

**Board of Zoning Appeals Meeting
September 18, 2014
ZA-10-14, ZA-11-14, ZA-12-14**

Members/Attendance:	X	Hank Grover
	N/A	Jim Burgham
	X	Holly Grant
	X	Michael Johnston
	X	Ricky Morrison
	X	Frank Prusak
Also in attendance:	X	Patty Magazzino, Assistant Zoning Inspector
	X	Michele Richards, Recording Secretary

1st Order of Business:

Mike Johnston stated that the first order of business is to approve the minutes from the meeting held on August 7, 2014. Holly Grant made a motion to approve the minutes from the August 7, 2014 meeting. Hank Grover seconded the motion. All members were in favor. Motion carried.

2nd Order of Business:

Case #ZA-10-14 – Is a request by Julian Keith Adkins to obtain a variance to construct an accessory building which square footage exceeds allowable size and also to retain an existing accessory building for property located at 5440 Kennedy Road, known as parcel #35-087-0-038.00-0, lot 22. Parcel is located in Poland Township, Lowellville, Ohio, in a (R-1) Residential-1 zoned district.

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Warranty Deed
5. County Map
6. Property Description
7. Site Plan
8. Aerial and Zoning District Map

**Julian Adkins
5440 Kennedy Road**

Adkins stated that his letter of intent states the reason for the accessory building. He has two collector vehicles that belonged to his late son that he would like to store in the proposed building. He would like to retain the existing shed to store his mower, power washer and other lawn equipment.

Holly Grant asked Adkins if he plans to use the proposed accessory building for commercial use. Adkins stated no, the building is for storage of the collector vehicles.

Mike Johnston asked if anyone would like to speak in favor of this request.

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**Nick DelSignore
5424 Kennedy Road**

DelSignore lives behind Adkins. He stated that Adkins is a great neighbor, maintains his property, and the vehicles mean a lot to him and he is in favor of the variance.

Mike Johnston asked if anyone would like to speak against this request. No one responds. Mike asked if the Board had any questions or comments.

Ricky Morrison stated that the proposed building will not be seen from the road.

Holly Grant stated that the variance for size is not unreasonable.

Hank Grover asked who owns the vacant lot to the right of property. Adkins stated Mike Albecht. Hank asked if he was notified and had any objections. Adkins stated that Albecht did not have any objection to the variance request.

Motion

Holly Grant made a motion in Case ZA-10-14 to grant the variance as requested for the construction of a detached accessory building of twenty-six by twenty-eight (26 x 28) feet and to allow the current shed of twelve by sixteen (12 x 16) feet to remain on the property, as per the plans submitted. Ricky Morrison seconded the motion.

Voting:

Yes Holly Grant
Yes Ricky Morrison
Yes Frank Prusak
Yes Hank Grover
Yes Mike Johnston

Motion carried.

3rd Order of Business:

Case ZA-11-14 - Is a request by Mr. Dean Worsencroft, represented by J. Robert Lyden, P.E., to obtain a variance requesting the reduction of minimum lot width from (175) one hundred seventy-five feet to (100) one hundred feet, to subdivide 41.9 acres into (5) lots for property located on Clingan Road, known as parcel #35-009-0-001.00-0, great lot 14. Parcel is located in Poland Township, Poland, Ohio, in an (E) Estate zoned district.

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Letter from Property Owner/Authorization Letter

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5. Warranty Deed
6. County Map
7. Aerial and Zoning District
8. Property Description
9. Plot Plan showing Subdivision of Lots

**Robert Lyden
168 Cowden Drive, Unit 4
Canfield, Ohio**

Lyden is representing Worsencroft. Lyden stated there is a hardship in the case for the configuration of the property. Lyden referred to a map. There is a total of 49 acres on this property; however this case is only dealing with 41 acres. Two of the parcels have been sold, one sale is pending. Lyden stated the variance is requesting to reduce the minimum lot width from one hundred seventy-five (175) feet to one hundred (100) feet in order to split into five (5) lots. The lots will be served by a common driveway. The houses will be placed at the back end of each lot. It is anticipated that the five (5) lots will be in the million dollar taxation range.

Holly Grant asked Lyden if there will be something in the deed restrictions about a common driveway. Lyden stated yes and he has spoken to Mike O'Shaughnessy at the Mahoning County Planning Commission about it.

Mike Johnston asked if anyone would like to speak either in favor or not in favor or if there are any questions.

