

Board of Zoning Appeals Meeting
July 25, 2019
ZA-05-19, ZA-06-19, ZA-07-19

Members/Attendance:	X	Jim Burgham
	X	Michael Johnston
	X	Ricky Morrison
	X	Albert Sciulli
	N/A	Robert Durick
	X	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 May 23, 2019. Jim Burgham made a motion to approve the minutes from the May 23, 2019 meeting. Ricky Morrison seconded the motion.

Voting:

Yes	Jim Burgham
Yes	Ricky Morrison
Yes	Al Sciulli
Yes	John Grahovac
Yes	Mike Johnston

Motion carried.

2nd Order of Business:

Case #ZA-05-19 – This is a variance request by John Smrek of 8811 Woodland Drive to obtain a variance to reduce the minimum lot width of his two parcels which when reduced, will not meet the resolution requirements. The reason for reduction is to allow him easier access to his rear garage on his property located at 8811 Woodland Drive, Lot 20, and known as parcel ID #35-072-0-008.00-0 which will be increased to a minimum lot width of 100.53 feet (currently 90.53 feet) which still will not meet requirements. Lot 19, known as 8793 Woodland Drive, parcel ID #35-072-0-007.00-0 will be reduced to a minimum lot width of 80.53 feet (currently 90.53 feet). Both lots are 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. Site Plan
5. Property Descriptions (Zoning)
6. Property Descriptions (Auditor)
7. Zoning District Map
8. County GIS Map
9. Warranty Deeds
10. Current Site Plan
11. Proposed Site Plan

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John Smrek
8811 Woodland Drive

Smrek stated he purchased the house next door to him to clean it up. Smrek stated that his driveway is encroaching on the property line, and the variance would allow him easier access to the back garage.

Mike Johnston asked Smrek if he owned both lots. Smrek stated yes.

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.

Jim Burgham asked Smrek if the telephone pole on the property would interfere with any of his plans. Smrek stated he didn't think it would.

After further discussion, the following motion was made:

Motion

Ricky Morrison made a motion in Case ZA-05-19 to grant the variance request to reduce the minimum lot width on Lot 19 to 80.53 feet, which will increase Lot 20 to 100.53 feet, as per the plans submitted, John Grahovac seconded the motion.

Voting:

Yes Ricky Morrison
Yes John Grahovac
Yes Jim Burgham
Yes Al Sciulli
Yes Mike Johnson

Motion carried.

3rd Order of Business:

Case #ZA-06-19 – *This is a variance request by Dustin Bach, owner of Poland Touch Free Car Wash, to obtain a variance for reduction to side yard building setback to the west side of his lot to allow for a sixteen (16) foot wide addition to his building located at 3345 Center Road, known as parcel ID #35-022-0-001.012-0 Lot 2, Poland, Ohio, in a Town Center (TC) zoning district.*

Items included in packet submitted:

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

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Rich Yankel (on behalf of Dustin Bach)
8117 North Lima Road

Yankel stated they are looking to put a sixteen (16) foot addition on the west side of the building. He stated that on busy days, the cars start to back up on Larry's Drive Thru property.

Ricky Morrison asked Yankel why they are considering the west side of the property instead of the east side. Yankel stated there is a utility easement on the east side. Morrison stated he met with Larry regarding this and Larry stated his problem with this is there is a telephone pole on the west side. If the addition is built on the west side, that would only give a car ten feet to come out of the car wash and swing around. There also may be an issue if the Drive Thru would ever be sold. The new owners may oppose them crossing the property.

John Grahovac suggested if you could exit off the left where the easement is, that maybe you could put an exit out that way onto Route 224. Yankel stated they considered it but there is an issue with ODOT.

Jim Burgham referenced the motion of the previous case of ZA-05-12 held on July 12, 2012, which stated "to grant the conditional use for the construction of a car wash and to grant the variance to allow for the parallel access road and green space to be reserved, provided that the replat drawings would reflect the potential parallel access road be shown across the property occupied by Larry's Drive Thru, with an easement to the general public granting vehicular and pedestrian traffic traveling east and west to the adjoining properties". Jim Burgham asked if we have those easements in place. Yankel stated he does not know. Burgham stated that we must assure that those conditions were met because they were part of the variance that was granted. Burgham stated that the drawings do not reflect green space or the ingress and egress that we asked to be included on the plot map. Burgham stated that we must be assured that these conditions were met.

Mike Johnston stated that before the Board can make a motion, they would need to see written confirmation that these conditions were met. He suggested a continuation of the case.

The following motion was then made:

Motion

Jim Burgham made a motion in Case ZA-06-19 to grant a continuance of the case to allow for further information pertaining to the ingress/egress requirements, and also for the easement to allow for vehicular and pedestrian traffic across the property currently occupied by Larry's Drive Thru. Mike Johnston seconded the motion.

Voting:

- Yes Jim Burgham
- Yes Mike Johnston
- Yes Al Sciulli
- Yes John Grahovac
- Yes Ricky Morrison

Motion carried.

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4th Order of Business:

Case #ZA-07-19 – This is a variance request by Jennifer Gaffney for relief to construct an accessory structure, which square footage and height exceed the allowable size. The proposed building will be sixty feet wide by sixty feet long by thirty-three feet high (60' x 60' x 33'). The property is located at 2540 Spitler Road, known as lot 1, parcel number 35-57-0-026.00-0 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. List of Abutting Property Owners
5. Site Plan
6. Property Description (Zoning)
7. Property Description (Auditor)
8. Zoning District Map
9. County GIS Map
10. Warranty Deed

Jennifer Gaffney
10691 Springfield Road

Gaffney stated they are building a new home on the property and are requesting a variance for the proposed accessory building.

Jim Burgham asked if the garage that is currently on the property will come down. Gaffney stated yes.

Jim Burgham stated the property is large and isolated and the proposed building will be hidden from Cliffview and Spitler. It is a large structure, but will be well hidden.

Mike Johnston asked Gaffney if the structure will be used for commercial use. Gaffney stated no, just for storage purposes.

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

Tim Munroe
7926 Cliffview Drive

Munroe stated his property abuts directly in back of Gaffney's property. The lot is very heavily wooded and private and he has no objections to the variance request.

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

Mike Johnston stated he does not have an issue with the variance request. Ricky Morrison is in agreement.

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Motion

Ricky Morrison made a motion in Case ZA-07-19 to grant the variance request for an accessory building not to exceed three thousand six hundred (3,600) square feet and a height not to exceed thirty-three (33) feet, as per the plans submitted. Jim Burgham seconded the motion.

Voting:

Yes Ricky Morrison
Yes Jim Burgham
Yes Mike Johnston
Yes Al Sciulli
Yes John Grahovac

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)