

Board of Zoning Appeals Meeting
July 30, 2009
ZA-04-09

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

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.

1st Order of Business:

Hank Grover stated that the first order of business is to approve the minutes from the meeting held on June 25, 2009. Jim Burgham made a motion to accept the minutes from the June 25, 2009 meeting. Al Franceschelli seconded the motion. Motion carried.

2nd Order of Business:

Case ZA-04-09 – A request by Edward Jagusztyn to obtain a variance for relief from swimming pool regulations for rear yard setback and fencing to rear where hedges abut the pool. This property is located at 6045 Struthers Road, known as parcel #35-084-0-049.02-0, lot number 2. Parcel is located in Poland Township, Poland, Ohio, in a (R-2) Residential-2 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
7. Site Plan
8. Aerial Map

Agata Jagusztyn
Daughter of Applicant
6045 Struthers Road

Grover asked if there was any additional information that the appellant would like to add. Jagusztyn replied no.

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Grover asked the board members if they had a chance to view the property in question. All members replied yes.

Bill Hegarty asked what generated this case. Monus stated that he received an anonymous complaint that the pool was constructed without a permit. Upon investigation, Monus discovered that there was no permit issued and that the placement of the pool is in violation of current zoning regulations. The Board would need to give relief on the placement of the pool as well as fencing around the pool. Hegarty asked if the complaint was for safety reasons because of the lack of the fence or the placement of the pool. Monus replied that the complaint was that the pool was installed without a permit.

Holly Grant asked Monus if there is an issue with the current fence around the pool. Monus replied no, the current fence is in compliance but the backside of the pool is not because there is no fencing, just the hedges.

Jim Burgham asked who the hedges belong to. Agata Jagusztyn replied that they are not sure, they spoke to the neighbor behind them and he does not know either. They maintain their side and the neighbor maintains his side of the hedges.

Hank Grover asked if anyone would like to speak in favor of the request. No one responds. Hank Grover asked if anyone would like to speak in opposition of the request. No one responds.

Jim Burgham asked Agata Jagusztyn if they spoke to their neighbors. She stated yes, they spoke to the neighbor behind them and he had no problem with their request.

Holly Grant stated that she was concerned with the hedges but after seeing them they are very thick and do provide a barrier. She stated that if the variance is granted for the hedges in place of a fence, then a stipulation should be made that if the hedges are removed or deteriorate, a fence would be required.

Hank Grover stated that with the thickness of the hedges, it would be very difficult for a child to come through them.

Hank Grover stated that at this time, the Board has to decide if the applicant will have to construct a fence in place of the hedges. He added that if the hedges are allowed to remain it must be considered that they can deteriorate or be removed. Holly Grant stated she would like to see the fence constructed now. Al Franceschelli agreed.

Jim Burgham asked if the applicant installed the fence or a pool company did the installation. Mr. Jagusztyn replied that he installed the pool.

The Board then made the following motion:

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Motion

Holly Grant made a motion in Case ZA-04-09 to grant the variance for the location of the pool in its current placement, and to deny the variance for the relief of fence regulations. It is also required that the property owner to install a fence that is within the current zoning regulations. The property owner is also required to obtain a permit for the pool. Jim Burgham seconded the motion.

Voting:

Yes Jim Burgham
Yes Holly Grant
Yes Al Franceschelli
Yes Bill Hegarty
Yes Hank Grover

Motion carried.

The next meeting will be held August 20, 2009.

Meeting adjourned at 7:40 p.m.

Submitted by:
Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (7)
Zoning Commission (8)
J. Granitto (1)
File (1)