

**Board of Zoning Appeals Meeting**

**November 1, 2007**

**ZA-14-07, ZA-15-07**

Members/Attendance:       X     Hank Grover  
                                  X     Jim Burgham  
                                  X     Al Franceschelli  
                                  X     Jim Pluchinsky  
                                  N/A  Maria Rutana  
                                  X     Bill Custer

Also in attendance:        X     Bob Monus, Zoning Inspector  
                                  X     Michele Richards, Recording Secretary

Hank Grover called the meeting to order at 7:00 p.m.

**1<sup>st</sup> Order of Business:**

*Case #ZA-14-07 – A request by Ernest Cikovich to obtain relief from parking requirements for location of a boat for leased property located at 7358 Clingan Road, known as parcel number 35-041-0-009.00-0, lot #49. Parcel is located in Poland Township, Poland, Ohio, in a (R-1) Residential-1 District.*

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

In addition to the above-mentioned items, there are also various violations included as part of the packet.

Grover asks if anyone would like to speak in favor of this request.

**Ernest Cikovich**  
**7358 Clingan Road**

Cikovich stated that his letter of intent explains his case. The boat is where it is because that is the only place that he can access it.

**Judy Singer**  
**7018 Glenwood Avenue**  
**Boardman, Ohio**

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Singer stated that she owns the home at 7358 Clingan Road. She stated that she is a registered nurse and stated that Cikovich cannot walk on uneven ground because he will fall. He has fallen numerous times related to that. In order for Cikovich to work on the boat or hook the boat up to take it somewhere, it has to be on a concrete surface.

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

The Board discussed the case.

Grover asked the Board members if they all had been to the site. They all replied yes. Grover stated the property is level in the backyard. It would take some money to put a pad in the backyard to access the boat to meet the zoning regulations. Grover asked Cikovich if that would be a solution.

Cikovich stated there is a cement pad in front of the garage and he does not see where the boat is hurting anything by being in front of the garage. It is level and right there when he walks out of the garage. He stated it is not like he is fifty feet (50') off the road; he is two hundred (200') off the road. He is not interfering with any neighbors.

Al Franceschelli asked Cikovich if he uses the boat. Cikovich replied yes. Singer stated she helps him. Franceschelli made a statement that if that is the same boat; it has been sitting there since 1999. Cikovich stated it probably has been sitting there since then and asked Franceschelli if he had a boat would he would park it in his yard too. Franceschelli replied no. Cikovich stated that is the way that he is and he parks it in the yard.

Singer stated they have used the boat off and on. Cikovich had a bad period of health and they hadn't used it, but now things are better and they are working on it getting it fixed so they can use it again. Cikovich stated that this boat is not the big boat that was there earlier in the spring. That boat was sold. This boat has been there since 1999.

Burgham asked how big the boat that is there now is. Cikovich stated twenty-one feet (21').

Burgham asked Monus if the other violations have been cleared. Monus stated there is a case pending in Struthers Court relative to tonight's hearing. The concerns with this violation are that most individuals who are permitted to store boats on their property are within the allowable building area, except Mr. Cikovich's boat is parked between the front yard setback and the roadway. Monus stated the boat has been sitting there awhile.

Burgham asked Monus about some other violations on the same day. Monus stated there were four citations issued as a result of this. Each and every day is a separate case. The two infractions involved are miscellaneous materials and the boat being parked in front of the front-yard building setback.

Cikovich asked about a vehicle violation. Burgham stated one of the violations was for junk auto. Cikovich asked what junk auto is. Monus stated a vehicle without a license plate.

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Cikovich stated there has never been a vehicle sitting at his house without current license plates and insurance. As of today, everything is licensed and insured. Monus stated the junk auto portion of the violation is relative to the miscellaneous materials, it is all part of the same infraction.

Grover asked about the violations between 1999 and 2007. Monus stated the violations have been ongoing and the township took a position at the beginning of this past summer by doing aggressive enforcement.

Franceschelli asked Cikovich if there is a patio behind the house. Cikovich stated yes. Franceschelli asked if he ever thought of putting the boat there. Cikovich stated he would have to drive across the septic tank to get to it. Franceschelli asked how he gets to his garage. Cikovich stated there is a driveway that goes back to the garage. Franceschelli asked if he could put the boat in that garage since there is a driveway going back there. Cikovich stated the garage has eight foot (8') doors and the boat will not fit. He said he has tried to put it in there but it will not fit.

