

## **ZBA Meeting Minutes August 21, 2018**

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, August 21, 2018 beginning at 5:30 pm., Pledge of allegiance was recited. Mr. Arcaro asked for roll call. Present were Mr. Arcaro, Mrs. Sherman, Mr. Naylor, Mr. McKenna and Mrs. Gates. Mr. Arcaro entertained a motion to excuse Mrs. Gates.

**Mr. Arcaro** asked if the board reviewed July 17, 2018 meeting minutes and if there were any changes or corrections that need to be made. If not, I will entertain a motion to approve the June 17, 2018 meeting minutes – Mr Naylor made a motion to approve the July 17, 2018 minutes and Mrs. Sherman second the motion. Roll was called all approved

**Mr. Arcaro** – Before we get started I am going to ask you to stand if you will be speaking to swear you in. Please stand and state your name:

**Mr. Arcaro:** Do you swear to tell the truth the whole truth and nothing but the truth so help you god. **Rich Shields**– I do, **Mary Shields** – I do, **George Dragon**– I do, **Shawna Peterman** – I do, **Portia Lewis** – I do, **Frank Brown** – I do, **Philip Miller** – I do, **John Notte** – I do, **Nick Perkoski** – I do, **Melanie Shubitowski** – I do, **Janet Brown** – I do

- - Our audio tape did not load and the below minutes are based off of notes

OLD BUSINESS: NONE

NEW BUSINESS: Case # 11-2018 Father Philip Miller representative of St. Mary's Church located at 480 State St. (USR 20), Conneaut, OH., Parcel ID # 12-107-00-121-00. The Catholic Diocese is selling the parsonage and the school to Mr. Dave Proctor. They will be performing a lot split between the church and parsonage and will need a nineteen (19) foot variance from the new property line (between the church and the parsonage) on the east side to meet the required twenty (20) foot side yard setback. Section 1117.04 Minimum Zoning Lost Requirements in an R-4 Residential Urban District.

**Mr. Arcaro** – Asked if anyone had any questions.

**Ms. Shubitowski** questioned on whether it should be a nineteen foot or nine foot variance based on the parsonage being a house.

**Mrs. Brown** explained it is still a church lot and the sale of the parsonage has not been completed. The nineteen (19) foot variance stands.

Mr. Arcaro – Are there any questions from the board – if there no questions – I will entertain a motion.

**Mrs. Gates** – Made motion to approve the nineteen (19) foot variance located at 480 State St., Conneaut, OH. Parcel ID # 12-107-00-121-00 with no conditions.

**Mr. Naylor** – Second the motion

**Roll - Mr. McKenna – Yes, Mr. Arcaro – Yes, Mrs. Sherman – Yes, Mr. Naylor – Yes, Mrs. Gates – Yes**

**Mr. Arcaro** – Mr. Miller you can pick up your permit in the zoning office tomorrow

**Mr. Arcaro** – Case # 12-2018- FPM OHIO LLC locted at 199 Gateway Plaza Ave., Conneaut, OH., Parcel ID # 12-316-00-008-02 – represented by Mr. George Dragon of Cicogna Sign Co. is seekeing a variance to install a 4 X 16 non-illuminating wall sign on the face of the old Giant Eagle Building and on the old K-Mart Building. The proposed sign(s) exceed the maximum height dimension of three (3) feet and are outlined in Section 1133.05 (e)(2). Located in B-2 Highway and Community Business District.

**Mr. Dragon** – explained that the two signs are non-illuminating and that the buildings were going to be used for heated storage.

**Mr. Arcaro** – asked if the board had any questions – if not I will entertain a motion

**Mr. McKenna** – Made motion to approve two (2) non-illumiating signs to place on the old Giant Eagle and K-Mart building at 199 Gateway Ave., Conneaut, OH. Parcel ID # 12-319-00-008-02 with no conditions.

**Mr. Naylor** – Second the motion

**Roll – Mr. Arcaro – Yes, Mrs. Gates – Yes, Mrs. Sherman – Yes, Mr. Naylor – Yes, Mr. McKenna – Yes**

**Mr. Arcaro – You can pick up your permit tomorrow**

**Mr. Dragon – Could you please mail it to my office**

**Mrs. Brown – yes**

**Mr. Arcaro** – Case #13-2018 Mr. & Mrs. Richard Shields of 168 Poplar Street, Conneaut, OH. Parcel ID # 12-112-00-123-00 have installed a six (6) foot wood panel fence in front of their existing chain link fence. They are seeking a variance because they installed the fence with the finished side facing inward toward their property to be consistent with surrounding fences in their area. They did not know it was installed against code regulations. Section 1133.01 (3). Located in an R-4 Urban Residential District.

**Mr. Shields** – We have letters from our neighbors stating they are good with the way the fence is. My wife and I installed the fence to try and keep the smell down from Portia’s dogs defecating in the corner of the yard. They did not know when they installed the fence there was a certain way to place it – they were trying to keep it consistent with the neighborhood.

