

Board of Zoning Appeals Meeting
March 27, 2014
ZA-02-14

Members/Attendance:	X	Hank Grover
	X	Jim Burgham
	X	Holly Grant
	X	Michael Johnston
	X	Ricky Morrison
	X	Frank Prusak
Also in attendance:	X	Bob Monus, Zoning Inspector
	X	Michele Richards, Recording Secretary

1st Order of Business:

Jim Burgham stated that the first order of business is to approve the minutes from the meeting held on January 23, 2014. Hank Grover made a motion to approve the minutes from the January 23, 2014 meeting. Holly Grant seconded the motion.

Voting:

Yes	Hank Grover
Yes	Holly Grant
Yes	Mike Johnston
Yes	Ricky Morrison
Yes	Jim Burgham

Motion carried.

2nd Order of Business:

Jim Burgham stated that the next case adjoins his property and he would be removing himself from the Board. Mike Johnston will take over the meeting and alternate member Frank Prusak will be seated at the Board.

Case #ZA-02-14 – A variance request by James DeSimone Jr. to obtain a variance for the following: reduction of minimum front and rear yard setback, reduction of minimum square feet per dwelling unit, and reduction for patio setback for future pool. The property is located at 139 Luteran Lane, Poland, Ohio, Poland Township. The lot is an Estate (E) zoned district and known as parcel number 35-035-0-016.02-0, lot number 3

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Warranty Deed
5. County Map
6. Property Description
7. Site Plan

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James DeSimone Jr.
139 Lutheran Lane

DeSimone stated he is requesting four items: reduction of front yard setback, reduction of rear yard setback, reduction of minimum square feet per dwelling unit, and reduction for patio setback for a future pool.

Mike Johnston asked the Board if there were any questions.

Holly Grant asked the size of the lot. DeSimone stated approximately 1.5 acres.

Hank Grover asked if the second garage is part of the initial construction. DeSimone replied yes. The garage will not be a pole barn; it will have footer and will match the house. Grover asked why the size of the garage is forty by sixty (40 x 60). He stated it is a common size for an accessory building. Grover stated his issues with DeSimone asking for a variance of two and a half (2 ½) feet from the property line. He also commented as to how can you build and maintain a building without being on someone else's property line (due to the structure being so close to the property line).

Mike Johnston asked DeSimone if he could move the garage structure forward a few feet. DeSimone said he cannot move it forward due to the way it will be attached to the house, but he would consider making it smaller.

Grover asked Monus if fences in Poland Township are to be placed at the property line. Monus stated yes. Grover stated that DeSimone will have to have a fence around the swimming pool and the fence could be placed at the property line so he can utilize all of the land behind the house, right up to the property line. Monus agreed. Grover asked if the deck could be brought to the property line. Monus stated it has to be ten (10) feet off the property line.

Johnston asked if there will be a deck around the pool and will the pool be above ground or in ground. DeSimone replied it will be in ground and the fence will be either wrought iron or steel iron and will also have shrubs around it for privacy.

Johnston suggested that each of the four variance items should be addressed one at a time with separate motions for each part. The Board was in agreement.

Johnston asked if anyone was against this request. No one responds. Johnston asked if anyone is in favor of this request.

Jim Burgham
7051 Lutheran Lane

Burgham stated that his property is next to DeSimone's. He stated that he appreciates the request for the front yard setback because it will be in alignment with his house. Burgham stated his house is approximately two thousand three hundred (2,300) square feet and he feels the requested size of DeSimone's home is adequate for the property size. He stated as a neighbor he is not overly concerned with the rear yard setback because it is going up against the church parking lot. The Board granted permission for the church to expand, but it did make most of the property a parking lot so there will never be another home there and it won't be encroaching on someone else's side yard or play area. He asked

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the Board to take into consideration what is on the adjoining property. He has no issues with the pool area. He stated he is for the variance request and does support the requested changes.

The Board began discussing each item in the requested variance.

Minimum yard setback front yard: one hundred (100) feet. Appellant requests reduction of front yard setback to approximately forty-seven (47) feet.

