0, and is located in a Town Center (TC) zoning district.

Items included in packet submitted:

1. Zoning Permit Denial Form
2. Memo from Patty Magazzino
3. Property Description (Zoning)
4. Property Description (Auditor)
5. Zoning District Map
6. GIS Aerial View Map
7. GIS Aerial Additional View Map
8. Photos
9. Warranty Deed

Board of Zoning Appeals Meeting
July 22, 2021
ZA-07-21

Dustin Bach
65 Marwood Circle
Boardman, Ohio

Mike Johnston stated to Dustin Bach that the external drying equipment is making noise and disturbing the surrounding neighborhoods and a solution needs to be made to mitigate this.

Dustin Bach stated that he understands and he has ordered silencing cones for the dryers along with fiberglass covers. The order for the new equipment was placed on June 15, but due to Covid it is on backorder. He was told that the order should be in within the following week. He showed the Board a photo of the equipment that was ordered. This new equipment will provide a five decibel reduction in sound, per the manufacturer.

Mike Johnston stated that with his experience in sound, a five decibel reduction is not a lot in reduction. John Savarise asked based on the five decibel reduction, what is the percentage of the decibels? Bach stated the decibels are currently at approximately 75%, with the new equipment it will be 68%.

Mike Johnston stated to Bach one of the concerns was that in 2012 he presented a plan to this Board that was approved conditionally, and since then he has deviated from that plan and put the dryers outside. Johnston stated he feels Bach should have come back before the Board for approval. Johnston stated that the intent was changed from internal dryers to external dryers, and with more external dryers than internal dryers. Bach stated he understood if it was something with the building he would have to come back before the Board, but with an equipment change he did not think that he had to. Johnston stated there are noise concerns of residents in the neighborhood and he also drove through the neighborhood and the noise from the car wash is loud.

Ricky Morrison asked Bach for clarification on the decibels. Bach stated that with four fans inside it was 68%, with the six fans outside it is 75%. The new covers that are ordered with bring it back to 68%.

John Savarise asked Bach what percentage of customers use the facility after 6:00 p.m. Bach stated approximately 25%.

Al Sciulli asked Bob Monus in regard to the previous conditional use permit that was granted, if there was language in there pertaining to noise. Monus stated no. Al Sciulli made a statement, in which he feels the appellant is not in contempt of the original variance. Mike Johnston stated to Al, that the appellant changed the intent because the original building had internal dryers, and those are no more, now there are external dryers. Monus stated, that since the external dryers were installed, that is when the noise complaints started to generate.

Mike Johnston asked if anyone in the audience would like to speak or have questions in regard to the request.

Denise Haynes
3304 Ridgely Park

Denise Haynes asked about the decibels and what a normal range for decibels is. Mike Johnston stated that the higher the frequency, the farther the sound travels. The lower the frequency, the shorter it travels. These dryers are a very high frequency so the sound will travel a lot farther. She stated that the noise is very disruptive when you are outside as well as inside the house. She stated before the equipment was installed it was not as loud as it is now.

Board of Zoning Appeals Meeting
July 22, 2021
ZA-07-21

Eric Medved
3308 Ridgely Park

Eric Medved stated he cannot sit on his patio or have guests because of the noise. He stated he had a repair person at his house and they asked if there was a plane nearby taking off, that is what the noise sounds like. He stated before the dryers were installed outside it was not as loud as it is now.

Antoun Dibo
3300 Ridgely Park

Antoun Dibo stated he is not here to complain, he built the building for the car wash. When he built it, the blowers were on the inside. The sound was acceptable. He stated now with the blower outside, the noise is unacceptable. He stated again he is not complaining, but he would like Dustin to come up with a solution for the noise.

John Grahovac stated that issue at hand is to find a solution to reducing the noise. If the fans were pointing towards Route 224 it would not be an issue, but they are not. He stated the Board may have to revisit the issue once the equipment has been installed. He mentioned a similar noise issue at Cricket's Bar in Youngstown where they installed a sound barrier wall that helped to reduce the sound from the bands playing.

Mike Johnston mentioned maybe there is some type of canopy that can be installed on the building that could help reduce the noise. He stated to the Board that the appellant has made a substantial investment in his business and the resident's also have substantial investments in their homes. He stated he is uncomfortable with the new dampers and is not ready to approve this. He feels there needs to be a Plan B, and if Plan B does not work, there needs to be a Plan C. He does not feel it is fair to the residents.

Dustin Bach agrees that he has made a substantial investment and is willing to see that if the dampers do not work, then to come up with a Plan B.

Mike Johnston stated to Bach that the Board will schedule a continuance meeting after the equipment is installed and he is to have a Plan B, or alternate plan ready to present also. The Board members are in agreement with this, as is the appellant. The time frame for this is approximately two weeks once the equipment has been installed.

Motion

Ricky Morrison made a motion in Case ZA-07-21 to continue the case until the cones and equipment come in as discussed. At that time, the Appellant will notify Zoning, and the case will be scheduled. John Grahovac seconded the motion.

Voting:

- Yes Ricky Morrison
- Yes John Grahovac
- Yes Al Sciulli
- Yes John Savarise
- Yes Mike Johnston

Motion carried.

Board of Zoning Appeals Meeting
July 22, 2021
ZA-07-21

Meeting adjourned at 7:55 p.m.

Submitted by:

Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (6)
Zoning Commission (6)
Paul. Canter, Fiscal Officer (1)
File (1)