**Mrs. Lewis** – I am upset because there are laws, rules and regulations and I want the fence taken down or turned around the way code calls for. My dogs are clean and friendly and I clean up there area.

**Mr. Shields** – Explained she did not and that she cleaned it up and placed it inbetween the chain link and wood fence.

**Ms. Peterman** – Supports her mom (Portia) and brought in our codes and read them to the ZBA.

There was much discussion between Mr. Sheilds, Mrs. Shields, Mr. Notte (Mrs. Shields Brother), Mrs. Lewis and Mrs. Peterman.

**Mr. Notte** – said he was a contractor and explained the fencing

**Mr. Naylor** – If you are a contractor then you should know Zoning regulations and code and that you need a permit

**Mr. Brown** – Asked why Mrs. Lewis had any right to say anything because she sold her home last week and is not living there.

Mrs. Lewis – Tried to say she had a right

Mr. Naylor – explained that she was not the homeowner and what she had to say was mute at this point and time.

Mrs. Lewis – Left the hearing

Mrs. Peterman – explained the fence code and other codes and felt that her mom was in the right

There was a lot of discussion amongst the ZBA and audience members

**Mrs Gates** – Made motion to go into executive session

**Mrs. Sherman** – Second the motion

**Roll – Mr. Arcaro – Yes, Mr. Naylor – Yes, Mr. McKenna- Yes, Mrs. Sherman – Yes, Mrs. Gates – Yes**

**Time: 6:20 pm.**

**Time returned from executive session: 6:30 pm**

**Mr. Arcaro** – Is there a motion regarding Case # 13-2018

**Mr. Naylor** – Melanie – the issue is the addition to the fence that is there now

**Ms. Shubitowski** – Yes

**Mr. Naylor** – So is this for a 4 or 5 foot section

**Mrs. Sherman** – No – it is the entire fence

**Mr. Naylor** – Sorry – I was misinformed

Mr. Naylor – I move that Case # 13-2018 Mr. & Mrs. Richard Shields of 168 Poplar St., Conneaut, OH Parcel Id # 12-112-00-123-00 who have installed six foot wood panel fence against a chain link fence with the finished side facing inward. I make a motion to deny the variance to face the finished side inward

Mr. McKenna- Second the motion

Mr. Arcaro – Is there any discussion

Roll – Mr. Sherman – Yes, Mrs. Gates – Yes, Mr. Naylor – Yes, Mr. McKenna – Yes, Mr. Arcaro – Yes.

**Mr. Arcaro** – The motion has been denied and we have a proposal. Regardless of that area having fences installed improperly in the past, we are not here to rule on past history. We do not know what's going on with Portia, Mrs. Lewis, but even though the house has been sold and this new neighbor coming in, we don't want this to escalate. We have some recommendations that we would do if it were our situation. We would take down the chain link fence and we would either face the other fence properly or take the board off one side and place it on the other side.

**Mr. Naylor** – you will need to take the panels off one side and switch it to the other side and most likely need permission from the new home owner

**Mr. Arcaro** – You may be able to get it done before the new owner moves in

**Mr. Shields** – Our concern is the 3 big dogs

**Mr. Arcaro**- But she sold the house so she will be vacating

**Mr. Shields** – I can't be sure that she sold her house and that she is leaving

**Mr. Naylor** – We have the buyers names

**Inaudible on the tape** audience members and ZBA have a lengthy discussion over the dogs, safety, Portia Lewis and the on new owners of 168 Poplar St and the fence.

Mr. Naylor – If we do what you are asking and we cannot get onto the new owners property will you change your decision

**Mr. Arcaro** – Yes, that is obviously part of the equation and probably a question for the Law Department

Inaudible discussion with ZBA and audience members

**Mr. Naylor** – I would like to make a motion to rescind my original decision to deny the variance

**Mr. McKenna** – I second that motion

**Roll called – All Approved**

**Mrs. Gates** – Made a motion to table case # 13-2018 Mr. & Mrs. Shields of 168 Poplar St., Conneaut, OH Parcel Id # 12-112-00-123-00 regarding a finished side of a fence.

**Mrs. Sherman** – Second the motion

**Roll was called – All Approved – motion carries**

Are there any other issues before the board – I will entertain a motion to adjourn

**Mr. Naylor** – **motioned to adjourn and Mr. McKenna second the motion.** Roll was called – all approved.

**Meeting adjourned** – 6:54 pm0

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Patrick Arcaro, Chairman

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Melanie Shubitowski, Clerk

Mrs. Gates made motion to adjourn meeting, Mrs. Sherman second the motion. Meeting adjourned @ 6:15 p.m.

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**Patrick Arcaro, Chairman**

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**Melanie Shubitowski, Clerk**