

**Board of Zoning Appeals Meeting
September 18, 2008
ZA-09-08 & ZA-10-08**

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

Also in attendance: X Bob Monus, Zoning Inspector
X Patty Magazzine, Recording Secretary

Hank Grover called the meeting to order at 7:01 p.m.

1st Order of Business:

Hank Grover stated that the first order of business is to approve the minutes from August 14, 2008 meeting. Hank made a motion to approve the minutes. Jim Burgham seconded the motion.

All board members were in favor.

Motion carried.

2nd Order of Business:

Case #ZA-09-08 – A request by Keith Lane, to obtain relief from driveway setback for abutting properties located at 2500 Manor Ave. Known as parcel # 39-001-0-047.00-0, Lot 91 and 2514 Manor Ave. Known as parcel # 39-001-0-048.00-0 Lot 92. Both parcels are located in Poland Township, Poland, Ohio, in a (R-1) Residential-District.

Hank notes items included in packets submitted to the board:

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

Hank reads aloud the letter of intent received from the Appellant. Hank asked if there was anyone present to speak in regard to this case.

Public Comments/Questions:

**Keith Lane
2500 Manor Ave
Poland, Ohio**

Keith Lane states that he had a short pad on the side of his house that stuck out about six (6) feet, which didn't allow enough room to back out. He stated that they have already had damage to

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their van from lack of room to back out and is looking to expand the driveway to allow easier access room for them to get to the back.

Hank asked if any one else would like to speak in favor of this request. Thomas Carney addresses the board.

**Thomas Carney
2514 Manor Ave
Poland, Ohio**

Thomas Carney stated that it would give both owners open range between the two properties and neither owner would have to worry about getting too close to the house.

Hank asked if any one is opposed to the request or has any questions or comments.

Jim Burgham stated that he saw where the appellant started making preparations for the driveway and it looked as if it will be feasible to do. He said it will give Lane better access back to his new garage and that the area has tight quarters with both garages falling on the same side.

Hank Grover stated that he was there today and noted all the construction going on. He spoke to Mrs. Lane about how the two driveways were going to be conjoined. The driveways are not going to have any additional width at the street. The driveways will be conjoined about halfway back to the house and will start to drop off, and then join together near the house. The driveways would be sloped up toward the middle, away from both houses so that they didn't have any water problems. He said it's kind of a natural grade but will also slope it toward the back to catch the water runoff and put it into the six inch drain pipe that they have back there so that Mr. Carney won't get all that water in his rear yard. Hank noted that they have the situation of Lane's house being twelve (12) to sixteen (16) inches higher than the Carney house, but they seemed to have that under control. The parties seem to be on track with the thought process of what they are going to do and how to resolve any water problem issues. Hank didn't see any problems that would arise.

Bill Custer stated that obviously the two current owners of the properties get along well but if one of them move or if things change, problems might arise for all kinds of petty little things such as if the driveway cracks, who fixes it, the snow removal, and all types of different things that can come up. He said he doesn't think it is the boards place to deal with that but he felt that the owner's need to think about that.

Keith Lane stated that they would have an easement including it on their deeds as well as showing property lines of who is responsible of what areas. If the houses were sold by either one of them it would be included on the deed as to what the new owners would be responsible for and what they would not be responsible for.

Hank stated that that is a private matter and when you buy into a situation such as this, if someone does move, for whatever reason, the new owner will be seeing it first hand, and will be buying right into whatever the agreements are if they want to purchase the home. He stated that

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he spoke to Mrs. Lane about that issue and she told him they both planned on staying at their current properties. He did state that this is private matter and isn't a function of zoning.

Hank asks if there is any other discussion.

No one speaks.

Hanks stated he will entertain a motion.

Motion

Al Franceschelli made a motion in Case ZA-09-08 to grant the variance request for relief from three (3) foot side yard setback to allow for conjoining driveways as per the plans submitted.

Jim Pluchinsky seconded the motion.

