

## **ZBA Meeting Minutes February 20, 2018**

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, February 20, 2018 beginning at 5:30 pm., Pledge of allegiance was recited. Mr. Arcaro asked for roll call. Present were Mr. Arcaro, Mr. McKenna, Mrs. Sherman, and Mrs. Gates. Mr. Naylor was absent

**Mr. Arcaro** asked if the board reviewed November 30, 2017 meeting minutes and if there were any changes or corrections that need to be made. Mrs. Sherman said yes, Mr. George Distel's name is spelled incorrectly and should be spelled with one L not two. Mr. Arcaro entertained a motion with changes, Mrs. Gates made motion to approve November 30, 2017 minutes with the corrections and Mrs. Sherman second the motion. Roll was called, all approved.

**Mr. Arcaro** – There is no old business

**Mr. Arcaro** asked if everyone signed in, once you are all signed in, I will swear you all in.

**Mr. Arcaro** -I think Mr. Sweet is here

**Mr. Sweet** – Yes, I am here.

**Mr. Arcaro** – While everyone else signs in – we can get started with you. Do you swear to tell the truth the whole truth and nothing but the truth so help you god

**Mr. Sweet** – I do

**Mr. Arcaro** – Tell us what is going on

**Mr. Sweet** – what's that

**Mr. Arcaro** – tell us what's going on

**Mr. Sweet** - I am requesting a variance for a sign that Buick is making me put up and it doesn't conform to the current zoning code

**Mr. Arcaro** – You are seeking a variance to place an additional sign on the face of the building

**Mr. Sweet** - If I have to

**Mr. Arcaro** – Melanie please state your name

**Ms. Shubitowski** – Melanie Shubitowski

**Mr. Arcaro** – Do you swear to tell the truth the whole truth and nothing but the truth so help you god.

**Ms. Shubitowski** – I do

**Mr. Arcaro** – Janet will you be speaking

**Mrs. Brown** – No

**Mr. Shubitowski** – Mr. Sweet applied and there is a current Buick sign that is just the emblem. They will be adding the larger shield (emblem) that will require a six inch variance for the emblem, plus adding the name Buick. Because they are removing/replacing the emblem, they are seeking a variance to add three signs to the face of the building and increasing the size of the emblem sign Requiring a six inch variance.

**Mr. Arcaro** – So you are making the Buick emblem larger, plus adding the name Buick

**Mr. Sweet** – Yes

**Mr. Arcaro** – You already have five signs on the front of the building

**Mr. Sweet** – My name is on the sign

**Mr. Arcaro** – you have a bow tie, you have Chevy

**Mrs. Sherman** – Plus you have another one right here, don't you

**Mr. Arcaro** – You have a collision center on the other one

**Ms. Shubitowski** – Yes, but this is one face here, so the collision center is really not a part of this variance

**Mrs. Sherman** – Plus your lighted one – plus even your pole signs

**Mr. Arcaro** – Does the pole sign stay up

**Mr. Sweet** – Yes

**Mrs. Sherman** – That is a lot of signs

**Mrs. Shubitowski** – But of concern is this face of the building

**Mr. Arcaro** – I think that's a lot of signs

**Mr. McKenna** - I agree

**Mrs. Sherman** – You do not want to take your name down

**Mr. Arcaro** – Let me read into the record what Mr. Sweet is seeking and then I will entertain a motion – Mr. Gregory Sweet of Greg Sweet Chevrolet located at 286 E Main RD., Conneaut, OH Parcel ID # 12-306-00-064-00 is seeking a variance for three (3) projecting signs on face of building that faces SR 20. Mr. Sweet is also seeking a height variance for the new EMBLEM that is three feet six inches, requiring a six inch variance. Located in a B-2 Highway and Community Business District. There are two separate variances – one for the height and one for the number of signs.

**Mr. Arcaro** – We start with the number of signs first – Is there any discussion or does anyone want to make a motion

**Mrs. Gates** – Which three (3) –so he is putting the Buick- I understand

**Mr. Arcaro** – He has the name Greg Sweet, and then the bow tie with Chevy, this emblem here will be larger by six inches, and then adding the name Buick

**Mrs. Sherman** – They want the name Buick and the Buick Emblem larger

**Mrs. Gates** – Ok – I see there are a number of signs

**Mrs. Sherman and Mr. Arcaro** – There are a lot of signs on the face of the building

**Mr. Arcaro** – I will entertain a motion:

**Mrs. Sherman** – I deny that many signs on the face of the building – I feel there is enough with the lighted and pole sign.

**Mr. Arcaro** – You would like to make a motion to deny the number of signs on the face of the building

**Mrs. Sherman** – Yes

**Mr. Arcaro** – Is there a second motion

**Mrs. Gates** – I second the motion

**Mr. Arcaro** – Is there any discussion – Ms. Shubitowski will you please call Roll

**Ms. Shubitowski** called Roll - All approved – motion carries to deny the variance for number of signs on the face of the building

**Mrs. Brown** – Told Mr. Sweet he had a right to appeal

**Mr. Arcaro** – We will not be voting on the height of the emblem because we have denied the number of signs that can be placed on the face of building.