**Earl Murry
5875 Clingan Road**

Murry lives across the street from the property in question. Murry asked if condos would be put in once the variance is granted. Lyden replied no. Murry asked if he would be required to tie into the sanitary sewer. Lyden replied that it will be a force main and you are not required to tie into a force main. If it was a gravity sewer and your house was two hundred (200) feet from the right of way and your system was failing, then the health department would require you to tie into it. None of those conditions apply in this situation. Murry also stated he would not like to see four separate driveways. He likes to see the woods from his house and he likes the idea of one common driveway.

Holly Grant stated that she is concerned that Lyden is doing this just for financial reasons.

**Randy Rubesa
3058 Algonquin Drive**

Rubesa's property is two houses down from the Poland Swim Club. He stated that he and his neighbors take care of the property in the back of their yards near the Ohio Edison property line and is concerned what will happen if it is sold. Holly Grant stated that property is not part of this variance request. Lyden stated that he is aware of the neighbors taking care of the property that Rubesa is questioning.

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Mike Johnston asked if there were any other questions or comments.

Patty Magazzino asked Lyden how you will access the one road across the parcels without going across the middle of the property. Lyden referred to a gate with an old road behind it. The road will be located with a survey and it will be noted as an ingress/egress easement for those lots and there will be individual branches off of that to the houses.

Holly Grant asked why you wouldn't bring the road down into where it is one hundred (100) feet wide and then branch off from there. Lyden stated that portion is non-existent because no structure will be built in that one hundred (100) foot section.

Lyden stated the entire value of this property is lakefront view and the houses will probably be built with minimum back yard dimension. Mike Johnston stated you would assume that the property owners would remove the minimum amount of trees needed to construct the house and bring utilities in. Lyden stated that one advantage of having sewer available is you do not have to have a half an acre septic system because you cannot pull a tree out and put in a septic system. They would have an inch and a half PVC force main out to the street. They are looking at directional driven so there is very minimal disturbance and it also very economical.

After further discussion amongst the Board, the following motion was then made.

Motion

Hank Grover made a motion in Case ZA-11-14 to grant a frontage variance for lots 1 through 4 as shown on the map of survey by Robert Lyden, with the stipulations that there shall be no structures built until the one hundred seventy-five (175) foot minimum lot width is met and that all residences built shall be connected to the public sanitary sewer. Holly Grant seconded the motion.

Voting:

Yes Hank Grover
Yes Holly Grant
Yes Frank Prusak
Yes Ricky Morrison
Yes Mike Johnston

Motion carried.

4th Order of Business:

Case ZA-12-14 – Is a request by Kenneth Krawchyk, to obtain a variance to construct a detached garage which square footage and height exceed allowable size. Property is owned by Bruno Polito, and is located at 5478 Center Road, known as parcel #35-086-0-025.00-0, great lot number 49. Parcel is located in Poland Township, Lowellville, Ohio, in an (OF) Office zoned district.

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form

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3. Letter of Intent
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Ken Krawchyk
7615 Mulberry Walk

Krawchyk stated that the building will be used strictly for storage.

Holly Grant asked Krawchyk if he or someone else lives in the house on the property. Krawchyk replied no, no one lives there but he may fix it up in the future and rent it once the new building is constructed.

Holly Grant stated she is concerned that the building will be used for a business. Krawchyk stated the purpose is strictly for storage. She asked if Krawchyk would consider a smaller size building. He stated that he has a sixteen (16) foot trailer, a fourteen (14) foot trailer, a work truck, as well as steel forms so he does need a building the size that he is requesting.

Holly stated there seems to be areas that are grandfathered in this area. Patty Magazzino stated that Susany's property is industrial due to a zone change and Stanley's Auto Wrecking property is grandfathered.

Mike Johnston asked if the building would be metal or wood. Krawchyk stated wood frame with metal.

Motion

Hank Grover made a motion in Case ZA-12-14 to grant the variance to build a forty-six by seventy-two (46 x 72) foot detached garage on the property as shown in the application submitted, with a maximum roof height of twenty-five (25) feet. Frank Prusak seconded the motion.

Voting:

- Yes Hank Grover
- Yes Frank Prusak
- Yes Ricky Morrison
- Yes Holly Grant
- Yes Mike Johnston

Motion carried.

Meeting adjourned at 8:45 p.m.

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Submitted by:
Michele Richards/Recording Secretary

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