Voting:

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

Motion carried.

Mr. Lane asks if there is a time frame in effect for this to be completed by.

Bob Monus states his only concern is that it is a class A Street that requires a hard surface.

Mr. Lane states that he intends to have the job completed by next spring. Construction of his garage has limited his funds and that the funds would be available by next Spring.

Hank Grover decides that a time frame should be in place, therefore, a new motion is declared by way of amendment to the first motion.

Jim Burgham makes a motion to amend the existing variance granted in case ZA-09-08 to allow for a time frame to be put in place.

Some further discussion took place by the board on amending the motion and at that point an amended motion took place.

Amended Motion

Jim Burgham made a motion in Case ZA-09-08 to grant the variance request for relief from three (3) foot side yard setback to allow for conjoining driveways as per the plans submitted, and

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to include a deadline date of June 1, 2009 for job completed and must comply with all other zoning requirements.

Al Franceschelli seconded the motion.

Voting:

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

Motion carried.

3rd Order of Business:

Case #ZA-10-08 – *A request by Lee and Christine Ricottilli, to obtain relief from accessory building regulations from property located at 8713 Faireweather Trail, known as parcel # 35-064-0-003.23-0, lot 254. Parcel is located in Poland Township, Poland, Ohio, in a (R-1) Residential-District.*

Items included in packet submitted:

1. Zoning Permit Denial Form
2. Application for Variance
3. Property screen
4. County GIS aerial photos
5. Warranty Deed
6. Construction site plan
7. Letter of Intent

Hank reads aloud the letter of intent received from the Appellant. Hank asked Mr. Ricottilli if he had anything else he would like to add.

Public Comments/Questions:

**Lee Ricottilli
8714 Faireweather Trail
Poland, Ohio**

Lee Ricottilli states why he needs the building. He says that he needs a little extra room so that he can store his utility trailer, ATV equipment, and things like that and also a truck, which has to sit outside.

Hank Grover stated that zoning will allow a six hundred (600) square foot building and that Lee Ricottilli is asking for a seven hundred (700') square foot building.

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Lee Ricottilli stated that it is just under seven hundred (700') square feet due to the way that garage doors jogs back and it will have two (2) individual garage doors.

Jim Burgham asked if there are no issues with the height and would it be under fifteen (15) feet.

Ricottilli stated yes, under fifteen (15') feet.

Hank Grover asked if there were any questions from the board. Then he stated that he thinks it would be the same as the house, etc...such as the type of siding and that type of thing.

Lee Ricottilli stated that it is going to be the exact same. He said that when he built his house twelve years ago he intended on putting a garage there originally, and if you look at the Mahoning County GIS mapping you can see how the house is skewed to the left side. He says he knew he could put at least a twenty five (25') foot wide building but that he still wanted to have access to his backyard in case he had to drive a vehicle through there someday. He says that he wanted to leave fifteen (15') feet from the house, which is the minimum. He could live with six hundred (600') square feet, but his truck is almost twenty (20') feet deep and with a truck that deep he would have no room to walk around it if the building were only twenty-two (22') feet deep. He then stated that if he could get that extra six (6') feet he needs, it would really help.

Hank Grover stated that if there were no further discussion or questions among the board he would entertain a motion.

No one speaks.

Motion

Jim Burgham made a motion in Case #ZA-10-08 to grant the variance request to allow for a seven hundred (700') square foot accessory building as per plans submitted and to meet all other zoning requirements.

Voting:

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

2nd by Al Franceschelli

Motion Carried.

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Hank stated that the Zoning department has another variance request. Board discusses date and decides upon Thursday October 23, 2008 for the next meeting.

The next meeting will be held on Thursday October 23, 2008.

Meeting adjourned as 7:35 p.m

Submitted By:
Patty Magazzino/Secretary

Cc: Trustees (3)
Board of Zoning Appeals (7)
Zoning Commission (7)
J. Granitto (1)
File (1)