

Board of Zoning Appeals Meeting
February 27, 2020
ZA-01-20, ZA-02-20
(Reorganization)

Members/Attendance:	X	Jim Burgham
	X	Michael Johnston
	X	Ricky Morrison
	N/A	Albert Sciulli
	X	Robert Durick
	X	John Grahovac
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 November 7, 2019. Bob Durick made a motion to approve the minutes from the November 7, 2019 meeting. Mike Johnston seconded the motion.

Voting:

Yes	Bob Durick
Yes	Mike Johnston
Yes	Ricky Morrison
Yes	Jim Burgham
Yes	John Grahovac

Motion carried.

2nd Order of Business:

Reorganization of the Board.

Jim Burgham made a motion to nominate Mike Johnston as Chair of the Committee. Ricky Morrison seconded the motion. Mike Johnston accepted the nomination.

Voting:

Yes	Jim Burgham
Yes	Ricky Morrison
Yes	Bob Durick
Yes	John Grahovac
Abstain	Mike Johnston

Motion carried.

Mike Johnston made a motion to nominate Ricky Morrison as Vice Chair of the Committee. Jim Burgham seconded the motion. Ricky Morrison accepted the nomination.

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Voting:

Yes	Mike Johnston
Yes	Jim Burgham
Yes	Bob Durick
Yes	John Grahovac
Abstain	Ricky Morrison

Motion carried.

3rd Order of Business:

Case #ZA-01-20 – This is a variance request by Igor Milosevic to obtain relief from minimum front yard setback on the secondary street (Mulberry Walk) of their corner lot located at 7335 Cobblers Run. Appellant wishes to construct a garage attached by a breezeway twenty wide by twenty four feet deep (20w x 24d). This garage shall project beyond the minimum front yard setback requirement which is 20 feet from the front property line on the secondary street. This lot is known as parcel number 35-042-0-076.00-0, lot number 77, and is situated in Poland Township, Poland, Ohio, in a Residential-1 (R-1) zoning district.

Items included in packet submitted:

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

Igor Milosevic
7335 Cobblers Run

Milosevic stated he is requesting variance to add a garage using existing driveway. Says it will affect none of the neighbors and there will be no viewing problems.

Jim Burgham asked Monus about the enclosed structure on the deck if it would be considered an accessory building. Monus stated if it is totally enclosed and attached to the house it is part of the house. Milosevic stated it is a tree house for the kids. Monus stated there is no issue with the tree house.

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

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Lucas Henn
7440 Cobblers Run

Henn stated he is friend of the appellant and lives around the corner. Henn stated the appellant has a large family home with four kids that needs more garage space. It is a small driveway, the kids cannot park in the driveway and they will park in the street. He is in favor of the request.

James Armile
7610 Mulberry Walk

Armile asked to see the site plan. Board members shared the property site plan with Armile.

Mike Johnston asked if anyone would like to speak against the request. No one replied.

Jim Burgham stated he has a concern with the one foot setback. It is an extremely small setback, especially being along a public road. Milosevic asked what other options he would suggest. Burgham suggested setting the garage further back in the backyard. Milosevic stated he hates to lose his backyard for the kids.

Bob Durick stated in previous cases the Board always had a drawing or picture of the proposed garage and in this particular case there is no drawing. Johnston stated without a drawing we would have to assume that it would meet all other zoning requirements and county building requirements, etc. Monus stated the proposed building plan would have to be in compliance with zoning and with the size of the proposed structure there should not be any issues.

Ricky Morrison stated he agrees with Jim's concern of the setback. He stated he does not remember the Board ever granting a setback this close.

Jim Burgham asked how the building is going to line up with the existing garage. Milosevic stated it will be attached.

Jim Burgham stated he is still concerned with the one foot setback. Mike Johnston says he agrees with Jim and Ricky and has concerns about the one foot setback. He suggested a redesign or reconfigure and possibly do a continuance of the case with more information provided for the Board to review.

Mike Johnston asked the Board what setback they would be comfortable with. Johnston stated he would recommend a five foot setback. Ricky Morrison stated it should be a minimum of a five foot setback. The Board agrees. Johnston asked Milosevic if he would like to continue the case and provide the Board more information in the way of drawings and pictures upon return. Milosevic stated yes.

The following motion was made:

Motion

Mike Johnston made a motion in Case ZA-01-20 to continue the case based on the appellant submitting additional information showing a five foot minimum setback. Ricky Morrison seconded the motion.

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Voting:

Yes Mike Johnston
Yes Ricky Morrison
Yes Jim Burgham
Yes Bob Durick
Yes John Grahovac

Motion carried.

4th Order of Business:

Case #ZA-02-20 – This is a variance request by Nicholas Lombardo to obtain relief from minimum front yard setback requirements on a primary street of their corner lot, located at 6635 Ridgely Court. This home was constructed on a large 64 acre parcel prior to the road being installed and the parcels platted, and it was not placed within the front yard building setback location, due to roadway being shifted, causing setback infraction. This lot is known as parcel number 35-023-0-004.54-0, lot number 54, and is situated in Poland Township, Poland, Ohio, in a Residential-2 (R-2) zoning district.

Items included in packet submitted:

1. Zoning Permit Denial Form
2. Application for Variance
3. Letter of Intent
4. Property Description (Zoning)
5. Property Description (Auditor)
6. Zoning District Map
7. Property Site Plan
8. Aerial View Map
9. Original Plat Map
10. Property info/picture from Great Lakes Management
11. Warranty Deed

**Nick Lombardo
6635 Ridgely Court**

Lombardo stated he was not aware this was an issue as the road was not there when the house was built. The buyers, sellers, and realtors are in attendance at the meeting.

Bob Monus explained; when the permit was issued usually what developers will do rather than plat a bunch of properties they plat as they go. This was on a 64 acre parcel by itself. The site plan they provided represented proper setback as required by zoning. The issue came with the placement of the house and they didn't take into consideration that the road would be shifting. The house was put in prior to the road.

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Jim Burgham asked Lombardo if he had the house built or if it was a spec home. Lombardo stated he had the house built. Burgham asked if he hired Dibo to build, Lombardo stated yes. Burgham asked Lombardo if Dibo made him aware that the house was not in zoning regulations on property. Lombardo stated no, he was not aware until a survey had to be done for the sale.

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

Jenna Koontz (Realtor)
100 West McKinley Way

Koontz explained the buyer's lender required the survey. When Lombardo purchased the house, and because it was new construction, and it was pending zoning in December 2018, approval for the final plat of Ridgely Court and Chestnut Hill had to go to Mahoning County. After it was approved in Mahoning County he was able to close on it because it had a parcel number. Dibo started construction July 2018 prior to any permits of the street being pulled. She checked a drone picture that showed the foundation dug and the street was not in. She feels it is an unfortunate miscalculation and poor communication.

Mike Johnston asked if anyone would like to speak against the request. No one replies.

The following motion was made:

Motion

Jim Burgham made a motion in Case ZA-02-20 to grant the thirteen foot three inch (13' 3") setback relief to allow for the sale of the home, as per the plans submitted. John Grahovac seconded the motion.

Voting:

Yes Jim Burgham
Yes John Grahovac
Yes Ricky Morrison
Yes Bob Durick
Yes Mike Johnston

Meeting adjourned at 7:51 p.m.

Submitted by:
Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (5)
Zoning Commission (6)
Paul. Canter, Fiscal Officer (1)
File (1)