Holly Grant stated it makes sense and is aesthetically better for the neighborhood. Grover stated that it should be in alignment with the Burgham home and it should be so stated in the motion.

After further discussion, the following motion was made:

Motion

Hank Grover made a motion in Case ZA-02-14 Section 4.14 Schedule of District Regulations (E) Estate Minimum Yard Setback: To grant the variance to set the proposed residence in line with the Burgham home to the west within an eight (8) inch tolerance. Frank Prusak seconded the motion.

Voting:

Yes Hank Grover
Yes Frank Prusak
Yes Mike Johnston
Yes Holly Grant
Yes Ricky Morrison

Motion carried.

Rear Yard: 50 feet. Appellant requests reduction of rear yard setback to approximately two and a half (2 ½) feet. The reduction is for the entire house because the garage is attached, but the house itself will retain a fifty (50) foot setback, however, the two and a half (2 ½) foot reductions will be located behind a second attached garage.

Hank Grover stated the two and a half (2 ½) feet is too close. He does not have a problem with five (5) feet because you can stay on your property and maintain the property and buildings. He does not feel it is a hardship to take a few feet off the sixty (60) feet for the garage. He proposes five (5) feet.

Holly Grant stated she agrees with Hank. She does not feel it would be a hardship to have a few less feet for the garage.

Hank Grover stated that the Board does not have a set of plans. The appellant would like to reduce the size of his home and he is requesting a very large second garage, but there are no plans. Holly Grant stated she agrees with Hank and part of the problem is all of the figures presented are approximate and the zoning board cannot work with approximate numbers.

Mike Johnston stated that the Board needs to work with definite numbers, not approximate numbers. He explained to DeSimone that the Board can set the motion and if it becomes a hardship in the future, he can come back to the Board to address it.

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After further discussion, the following motion was made:

Motion

Hank Grover made a motion in Case ZA-02-14 Section 4.14 Schedule of District Regulations Rear Yard Setback 50 Feet: Instead of the fifty (50) feet required to grant the variance that the garage be no closer than five (5) feet to the rear property line. Holly Grant seconded the motion.

Voting:

Yes Hank Grover
Yes Holly Grant
Yes Frank Prusak
Yes Ricky Morrison
Yes Mike Johnston

Motion carried.

Minimum Floor Area per Dwelling Unit: 2,500 square feet. Appellant requests maximum floor area to be reduced to approximately a minimum of 2,491 square feet.

Holly Grant stated she would be open to granting a range of square footage as low as 2,200 then it can be increased from there.

After further discussion, the following motion was made:

Motion

Holly Grant made a motion in Case ZA-02-14 Schedule of District Regulations Minimum Floor Area per Dwelling Unit 2,500 square feet: To grant the variance permitting the minimum floor area per dwelling unit to 2,200 square feet for the house, recognizing that the square footage can be increased as plans are submitted. Hank Grover seconded the motion.

Voting:

Yes Holly Grant
Yes Hank Grover
Yes Frank Prusak
Yes Ricky Morrison
Yes Mike Johnston

Motion carried.

Section 8.09 Projections into Yards. Open, unenclosed and uncovered porches or paved terraces may project not more than ten (10) feet within the minimum front or rear yard setback. Appellant requests reduction for pool patio setback to be reduced to approximately five (5) feet.

Holly Grant stated it should state five (5) feet, not approximate. Hank Grover agreed.

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Motion

Hank Grover made a motion in Case ZA-02-14 Section 8.09 Projections Into Yards Open, unenclosed and uncovered porches or paved terraces may project not more than ten (10) feet within the minimum front or rear yard setback: To grant the request for the reduction of the patio area to a minimum of five (5) feet from the rear property line as requested. Frank Prusak seconded the motion.

Voting:

Yes Hank Grover
Yes Frank Prusak
Yes Holly Grant
Yes Ricky Morrison
Yes Mike Johnston

Motion carried.

The next meeting will be held on May 1, 2014.

Meeting adjourned at 8:20 p.m.

Submitted by:

Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (6)
Zoning Commission (6)
P. Canter, Fiscal Officer (1)
File (1)