

1 STATE OF OHIO)
2 COUNTY OF MAHONING) SS:
3 TOWNSHIP OF POLAND)

4 POLAND TOWNSHIP BOARD OF ZONING APPEALS

5 PUBLIC HEARING

6 AUGUST 1, 2024 - 7:00 P.M.

7 CASE #ZA-08-24

8
9 RE: Case #ZA-08-24 - Anthony Nolfi

10 Variance Request

11
12 Case #ZA-08-24 This is a request from Anthony Nolfi, who
13 seeks a variance to obtain relief from swimming pool
14 regulations of a required 6' (six) foot high fence around
15 yard or around in-ground swimming pool. The appellant wishes
16 to purchase an auto safety cover over the pool in lieu of
17 current fence regulations. The property is located at 189
18 Luteran Lane, Poland Township, Poland, Ohio, known as Lot 2,
19 parcel number 35-043-0-011.00-0 and is an Estate (E) zoning
20 district.
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1 **APPEARANCES:**

2 **POLAND TOWNSHIP BOARD OF ZONING APPEALS**

3 Michael Johnston, Chairman and Member of the Board
4 Ricky Morrison, Vice-Chairman/Member of the Board
5 Robert Durick, Member of the Board
6 John Grahovac, Member of the Board
7 David Long, Member of the Board

8 Patty Magazzine, Zoning Inspector

9 **ON BEHALF OF THE APPELLANT:**

10 Anthony Nolfi, Appellant

11
12 **PLACE:** Poland Township Government Center
13 3339 Dobbins Road
14 Youngstown, Ohio 44514

15 **REPORTER:** Dena K. Crissman, M.S., R.P.R., C.R.I.
16 Registered Professional Reporter
17 4308 Lyntz Townline Road, S.W.
18 Warren, OH 44481
19 E-mail: dkcrissman@ysu.edu
20 Office: 330-502-8862
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1 MR. LONG: Yes.

2 MR. DURICK: Yes.

3 MR. JOHNSTON: Any comments,
4 questions, concerns on these minutes?

5 MR. MORRISON: None.

6 MR. JOHNSTON: Do we hear a
7 motion?

8 MS. MAGAZZINE: Excuse me --
9 do you have the date of the minutes?

10 MR. JOHNSTON: Oh, yeah, the
11 date -- I'm sorry -- was May 30th, 2024, Case
12 ZA-04-24, Michael and Paula Hayes. Do we hear
13 a motion to approve as written?

14 MR. MORRISON: Motion to
15 approve.

16 MR. JOHNSTON: Do we have a
17 second?

18 MR. GRAHOVAC: I'll be the
19 second.

20 MR. JOHNSTON: Motion to
21 approve, Ricky Morrison -- second by Mr.
22 Grahovac. Poll the Board, please.

23 MS. MAGAZZINE: Ricky
24 Morrison?

25 MR. MORRISON: Yes.

1 MS. MAGAZZINE: John

2 Grahovac?

3 MR. GRAHOVAC: Yes.

4 MS. MAGAZZINE: David Long?

5 MR. LONG: Yes.

6 MS. MAGAZZINE: Robert

7 Durick?

8 MR. DURICK: Yes.

9 MS. MAGAZZINE: Michael

10 Johnston?

11 MR. JOHNSTON: Yes.

12 (ROLL CALL VOTE: 5, AYE;

13 0, NAY; 0, ABSTAINED.)

14 MS. MAGAZZINE: Okay.

15 MR. JOHNSTON: The next

16 case -- next set of meeting minutes is from

17 May 30th as well, Case ZA-05-24. This is Mark

18 Rosa -- just want to make sure everyone had a

19 chance to receive and review these meeting

20 minutes.

21 MR. GRAHOVAC: Yes.

22 MR. JOHNSTON: Any questions,

23 concerns, changes?

24 MR. MORRISON: No.

25 MR. GRAHOVAC: No.

1 MR. JOHNSTON: Is there a
2 motion to approve as written?

3 MR. GRAHOVAC: I make a
4 motion that we accept it as written.

5 MR. JOHNSTON: Motion made by
6 Mr. Grahovac. Do we have a second?

7 MR. DURICK: Me.

8 MR. JOHNSTON: Bob Durick
9 seconded that motion -- and a roll call,
10 please.

11 MS. MAGAZZINE: John
12 Grahovac?

13 MR. GRAHOVAC: Yes.

14 MS. MAGAZZINE: Robert
15 Durick?

16 MR. DURICK: Yes.

17 MS. MAGAZZINE: Michael
18 Johnston?

19 MR. JOHNSTON: Yes.

20 MS. MAGAZZINE: David Long?

21 MR. LONG: I don't think I
22 can vote to approve this because I wasn't here
23 for that meeting.

24 MS. MAGAZZINE: Oh, okay.

25 MR. JOHNSTON: No problem.

1 MS. MAGAZZINE: Ricky

2 Morrison?

3 MR. MORRISON: Yes.

4 (ROLL CALL VOTE: 4, AYE;
5 0, NAY; 1 ABSTAINED.)

