

ZBA Meeting Minutes December 18, 2018

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, December 18, 2018 beginning at 5:30 pm., Pledge of allegiance was recited. Chairman Arcaro asked for roll call. Present were Mr. Arcaro, Mr. Naylor, Mrs. Gates and Mrs. Sherman.

Mr. Naylor made motion to excuse Mr. McKenna and Mrs. Sherman seconded the motion. Roll was called – all approved.

Mr. Arcaro asked if the board reviewed and had a chance to review the October 6, 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 October 6, 2018 meeting minutes – Mrs. Sherman made a motion to approve and Mrs. Gates seconded the motion. Roll was called all approved.

There was no old business on the agenda to discuss.

New Business:

Mr. Arcaro: Case number 15-2018, Anthony and Carolyn Kubiceck of 660 Harbor Street, Conneaut Ohio, parcel #12-211-00-134-00 are seeking variances to place a shed on the north side of their garage which faces River Street. The home is located in an R-4 Urban Residential District and is situated on a corner lot. They are seeking a 4' front setback variance from the 25' front setback requirement, and a 7' variance regarding the distance required (10') from an existing structure.

According to our code. 1133.01, accessory structures in residential districts, no accessory structure(s) shall be erected in any required yard other than a rear or side yard, nor shall it occupy more than 30% of a required rear yard. A detached accessory structure may be located in the side yard except a side yard that abuts a street. Accessory structures shall not exceed fifteen (15) feet in height, unless a greater height is permitted by the Zoning Board of Appeals and shall be distant at least 5' from all lot lines of adjoining lots which are in any residential district and 10' from any other structure on the same lot. On a corner lot in any residential district, an accessory structure shall be a distance from the side street lot line not less than the required front set back line. Sheds may be placed within 1' of a property line if movable. Dog pens shall be located 5' from a property line and the owner of the animal shall cleanup the feces from the animal so that it does not become a nuisance to the adjoining property owners. That's why you were originally declined. So, Melanie, tell us what's going on.

Ms. Shubitowski: Mr. Kubichek would like to place a shed in front of his garage on the north side of his home, facing River Street, 3' from the current garage for storage, and it's also forward of the front setback by 4' to the front of the proposed shed location. He is seeking the variances as specified, and that front yard setback is easily determined by the fence I believe he erected about a year and a half ago when we had to determine the front yard setback as to where the 6' height starts at the point of the front yard setback.

Mr. Arcaro: So they're going on the concrete here in front of the garage? (pointing to the picture taken)

Ms Shubitowski and Mr. Kubichek: Yes

Mr. Naylor: Can somebody draw where it's going on mine?

Mr. Kubichek: Certainly.

Muddled conversation

Mr. Arcaro: What's that Mrs. Gates?

Mrs. Gates: I was just asking Melanie in the picture of the outline.

Mr. Naylor: OK, now the distance between the proposed shed and garage is 3'?

Mr. Kubichek: Correct.

Mr. Naylor: And the shed is how big?

Mr. Kubichek: 12' by 10'.

Mr. Naylor: And it's not going to affect the neighbor to the east? Which way is north on this? (Mr. Kubichek pointed out north on the drawing).

Mr. Kubichek: I spoke with Jim Jones last weekend, and he indicated that, his brother lives there, and he indicated that he had no problem with it.

Mr. Naylor: OK and what's the distance from the garage to the property line?

Mr. Kubichek: That would have to be 15'.

Mr. Naylor: See a sketch like this would really be informative for us. So then what's the proposed distance from the front of the shed to the street?

Mr. Kubichek: To the property line would be 21'.

Mr. Naylor: OK, so that's why you needed 4'. Now, you'll access the shed from the north side?

Mr. Kubichek: Correct. That's why the concrete extends past the front of the shed, so there will be no muddy area. It'll primarily be used to store sheet metal fittings, pipes, anything with the HVAC industry. We're running out of room, we're looking for another building, so this will more than likely be a temporary thing and then get moved. We own this lot here as well. We have a pool and patio that we put here this year that we had permits for, but more than likely once we get our building and get the business moved, then we'll probably take this out of here and move it over

into this area someplace. It would still be 10 feet from another structure and away from the property line.

Mr. Naylor: Now it does meet the 15' height requirement?

Mr. Kubichek: It's 6' walls, so the top would probably be about 8'.

Mr. Arcaro: How long have you been in business?

Mr. Kubichek: This time around, 11 years. We're up to 2 full time employees, my wife does the office and accounting, I do all the estimating, scheduling, some service. We're looking to hire another person, probably getting another truck starting probably the beginning of the year, that's why we need to build. We're just at a point now, I had a goal of doing about 350 to 375 this year and we're past 450 now.

Mr. Arcaro: What's the name of the company?

