

Board of Zoning Appeals Meeting
August 27, 2020
ZA-06-20, ZA-07-20, ZA-08-20

Members/Attendance: X Jim Burgham
 X Michael Johnston
 X Ricky Morrison
 X Albert Sciulli
 X Robert Durick
 N/A 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 July 30, 2020. Jim Burgham made a motion to approve the minutes from the July 30, 2020 meeting. Bob Durick seconded the motion.

Voting:

Yes Jim Burgham
Yes Bob Durick
Yes Mike Johnston
Yes Al Sciulli
Yes Ricky Morrison

Motion carried.

2nd Order of Business:

Case #ZA-06-20 – This is a variance request by Michael Xipolitas to obtain relief from accessory building height requirements to construct a six hundred (600) square foot pool house with an attached porch, at a height of twenty (20) feet, and to retain an existing one hundred sixty-eight (168) square foot accessory structure. This lot is located at 3636 Polo Blvd., known as parcel number 35-065-0-007.08-0, lot number 8, and is situated in Poland Township, Poland, Ohio, in an Agricultural (AG) 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. Aerial Plot Map
8. Aerial of House
9. Photo of 3636 Polo Blvd. (rear of home)
10. Site Plan & Elevation Views
11. Warranty Deed

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Michael Xipolitas
3636 Polo Blvd.

Xipolitas stated he has three young boys, a big family; a couple other family members live in the same development. His kitchen is limited in size and there is no easy access to a bathroom from the back of the home. He is also involved in a lot of sports so the pool house will be used for other guests and meetings as well.

Jim Burgham stated this will be a nice addition to the property and there is plenty of room. He is also staying away from the side yard setback. He has no issues with the current shed as well.

Ricky Morrison added that he has no issues with the existing shed remaining. He also advised the appellant that the height requirement is not to exceed twenty (20) feet and will be noted in the motion. The appellant agreed.

Mike Johnston asked if anyone would like to speak in favor of the request. No one responds. Mike Johnston asked if anyone would like to speak against the request. No one responds.

The following motion was made:

Motion

Jim Burgham made a motion in Case ZA-06-20 to grant the variance request to allow for a second accessory building with a height not to exceed twenty (20) feet, and also to retain the existing accessory building of one hundred sixty-eight (168) square feet, as per the plans submitted. Al Sciulli seconded the motion.

Voting:

Yes Jim Burgham
Yes Al Sciulli
Yes Ricky Morrison
Yes Mike Johnston
Yes Bob Durick

Motion carried.

3rd Order of Business:

Case #ZA-07-20 – This is a variance request by Marcel and Susan McCree, to obtain relief to construct a seven hundred forty-nine (749) square foot accessory building which location does not meet the requirements. The relief would be from the building to the side yard setback from the property line to reduce the setback to two (2) feet and also to reduce the distance from the accessory building to the house to five feet, four inches (5’4”). This lot is located at 4593 Olde Chartered Trail, known as parcel number 35-044-0-008.03-0, lot number 3, and is situated in Poland Township, Poland, Ohio, in an Estate (E) 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)

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6. Mahoning County GIS Aerial Map
7. Zoning District Map
8. Property Sketch
9. Site Plan & Elevation Views
10. Warranty Deed

Susan McCree
4593 Olde Chartered Trail

McCree stated one of the builders is present at the meeting for any questions. McCree showed the Board members a picture of the proposed building. She also has a paper from the health department in regard to the septic system. She stated that none of her neighbors have any issues with the request. She stated there is only one neighbor that is close, the Sabrin's, and they came to her house the previous night and said they have no issues with the proposed building.

Bob Durick stated he has no issue with the proposed building. Mike Johnston stated he likes the location for the proposed building. Ricky Morrison agreed as well.

Mike Johnston asked if anyone would like to speak in favor of the request. No one responds. Mike Johnston asked if anyone would like to speak against the request. No one responds.

Mike Johnston stated the appellant has demonstrated a practical difficulty and he has no issues with the proposed building.

The following motion was made:

Motion

Ricky Morrison made a motion in Case ZA-07-20 to grant the variance to reduce the side yard setback to two (2) feet, as well as to allow the proposed structure to be located five feet four inches (5'4") from the main structure, as per the plans submitted. Bob Durick seconded the motion.

Voting:

- Yes Ricky Morrison
- Yes Bob Durick
- Yes Jim Burgham
- Yes Mike Johnston
- Yes Al Sciulli

Motion carried.

4th Order of Business:

Case #ZA-08-20 – This is a variance request by Joseph and Rich Spotleson, DBA J&R Buy Homes LLC, to obtain relief from minimum side yard setback requirements to reduce the setback to two (2) feet to construct an attached garage. The property is located at 5846 Poland Struthers Road, known as parcel number 35-004-0-101.00-0, lot number 10, and is situated in Poland Township, Poland, Ohio, in a Residential-1 (R-1) zoning district.

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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. Aerial View Map
8. Map of Survey
9. Site Plan
10. Site Elevation Plan
11. Warranty Deed

Rick Spotleson
2880 Autumnwood Trail

Spotleson stated the property does not have a garage and the existing deteriorating cement pad had to be removed due to its condition and placement in the yard. The cement pad was causing water issues with the property as well as the surrounding properties. Spotleson said they would like to put an attached garage on the house, which will help to allow the single car driveway to maneuver more than one vehicle into the property.

Ricky Morrison asked Spotleson if he goes to the two (2) feet, how much space is between his and the neighbor's property. Spotleson said approximately eight (8) feet. Morrison commended Spotleson on his work at the property.

Mike Johnston asked Spotleson if he bought the property to rent or sell it, or if he is considering living there. Spotleson stated he may sell it, but one of his daughter's may live there. Johnston asked if he considered putting the garage back where it was originally, or if this was not feasible. Spotleson replied no, due to the water problems.

Jim Burgham stated he understands what Spotleson is trying to do; however, the Board needs to be careful because it is not allowed to grant a variance for financial gain. If the appellant or daughter is living there, that would take the financial gain out of it and we can establish practical difficulty. Burgham stated he could not really tell where the two properties lines were located.

Ricky Morrison stated that if the neighbor would decide to put up a fence, the fence would pretty much be on the property line with no room even for a mower. Morrison said he has a concern with the two (2) feet, plus you never know who your future neighbors might be. There is also a concern for emergency vehicles.

Mike Johnston asked if anyone would like to speak in favor of the request. No one responds. Mike Johnston asked if anyone would like to speak against the request. No one responds.

The Board discussed whether a fire truck would be able to get in there and put a fire out in that space.

Mike Johnston stated he would like to see a redesign of the proposed plan because it is just too tight. Ricky Morrison agreed and suggested that the Board table it so the appellant can redesign the plan. Jim Burgham stated he would be okay with granting up to four (4) feet within the property line, to construct a garage whether it is attached or detached. Bob Durick stated he agrees also. This way the appellant would not have to come back for another meeting. The appellant agreed to this.

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The following motion was made:

Motion

Jim Burgham made a motion in Case ZA-08-20 to grant a variance that will allow for the construction of an attached or detached garage or accessory building, and reduce the side yard setback to four (4) feet on the left side of the home. Al Sciulli seconded the motion.

Voting:

Yes Jim Burgham
Yes Al Sciulli
Yes Ricky Morrison
Yes Mike Johnston
Yes Bob Durick

Motion carried.

Meeting adjourned at 7:45 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)