6 MR. JOHNSTON: All right --
7 thank you, everyone.

8 (WHEREAS, NEXT ON THE AGENDA,
9 THE POLAND TOWNSHIP BOARD OF
10 ZONING APPEALS HEARD CASE
11 #ZA-08-24. MR. GRAHOVAC WAS IN
12 ATTENDANCE AND VOTED ON THE
13 PREVIOUS MINUTES, BUT RECUSED
14 HIMSELF FROM VOTING ON CASE
15 #ZA-08-24, DUE TO BEING RELATED
16 TO THE APPELLANT. THE LEGAL
17 NOTICE WAS READ INTO THE RECORD.
18 PATTY MAGAZZINE, ZONING
19 INSPECTOR, GAVE A BRIEF
20 BACKGROUND ON THE CASE. THE
21 APPELLANT, ANTHONY NOLFI,
22 PRESENTED THE CASE TO THE BOARD.
23 THE BOARD INQUIRED. EVERYONE
24 WAS GIVEN AMPLE OPPORTUNITY TO
25 SPEAK. THE POLAND TOWNSHIP

1 BOARD OF ZONING APPEALS MADE THE
2 FOLLOWING MOTION IN CASE
3 #ZA-08-24:)

4 MR. JOHNSTON: And with
5 that -- thank you, John. I'm going to ask if
6 there's any further questions or comments,
7 here -- or if anyone is prepared to make a
8 motion in this case?

9 MR. MORRISON: I just have a
10 comment that -- you know, as a Board, these are
11 our laws that we have to stand by. We do have
12 the power, if you will, to change it or to
13 grant the variance.

14 Your presentation was wonderful. I mean,
15 you should be a salesman for this cover -- and
16 I encourage you to go in front of the Board of
17 Zoning Commission and talk to the Trustees
18 because I understand there are municipalities
19 right here, in our own county, that do accept
20 this; but with that being said, I just don't
21 feel comfortable with this -- with passing
22 this, and I would like to make a motion to deny
23 this variance.

24 MR. JOHNSTON: A motion on
25 the floor from Ricky Morrison. Do we have a

1 second?

2 MR. LONG: Second.

3 MR. JOHNSTON: Second by
4 Mr. Long. If we could poll the Board, please.

5 MS. MAGAZZINE: Ricky
6 Morrison?

7 MR. MORRISON: Yes.

8 MS. MAGAZZINE: David Long?

9 MR. LONG: Yes.

10 MS. MAGAZZINE: Michael
11 Johnston?

12 MR. JOHNSTON: Yes.

13 MS. MAGAZZINE: Robert

14 Durick?

15 MR. DURICK: Yes.

16 MS. MAGAZZINE: John

17 Grahovac?

18 COURT REPORTER: He's not
19 voting.

20 MR. GRAHOVAC: I abstained.

21 MS. MAGAZZINE: Oh, right --
22 I'm so sorry.

23 MR. JOHNSTON: I was going to
24 say, Mr. Nolfi -- this isn't over for you. If
25 you want to pursue this further, like these

1 guys said, there is a pathway for you to do so.

2 MR. NOLFI: It's the
3 timeframe.

4 MR. JOHNSTON: I understand
5 the timeframe, but --

6 MR. NOLFI: I started with
7 this.

8 MR. JOHNSTON: -- if anybody
9 is going to sell this, man, it's you. I mean,
10 you really put a great presentation together.
11 I understand both sides of this, and part of
12 what we do here is -- you know, we have like --
13 these guys have to interpret these rules.

14 The biggest thing I'm looking at is
15 practical difficulty, and I'm not seeing that
16 you're able to demonstrate any. I don't think
17 the Board is seeing any demonstration of
18 practical difficulty. That's the biggest thing
19 that we're looking for here, and we're not
20 seeing that.

21 And being that this is such a case of life
22 safety, it's too big of a thing to overlook,
23 and it sets a precedent in this community,
24 that -- us, as a Board, is now saying, you
25 know -- hey, we can delete a fence on a pool if

1 this requirement is met. Even though, it's
2 kind of new -- if they change the zoning law,
3 great. I know a lot of communities are going
4 that way; and I know, as a nation, it's going
5 that way. And I know a friend of mine in
6 Canfield is doing a pool with the same, exact
7 cover -- so I get it.