Mr. Kubichek: AC Heating and Air.

Mr. Arcaro: Did letters go out to the neighbors?

Ms. Shubitowski: They did. We heard nothing back. One came back, returned not able to forward. That was Art Furnam, I saw him in church and explained the situation and he had no problems with it.

Mr. Kubichek: I was approached by the other neighbors, Davis, Eaton, (two other names could not make out) they didn't indicate that they had any issues.

Mr. Arcaro: Do you have anything else you'd like to add that you think the board should know?

Mr. Kubichek: Not really. I keep quiet over there, under the radar.

Mr. Arcaro: Mrs. Gates, do you have any questions?

Mrs. Gates: No

Mr. Arcaro: Do you know if we grant the variance if it would affect delivery of governmental services in any way from where the shed is placed, water sewer, garbage or anything like that?

Mr. Kubichek: No, there's nothing that runs through there other than the downspout drain, - PVC from the corner of the shop. There are no cables, sewer, water or underground electric that is in that area.

Mr. Arcaro: And when you purchased the property, did you purchase with or without knowledge of the zoning restrictions?

Mr. Kubichek: I think some things have changed over the years, because we have some structures that were approved that aren't conforming to the current code, so I don't know what happened between then and now, but because we do have permits for the other fences, mostly just fences, privacy fences that we have.

Mr. Arcaro: So it's safe to say you didn't?

Mr. Kubichek: Correct.

Mr. Arcaro: Is there any other questions? Hearing none, I will entertain a motion.

Mr. Naylor: OK, I'll do that. In case 15-2018, Anthony and Carolyn Kubiceck of 660 Harbor Street, Conneaut Ohio, parcel #12-211-00-134-00 are seeking variances to place a shed on the north side of their garage which faces River Road. The home is located in an R-4 Urban District and is situated on a corner lot. They are seeking a 4' front setback variance from the 25' front setback requirement, and a 7' variance regarding the distance required (10') from an existing structure. I recommend the approval.

Mrs. Sherman: I second it.

Mr. Arcaro: It's been moved by Mr. Naylor and seconded by Mrs. Sherman, is there any further discussion? Rick, are there any conditions with that?

Mr. Naylor: No, not based on the drawings.

Mr. Arcaro: Melanie, call the role.

All were in favor.

Mr. Arcaro: Motion carries, you can pick up your permit..

Ms. Shubitowski: Probably Thursday

Mr. Arcaro: Probably Thursday.

Mr. Kubichek: OK

Mr. Arcaro: It doesn't look as though we have any audience participation. Is there any other business to come before the board?

Mrs. Gates: I was just wondering if we were going to go over why the Planning Commission stuff is in here, if we need to talk about that.

Ms. Shubitowski: That's just an FYI because there's mention of ordinances that would affect zoning.

Mr. Arcaro: Did you want to discuss any of those at all, Dawn?

Mrs. Gates: If Melanie thinks we need to go over them, we can go over them, but otherwise.

Mr. Arcaro: From what I read, there's just a couple areas where they discussed changing a couple ordinances and I think one of them was the fence.

Mr. Naylor: Oh, I didn't see that. Did they finally do something with that?

Mr. Arcaro: Well, they're discussing that, I don't know if it's passed yet.

Mr. Naylor: Are we still on the record?

Ms. Shubitowski: Yes, we're not adjourned.

Mr. Arcaro: This says ducktale, I think they meant dovetail on the bed and breakfast.

Ms. Shubitowski: That's what I thought too. He said ducktale.

Mrs. Gates: I apologize, I didn't read over this, I thought it was a mistake.

Ms. Shubitowski: If you notice on page 6, Mr. Hockaday was addressing his feelings concerning fences, and he feels people should buy double sided or add panels to conform, rather than changing the ordinance.

Mr. Naylor: My only problem is that I don't think Mr. Hockaday has any idea of the expense involved.

Mr. Arcaro: So what's the procedure with this Melanie, does the Planning Commission have X amount of readings before?

Ms. Shubitowski: Yeah, if they don't approve, then it goes to the law dept. and back to the Planning Commission, then once it's approved, then it goes to City Council for three readings.

Mr. Arcaro: Gotcha, then we just have to abide by it and enforce it. Are they interested in our opinion?

Ms. Shubitowski: I think they would value any opinions.

Mr. Arcaro: So when is the next meeting?

Ms. Shubitowski: The first Tuesday of the month, and those are at 6:00.

Mr. Arcaro: OK, is there any other business to go before the board? If not, I'll entertain a motion.

Motions were made

Mr. Arcaro: It's been moved by Mrs. Gates and seconded by Mr. Naylor, Melanie, call the roll.

All were in favor

Meeting adjourned – 5:48 pm

Patrick Arcaro, Chairman

Melanie Shubitowski, Clerk