Burgham asked Monus if it would be permissible for Cikovich to park the boat behind the house. Monus stated yes, the allowable building area would encompass behind the house and on the side of the house.

Burgham stated to Cikovich that he used to boat himself and he knows what launching a boat is like and what it takes to get in and out of a boat and that has to be difficult for him. Cikovich stated that is true. Singer stated Cikovich sits down, she pulls the boat up, and he plops down in the boat. Burgham stated he is familiar with the ramps and docks and some of them are not the best for someone who has some difficulty walking.

Grover stated that what the Board has to look at is if there is a solution without granting a variance. He states the Board tries to do this all the time. In looking at the backyard, if you have enough money to have a boat, you should have enough money to put in a concrete pad. There is also a doghouse in the back and someone has to get back there to feed the dog. There is a solution to the appellant having a flat pad that he can work on without the Board having to grant a variance. He stated he feels putting a concrete pad in the backyard and driving the boat onto it stays within the zoning regulations and does not afford him any more of a hardship than walking out his front door to where the boat is now.

Franceschelli stated if money is a factor, the appellant can put gravel down. Cikovich stated what good would that do when it all a swamp in the back.

Cikovich asked the Board if they would compromise and let him have the boat parked in front of the garage during boating season and parked in the back when the season is over. Burgham stated that will not eliminate the violation. Franceschelli referred to the violation list and stated that the township has been very lenient with him.

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Cikovich asked if the Board has heard of the Americans with Disabilities Act (ADA). He stated that the Board cannot cause him a due hardship, which they are trying to do now. It is a due hardship for him to come to the Zoning Office without an elevator. He stated according to federal law the township cannot cause him due and unnecessary hardship and that is what they are trying to do right now with the boat. Franceschelli replied no, we are not.

There being no further discussion, a motion was made.

***Motion***

*Al Franceschelli made a motion in Case ZA-14-07 to deny the variance request. Jim Burgham seconded the motion.*

Voting:

Yes Jim Burgham  
Yes Al Franceschelli  
Yes Bill Custer  
Yes Jim Pluchinsky  
Yes Hank Grover

Motion carried.

Monus stated for the record that when he deals with elderly people or handicapped individuals, he comes down to the lobby to conduct business.

**2<sup>nd</sup> Order of Business:**

*Case #ZA-05-07 – A request by Dominic and Eleanor Rosselli to obtain relief from height requirements for accessory building regulations for property located at 3804 Tuscany Creek, known as parcel number 35-054-0-040.00-0, lot 45. Parcel is located in Poland Township, Poland, Ohio, in a (R-1) Residential District.*

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Warranty Deed
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Grover asks if anyone would like to speak in favor of this request.

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**Dominic Marchionda**  
**(Developer of the property)**

He stated he does not want to be out of order but he wanted to commend the Board (referring to the previous case). He is not familiar with the property in question but knows that the appellant is a block layer and has seen him jumping in and out of holes to put in block. It is good to see things being cleaned up in the township.

As far as the current case, the family has outgrown their garage and has two children driving. The accessory building is a better presentation rather than the cars being parked outside. He stated in total the variance is about 11 or 12 inches in height.

**Dominic Rosselli**  
**3804 Tuscany Creek**

Rosselli stated he is taking the existing garage, copying it identically, and putting it on the other side of the driveway. The height of the existing garage is twenty-three feet four inches (23'4"). The new garage will be a mirror of the existing garage.

Burgham stated that this is one of those cases that if they built it within the zoning regulations it would not match the area. This would be the most aesthetically pleasing garage that could be built on this site.

Franceschelli stated that he gives the appellant credit for mirroring exactly what he has.

There being no further discussion, a motion was made.

***Motion***

*Jim Burgham made a motion in Case ZA-15-07 to grant the variance requested to allow for the additional height of the accessory building to be approximately twenty-three feet four inches (23'4") or constructed as per the drawing submitted. Al Franceschelli seconded the motion.*

Voting:

Yes Al Franceschelli  
Yes Jim Burgham  
Yes Bill Custer  
Yes Jim Pluchinsky  
Yes Hank Grover

Motion carried.

The next meeting will be held November 8, 2007. Meeting adjourned at 7:35 p.m.

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Submitted by:  
Michele Richards/Recording Secretary

cc: Trustees (3)  
Board of Zoning Appeals (6)  
Zoning Commission (5)  
J. Granitto (1)  
File (1)