8 Unfortunately, it's not approved here, but
9 it's not over for you. There is a pathway if
10 you want to continue to pursue this.

11 MR. NOLFI: Okay.

12 MR. JOHNSTON: I appreciate
13 you coming in -- any other business from this
14 Board tonight?

15 MR. MORRISON: No.

16 MR. JOHNSTON: Is there a
17 motion to adjourn?

18 FROM THE BOARD: Adjourn.

19 MR. LONG: Second.

20 COURT REPORTER: Wait a
21 minute. Who made the motion to adjourn?

22 MR. MORRISON: Thank you, Mr.
23 Nolfi.

24 MS. MAGAZZINE: Who made the
25 motion?

1 MR. MORRISON: (INDICATING
2 WITH RAISED HAND.)

3 MS. MAGAZZINE: Morrison.

4 MR. JOHNSTON: Ricky
5 Morrison.

6 COURT REPORTER: Morrison --
7 and the second was Mr. Long?

8 MR. JOHNSTON: Yes.

9 COURT REPORTER: Thank you.

10 MR. JOHNSTON: Good evening,
11 everyone.

12 (WHEREUPON, THE PUBLIC HEARING
13 BEFORE THE POLAND TOWNSHIP BOARD
14 OF ZONING APPEALS, IN CASE
15 #ZA-08-24, CONCLUDED AT 7:37
16 P.M. ALL EXHIBITS AND ORIGINAL
17 DOCUMENTATION WERE RETAINED BY
18 THE POLAND TOWNSHIP ZONING
19 OFFICE AND FILED/INCORPORATED
20 INTO THE CASE RECORD.)

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STATE OF OHIO)
) ss. REPORTER'S CERTIFICATE
COUNTY OF MAHONING)

I certify that the above and foregoing is a true and partial transcript of the minutes and motions made during the Public Hearing, as shown by stenotype notes written by me, in the presence of the witnesses at the time of the Public Hearing.

Dena K. Crissman, M.S., R.P.R., C.R.I.

