

Board of Zoning Appeals Meeting
April 20, 2023
ZA-03-23

Members/Attendance: X Michael Johnston
 X Ricky Morrison
 X David Long
 X Robert Durick
 N/A John Grahovac

Also in attendance: X Patty Magazzino, Assistant 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 March 30, 2023. Bob Durick made a motion to approve the minutes from the March 30, 2023 meeting. David Long seconded the motion.

Voting:

Yes Bob Durick
Yes David Long
Yes Ricky Morrison
Yes Mike Johnston

Motion carried.

2nd Order of Business:

Case #ZA-03-23 – This case is a request of Thomas Zidian, represented by Joseph Testa, who is pursuing relief from accessory building square foot and height requirements. He plans to construct a one thousand eight hundred (1,800) square foot addition onto an existing eight hundred sixty-four (864) square foot accessory building. The new addition dimensions will be sixty feet by thirty feet (60' x 30') and the existing structure dimensions are twenty-four by thirty-six feet (24' x 36'). The overall structure after the addition will be two thousand six hundred sixty-four (2,664) square feet. The appellant also requests a maximum height of no more than twenty-two feet four inches (22' 4"). The property is located at 3415 Candywoods Drive, Poland Township, Poland, Ohio, known as Lot 15, parcel number 35-013-0-024.00-0 and is in a Residential-1 (R-1) zoning district.

Items included in packet submitted:

1. Zoning Permit Denial Form
2. Application to the Board of Zoning Appeals
3. Letter from Thomas Zidian
4. Letter of Intent from Joseph Testa
5. Zoning Department Property Information
6. Mahoning County Auditor Property Information
7. Mahoning County Aerial Map
8. Zoning District Map
9. 2005 Original Site Plan
10. Proposed Site Plan
11. Warranty Deed

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Joseph Testa
238 S. Broad Street
Canfield, Ohio

Joe Testa is representing Thomas Zidian who is not present tonight.

Testa is the contractor for the appellant. He stated that Zidian has a passenger van that is parked in the driveway that he intends to park in the requested structure.

Note: An issue occurred with the recorder that the meeting was stopped and started again.

Mike Johnston stated that a discussion was had regarding the nature of the variances that the appellant is seeking on the property. There is an additional accessory building on the property that we do not have an application for a variance. Testa asked if the pool company pulled the permit for the pool. Patty Magazzine stated a permit was pulled for the pool, but there was no permit for a structure. Patty stated there is a hot tub, but no permit was needed for that. She also stated it looked like a building was there from the aerial view plan and asked if it was a pavilion. Testa stated the pad was there, and he just added to it. Patty explained if you are closing in a building or altering a building, it is an accessory building and it needs to be included on the buildings that are on the property. She stated a permit will be required for it. Mike Johnston stated that the Board looks at how many structures are on the property. Testa stated he will check with the pool company and then get a permit for it. Mike Johnston stated to Testa then he would be seeking to obtain a variance for that one additional building.

Mike Johnston stated that the purpose of tonight's meeting for Case ZA-03-23 is to deal with the addition to the existing accessory building. He stated at the conclusion if the Board decides to make a motion, the additional accessory building should be included in the motion to retain or finish construction, upon receiving the permit.

Bob Durick asked Testa if there was any opposition from the neighbors. Testa stated no, with the exception of one. That neighbor is in the audience.

David Long stated this is an accessory building, but it is described like a carriage house. An accessory building is more like a shed, but in this case, it is more like an addition to the house. Testa stated this will be the overflow for the other garage, which is heated and has air conditioning. There will be a game room, a garage, a loft on the second floor, and existing restroom. He stated that the van will be parked in the garage.

The Board and Testa continued to discuss the case.

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

Mike Johnston stated an email was received by the Zoning Office dated April 20, 2023 from Thomas Boniface expressing concerns. Johnston read the email aloud.

Mike Johnston asked if anyone would like to speak against this request.

Joe Lucci
3455 Candywoods Drive

Lucci stated he owns the property immediately east of the Zidian property. He stated he is not in opposition nor in favor. He stated he is concerned about water drainage, as is mentioned in the Boniface email. Lucci

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stated as a result of the recent power outages due to storms, he had flooding in his basement with damage in excess of \$10,000. His primary concern is the diversion of water away from his house.

Mike Johnston stated that the issue of storm water retention, removal, etc. is handled by Mahoning County.

More discussion continued with the Board and Testa regarding the drainage, catch basins, gutters, etc.

Ricky Morrison asked Lucci if he has any other concerns other than water flow issues, and stated to Lucci that he senses that he has concerns with the size of the structure. Lucci stated no, and the size of the structure is not a concern if the size of the structure is a stand-alone issue. He is not opposing it. It is an 1800 square foot building with a game room, being operated by people that want to play games. He asked if the Board has control over noise levels. Mike Johnston stated no, that is the good neighbor part, and he understands his concern.

David Long stated to Lucci that he understands his discomfort and sensitivity to water flooding issues.

Ricky Morrison stated he appreciates the water concerns of Lucci, the design of the proposed structure is beautiful, however, he feels it is a little too big. Mike Johnston stated he also feels it is too large. Johnston asked Testa if they have considered an alternate or smaller version. Testa stated originally the plan was 40x30, and they could probably come up with something.

Ricky Morrison stated the Board has had a lot of requests for accessory buildings, and this one is probably the largest they have had, it is a like a house. He stated he does not have a specific square footage in mind, but in his opinion this one is too large. Bob Durick stated he is also concerned that the size is larger than some houses in the community. Mike Johnston stated that it is not as much that it does not fit the scale in proportion, it is setting the precedence of adding an 1,800 square foot addition to an existing 800 square foot structure. It is kind of like building another house behind a house.

Mike Johnston asked Testa what the practical difficulty is. Testa stated that they need the 30 x 30 for the vehicle and pool equipment. Johnston suggested maybe they just add another two bays to the existing garage. Testa stated they will look into other options.

Mike Johnston stated he feels the Board should continue the case so the appellant can submit new plans to the Board for review. Testa stated he will get the permit for the other building in the meantime, as well as going back to the drawing board with the homeowner and architect.

The following motion was made:

Motion

Bob Durick made a motion in Case ZA-03-23 to continue the case until a permit is received for the existing 16 x 16 accessory building, as well as a revised proposal for the new building from the architect. Ricky Morrison seconded the motion.

Voting:

Yes Bob Durick
Yes Ricky Morrison
Yes David Long
Yes Mike Johnston

Motion carried.

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Old Business:

Mike Johnston stated the Board received an email dated April 18, 2023 regarding Dustin Bach and sanitary lines. He feels that Bach is just dragging it out. The last time the meeting was advertised, there were no neighbors present. He feels if we advertise it again and there is no opposition, the Board needs to make a ruling. Ricky Morrison stated he feels that Bach is just dragging his feet and he agrees with Mike. Mike Johnston stated that we will invite Bach to the next meeting. Bob Durick stated also that Bach keeps mentioning costs.

Meeting adjourned at 8:10 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)