

**Board of Zoning Appeals Meeting
November 7, 2019
ZA-11-19, ZA-12-19, ZA-13-19**

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 September 26, 2019. Bob Durick made a motion to approve the minutes from the September 26, 2019 meeting. Ricky Morrison seconded the motion.

Voting:

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

Motion carried.

2nd Order of Business:

Case #ZA-11-19 – This is a variance request by Douglas Wittenauer to obtain a variance to construct a three thousand, nine hundred (3,900) square foot accessory structure on his lot located at 4466 Dobbins Road, which square footage and height exceed the allowable size and to construct the accessory building prior to building his home. The proposed building will be sixty-five feet wide by sixty feet deep by twenty-nine feet and six inches high (65'w x 60'd x 29' – 6'h). The property is known as Lot 1, parcel ID #35-055-0-024.00-0 and is located 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. Site Plan
5. Property Descriptions (Zoning)
6. Property Descriptions (Auditor)
7. Zoning District Map
8. County GIS Aerial Map
9. Sketch/drawing of structure
10. Construction details
11. Definition of accessory building from Zoning Resolution

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**Douglas Wittenauer
18 Windemere Place**

Mike Johnston asked Wittenauer if he had anything to add to his request. Wittenauer stated no. Bob Durick asked how many acres he has. Wittenauer stated he has two properties, one is four (4) acres (which is the property for the proposed building), and the other is twenty-four (24) acres. Durick asked about the two outbuildings on the property. Wittenauer stated one is the old garage, which is being removed, and the other is a corn shed, which they would like to keep.

Al Sciulli asked Wittenauer how many total acres he has. He replied twenty-eight (28) acres total. Sciulli asked if he has two separate deeds or one. He stated he thinks it is under one deed. Sciulli stated that if it is under one deed and the land is zoned agricultural, per Ohio Revised Code 519.21, which states that any agricultural land in a township with five (5) or more acres, no zoning board shall confer any power over a resident that wants to put up any structure of any size for agricultural purposes. Sciulli stated that this is an issue that is dear to him because he lives in an agricultural district as well.

Bob Monus stated he does provide the agricultural exemptions and that the ORC section referenced is correct. The ORC referenced is directly related to farming. In this particular case, a new home is being built with a large accessory structure for storage purposes; this does not qualify for an agricultural exemption.

Wittenauer stated he would like to continue with the requested variance as is. Jim Burgham stated he senses that this is not an issue, and the Board's position is to either grant or deny the variance request. Burgham stated he does not have an issue with the variance request, there is plenty of land and it is a nice looking structure.

Monus advised Wittenauer that if he does plan to do farming work, he would have to provide an affidavit as far as what type of farming he plans to do.

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 he has no issues with the proposed variance request.

The following motion was then made:

Motion

Jim Burgham made a motion in Case ZA-11-19 to grant the variance request to allow for pre-construction of an accessory building of three thousand, nine hundred (3,900) square feet, that will be constructed prior to the residence, as per the plans submitted. Al Sciulli seconded the motion.

Voting:

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

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Motion carried.

3rd Order of Business:

Case #ZA-12-19 – This is a variance request by Michael Mike III to obtain a variance to construct a one-thousand, two hundred (1,200) square foot accessory structure on his lot located at 8325 Youngstown Pittsburgh Road, which square footage and height exceed the allowable size. The proposed building dimensions will be thirty feet wide by forty feet deep by twenty-five feet high (30'w x 40'd x 25'h). He also requests to retain an existing two hundred eighty-eight (288) square foot accessory building to be utilized as a future pool/bath house. This property is known as GL 29, parcel ID #35-058-0-077.00-0 and is located in Poland Township, Poland, Ohio, in a (R-1/AG) Residential-1/Agricultural (AG) Zoning District.

Items included in packet submitted:

1. Zoning Permit Denial Form
2. Application for Variance
3. Letter of Intent
4. Letter of Release from Marion Charlotte Mike
5. Property Description (Zoning)
6. Property Description (Auditor)
7. Zoning District Map
8. County GIS Aerial Map
9. Owner's Drawing
10. Site Plan
11. Quit Claim Deed

Michael Mike III
8325 Youngstown Pittsburgh Road

Mike Johnston asked Mike if he had anything to add to his request. Mike stated no.

Al Sciulli asked Mike how many acres of agricultural land he has. Mike stated he believes approximately thirteen and a half (13.5) acres. Sciulli asked if the proposed building is going to be put on the agricultural portion. Mike stated yes. Sciulli again referenced the ORC Section 519.21 mentioned in previous variance request. Mike stated that is not the intention of the building, but maybe something they might consider in the future.

Mike Johnston asked Mike if he would like the Board to proceed with the case as presented. Mike stated he would like to proceed, and if something changes in the future he will contact Monus. Monus stated for the record, that this variance as presented does not qualify for an agricultural exemption.

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

John Freeze
8341 Youngstown Pittsburgh Road

Freeze stated that the appellant has cleaned up the property, remodeled the house, cleaned up the area by the lake. He is in favor of the variance request.

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

The following motion was then made:

Motion

Ricky Morrison made a motion in Case ZA-12-19 to grant the variance request for an accessory building of one thousand, two hundred (1,200) square feet (30'w x 40'd) with a height not to exceed twenty-five (25) feet to the peak as per the plans submitted, and also to allow for the existing accessory building to remain on the property. Jim Burgham seconded the motion.

Voting:

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

Motion carried.

4th Order of Business:

Case #ZA-13-19 – This is a variance request by Ruthi Dolovy to obtain a variance for relief from minimum front yard setback requirements to reduce the placement of her proposed home at forty-five (45) feet from the front property line. She is also requesting relief from side yard setback to reduce it to three (3) feet and makes these requests due to easements on her lot. The property is known as 6502 RoseLynn Place, Lot 1, parcel ID #35-007-T-004.01-0, and is located 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. County GIS Plat Map
7. Zoning District Map
8. Recorded Plat Map showing easements
9. Site Plan
10. Limited Warranty Deed
11. County GIS Aerial map noting detention area
12. Photo of proposed home and floor plans

**Ruthi Dolovy
32 Greystone Drive**

Dolovy stated she has been a resident of Poland for years and looks forward to building her new home. She presented a photo of the proposed home to the Board. She stated that her letter is

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asking for three (3) feet on the side, and an additional five (5) feet in the front. Jim Burgham stated that the variance request form does state a reduction of side yard setback to three (3) feet. Mike

Johnston reiterated that she is requesting a reduction of front yard setback to forty five (45) feet and a reduction of side yard setback to three (3) feet. Dolovy stated that is correct, her letter sounded misconstrued.

Bob Durick asked how this variance compares to the variance of Mr. Awad, who is her neighbor. Burgham stated Awad was reduced to thirty-six (36) feet and his home will be closer to the road than hers will be.

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

Jim Burgham explained to Dolovy that he will make the motion as stating a minimum of thirty six (36) feet or more front yard setback, which means she can still put her setback at forty-five (45) feet if she wishes, but she may change her mind once Awad's home starts to get built.

The following motion was then made:

Motion

Jim Burgham made a motion in Case ZA-13-19 to grant the variance request for a minimum of thirty-six (36) feet front yard setback and to allow for the reduction of side yard setback to three (3) feet, as per the plans submitted. Al Sciulli seconded the motion.

Voting:

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

Motion carried.

Meeting adjourned at 7:55 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)