Dena Kay Crissman, Notary Public
My Commission Expires 2-08-2029



	as [9] 1/15 4/13 5/17 6/2 6/4 8/10 10/24 11/4 13/10 ask [1] 8/5 ATTENDANCE [1] 7/12 AUGUST [3] 1/6 3/6 3/14 August 1st [1] 3/14 auto [1] 1/14 AYE [2] 5/12 7/4	8/25 10/1 10/12 Dobbins [1] 2/12 DOCUMENTATION [1] 12/17 doing [1] 11/6 don't [3] 6/21 8/20 10/16 DUE [1] 7/15 Durick [5] 2/4 5/7 6/8 6/15 9/14 during [1] 13/10
COURT REPORTER: [4] 9/18 11/20 12/6 12/9 FROM THE BOARD: [1] 11/18 MR. DURICK: [5] 4/2 5/8 6/7 6/16 9/15 MR. GRAHOVAC: [8] 3/25 4/18 5/3 5/21 5/25 6/3 6/13 9/20 MR. JOHNSTON: [27] MR. LONG: [6] 4/1 5/5 6/21 9/2 9/9 11/19 MR. MORRISON: [11] 3/24 4/5 4/14 4/25 5/24 7/3 8/9 9/7 11/15 11/22 12/1 MR. NOLFI: [3] 10/2 10/6 11/11 MS. MAGAZZINE: [21]	B BACKGROUND [1] 7/20 be [2] 4/18 8/15 because [2] 6/22 8/18 BEFORE [2] 3/7 12/13 BEHALF [1] 2/8 being [3] 7/15 8/20 10/21 big [1] 10/22 biggest [2] 10/14 10/18 bit [1] 3/15 BOARD [22] Bob [1] 6/8 both [1] 10/11 BRIEF [1] 7/19 business [4] 3/16 3/17 3/18 11/13	E e-mail [2] 2/17 3/19 EMAIL [1] 3/11 encourage [1] 8/16 Estate [1] 1/15 Even [1] 11/1 evening [2] 3/13 12/10 everyone [6] 3/13 3/22 5/18 7/7 7/23 12/11 exact [1] 11/6 Excuse [1] 4/8 EXHIBITS [1] 12/16 Expires [1] 13/15
1 189 [1] 1/14 1st [1] 3/14	C C.R.I [1] 2/15 call [3] 5/12 6/9 7/4 can [2] 6/22 10/25 Canfield [1] 11/6 case [18] cases [1] 3/20 Center [1] 2/12 CERTIFICATE [1] 13/1 certify [1] 13/8 Chairman [2] 2/3 2/3 chance [2] 3/23 5/19 change [2] 8/12 11/2 changes [1] 5/23 comfortable [1] 8/21 coming [1] 11/13 COMMENCED [1] 3/5 comment [1] 8/10 comments [2] 4/3 8/6 Commission [2] 8/17 13/15 communities [1] 11/3 community [1] 10/23 concerns [2] 4/4 5/23 CONCLUDED [1] 12/15 confirm [1] 3/21 continue [1] 11/10 could [1] 9/4 county [3] 1/1 8/19 13/2 cover [3] 1/14 8/15 11/7 Crissman [2] 2/15 13/14 current [1] 1/14	F feel [1] 8/21 fence [3] 1/13 1/14 10/25 FILED [1] 12/19 FILED/INCORPORATED [1] 12/19 first [1] 3/21 floor [1] 8/25 FOLLOWING [2] 3/9 8/2 foot [1] 1/13 foregoing [1] 13/8 friend [1] 11/5 front [1] 8/16 further [2] 8/6 9/25
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<p>I</p> <p>I'd [1] 3/20 I'll [1] 4/18 I'm [5] 4/11 8/5 9/22 10/14 10/15 INCORPORATED [1] 12/19 INDICATING [1] 12/1 INQUIRED [1] 7/23 Inspector [2] 2/6 7/19 interpret [1] 10/13 is [19] isn't [1] 9/24 it [4] 6/4 8/12 10/23 11/7 it's [7] 10/2 10/9 10/22 11/1 11/4 11/8 11/9</p>	<p>Mr. Long [1] 9/4 Mr. Nolfi [1] 9/24 municipalities [1] 8/18 My [1] 13/15</p>	<p>Q</p> <p>questions [3] 4/4 5/22 8/6</p>
<p>J</p> <p>John [5] 2/4 5/1 6/11 8/5 9/16 Johnston [4] 2/3 5/10 6/18 9/11 just [3] 5/18 8/9 8/20</p>	<p>N</p> <p>nation [1] 11/4 NAY [2] 5/13 7/5 new [2] 3/17 11/2 next [3] 5/15 5/16 7/8 No [4] 5/24 5/25 6/25 11/15 Nolfi [6] 1/9 1/12 2/9 7/21 9/24 11/23 None [1] 4/5 not [5] 9/18 10/15 10/19 11/8 11/9 Notary [1] 13/14 notes [1] 13/10 NOTICE [1] 7/17 now [1] 10/24 number [1] 1/15</p>	<p>R</p> <p>R.P.R [1] 2/15 RAISED [1] 12/2 RE [1] 1/9 READ [1] 7/17 really [1] 10/10 receipt [1] 3/21 receive [1] 5/19 received [2] 3/19 3/22 RECORD [2] 7/17 12/20 RECUSED [1] 7/13 Registered [1] 2/15 regulations [2] 1/13 1/14 RELATED [1] 7/15 relief [1] 1/12 REPORTER [2] 2/15 2/15 REPORTER'S [1] 13/1 request [2] 1/10 1/12 required [1] 1/13 requirement [1] 11/1 RETAINED [1] 12/17 review [2] 3/23 5/19 Ricky [7] 2/3 4/21 4/23 7/1 8/25 9/5 12/4 right [3] 7/6 8/19 9/21 Road [2] 2/12 2/16 Robert [4] 2/4 5/6 6/14 9/13 roll [3] 5/12 6/9 7/4 Rosa [1] 5/18 rules [1] 10/13</p>
<p>K</p> <p>Kay [1] 13/14 kind [1] 11/2 know [6] 8/10 10/12 10/25 11/3 11/4 11/5 known [1] 1/15</p>	<p>O</p> <p>obtain [1] 1/12 Office [2] 2/17 12/19 OH [4] 2/16 4/10 6/24 9/21 OHIO [4] 1/1 1/15 2/13 13/1 okay [4] 3/12 5/14 6/24 11/11 old [2] 3/16 3/18 one [1] 3/16 OPPORTUNITY [1] 7/24 ORIGINAL [1] 12/16 other [1] 11/13 our [2] 8/11 8/19 over [3] 1/14 9/24 11/9 overlook [1] 10/22 own [1] 8/19</p>	<p>S</p> <p>S.W [1] 2/16 safety [2] 1/14 10/22 said [2] 8/20 10/1 salesman [1] 8/15 same [1] 11/6 say [1] 9/24 saying [1] 10/24 second [9] 4/17 4/19 4/21 6/6 9/1 9/2 9/3 11/19 12/7 seconded [1] 6/9 seeing [3] 10/15 10/17 10/20 seeks [1] 1/12 sell [1] 10/9 set [1] 5/16 sets [1] 10/23 should [2] 3/19 8/15 shown [1] 13/10 sides [1] 10/11 six [1] 1/13 so [3] 9/22 10/1 11/7 so I [1] 11/7 sorry [2] 4/11 9/22 SPEAK [1] 7/25 ss [2] 1/1 13/1 stand [1] 8/11 start [2] 3/18 3/20 started [1] 10/6 STATE [2] 1/1 13/1 stenotype [1] 13/10 such [1] 10/21 sure [1] 5/18 swimming [2] 1/12 1/13</p>
<p>L</p> <p>Lane [1] 1/15 law [1] 11/2 laws [1] 8/11 LEGAL [1] 7/16 lieu [1] 1/14 life [1] 10/21 like [4] 3/20 8/22 9/25 10/12 little [1] 3/15 located [1] 1/14 Long [6] 2/5 5/4 6/20 9/4 9/8 12/7 looking [2] 10/14 10/19 lot [2] 1/15 11/3 Luteran [1] 1/15 Lyntz [1] 2/16</p>	<p>P</p> <p>P.M [3] 1/6 3/7 12/16 parcel [1] 1/15 part [1] 10/11 partial [1] 13/9 passing [1] 8/21 pathway [2] 10/1 11/9 Patty [2] 2/6 7/18 Paula [1] 4/12 PLACE [1] 2/12 please [3] 4/22 6/10 9/4 POLAND [12] 1/2 1/4 1/15 1/15 2/2 2/12 3/4 3/14 7/9 7/25 12/13 12/18 poll [2] 4/22 9/4 pool [5] 1/12 1/13 1/14 10/25 11/6 power [1] 8/12 practical [2] 10/15 10/18 precedent [1] 10/23 prepared [1] 8/7 presence [1] 13/11 presentation [2] 8/14 10/10 PRESENTED [1] 7/22 PREVIOUS [2] 3/10 7/13 problem [1] 6/25 PROCEEDING [1] 3/7 Professional [1] 2/15 property [1] 1/14 PUBLIC [7] 1/5 3/2 3/3 12/12 13/10 13/12 13/14 purchase [1] 1/14 pursue [2] 9/25 11/10 put [1] 10/10</p>	<p>T</p> <p>talk [1] 8/17</p>
<p>M</p> <p>M.S [1] 2/15 made [6] 3/9 6/5 8/1 11/21 11/24 13/9 Magazine [2] 2/6 7/18 MAHONING [2] 1/1 13/2 mail [2] 2/17 3/19 make [4] 5/18 6/3 8/7 8/22 man [1] 10/9 Mark [1] 5/17 May [2] 4/11 5/17 May 30th [1] 5/17 me [3] 4/8 6/7 13/11 mean [2] 8/14 10/9 meeting [4] 3/15 5/16 5/19 6/23 Member [5] 2/3 2/3 2/4 2/4 2/5 met [1] 11/1 Michael [5] 2/3 4/12 5/9 6/17 9/10 mine [1] 11/5 minute [1] 11/21 minutes [9] 3/10 3/20 3/22 4/4 4/9 5/16 5/20 7/13 13/9 Morrison [9] 2/3 4/21 4/24 7/2 8/25 9/6 12/3 12/5 12/6 motion [15] motions [2] 3/9 13/9 Mr [5] 4/21 6/6 7/11 11/22 12/7 Mr. [2] 9/4 9/24</p>		

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timeframe [2] 10/3 10/5
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Townline [1] 2/16
TOWNSHIP [10] 1/2 1/4 1/15 2/2 2/12
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transcript [1] 13/9
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Trustees [1] 8/17
two [1] 3/20

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Unfortunately [1] 11/8
us [1] 10/24

V
variance [4] 1/10 1/12 8/13 8/23
VIA [2] 3/11 3/19
Vice [1] 2/3
Vice-Chairman/Member [1] 2/3
vote [3] 5/12 6/22 7/4
VOTED [1] 7/12
voting [2] 7/14 9/19

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Warren [1] 2/16
was [7] 4/11 7/11 7/17 7/24 8/14 9/23
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ZA-04-24 [2] 3/21 4/12
ZA-05-24 [1] 5/17
ZA-08-24 [8] 1/7 1/9 1/12 3/8 7/11 7/15
8/3 12/15
zoning [13] 1/4 1/15 2/2 2/6 3/5 3/15
7/10 7/18 8/1 8/17 11/2 12/14 12/18