**Mr. Arcaro** – Melanie do you have the Duncan factors

**Ms. Shubitowski** – they should be over there and there is one for each variance

**Mr. Arcaro** – We can do the Duncan factors at the end

**Mr. Arcaro**- After reviewing the application and reviewing as documentary submissions of interested parties, and by taking into consideration the personal knowledge of property in question the Board of Zoning Appeals finds and concludes that the property in question will or will not yield a reasonable return and there can or cannot be a beneficiary use of property without the variance

**Mr. Sweet** - I do not need to sign

**Mr. Arcaro** – No, its going to continue to yield a reasonable return and there can still be beneficial use of the property

**Mr. Greg Sweet** – Absolutely

**Mr. Arcaro** – The variance is substantial because they are asking for a multiple of signs on the front of the building. The essential character of the neighborhood would not be substantially altered or adjoining properties would not suffer substantial detriment as a result of variance – because it is in a business district.

**Mr. Arcaro** – By the way did any of the neighbors... did letters go out

**Ms. Shubitowski** – Yes, letters went out and a few came back

**Mrs. Brown** – There was nobody that denied anything – one person called and did not have a problem with the variance

**Mr. Arcaro** – The variance would not adversely affect the delivery of governmental services. The applicant purchased the property with knowledge of the zoning restriction. The applicant's predicament feasibly cannot be resolved through some method other than a variance. The spirit and intent behind the zoning requirement would not be observed and substantial justice done by not granting the variance because there are already enough signs on front of building.

**Mr. Arcaro** – Thank you Mr. Sweet – you have a right to appeal.

**Mr. Sweet** – Thank you, goodnight. Can I pick my papers up tomorrow

**Mrs. Brown** – Yes

**Mr. Arcaro** – Case # 02-2018 Mr. Richard Osborne of 441 E main Rd., Conneaut, OH – Parcel ID # 12-306-00-048-00 is seeking a USE permit to harvest 6.5 acres from his property. Sawyer Logging Inc. will be performing the timbering operation in lieu of the ZBA’s approval and the signed contract between Mr. Osborne and Osair Inc. The goal is to complete this operation within 6 months. Located in a B-2 Highway & Community Business District.

**Mr. Arcaro** – Are all four of you speaking on behalf of Sawyer Logging –  
Audience member – No, two of us are just neighbors and two are representing Sawyer Logging

**Mr. Arcaro** – Will you all be speaking  
Audience members – yes

**Mr. Arcaro** – Will you all please stand so I can swear you in – please state your name – William Gubenyar, Robert Campbell, Paul Petri, Alfred Smith. Do you all swear to tell the truth the whole truth and nothing but the truth so help you god. All four said I do.

**Mr. Arcaro** – Melanie let’s start with you

**Ms. Shubitowski** – One thing of concern is the power lines that runs along the easement as you can see in the overhead there. We will probably have to have first energy’s approval, because it can create a dangerous situation and also of concern would be the exit because the easement can’t be used for entering and exiting the property.

**Mrs. Sherman** – So you were planning on going over to Thompson or going straight onto SR20

**Mr. Gubenyar** – Going off the access there are two berms cut out according to the property and the existing driveway

**Mr. Arcaro** – On Route 20

**Mr. Gubenyar** - We are not cutting any trees around first energy, actually first energy has it trimmed along the property

**Mr. McKenna** – So there are driveway cuts along Route 20, so you would be going out the front, you wouldn’t be touching any neighbors

**Mr. Gubenyar** – Correct, we are going platform, we have these portable platforms, we lay them down run off at an angle away from one of the gentleman’s property to keep the mud off the road and everything. We will do a staging area out there

**Mr. McKenna** – Out in the clear area out there

Audience member – Yes, we will also use the platforms in the back where we have stream crossing

**Mr. McKenna** – In the rear of the property

Audience member – Way in the back - south

**Mr. Arcaro** – I was looking to see on the GIS

**Mr. McKenna** – Yes, looking to see if we can see the cuts, but I don’t see them

**Mr. Arcaro** – What road is this (using GIS map)

**Mrs. Sherman** – Thompson, no I’m sorry the drive

**Mrs. Brown** – Asked audience member if he would like to show the ZBA where they will cut timber on overhead GIS map

**Mr. Gubenyar** – There is a berm cut out here and over there and right here is where we will cut

ZBA Members – OK

**Mr. Gubenyar** - The neighbors are using this area as a residential and mowing the grass, we will not be disturbing that area. According to the Ashtabula County Salt & Water its not a mark on the map, its contributory, so it does not have to be addressed other than I will be putting platforms down, sometimes you have to do an erosion plan, but we will not have to

**Mrs. Brown** – What are platforms

Audience Member – They look like pallets but they are 8 X 10 – they are like gas wells used you see they have big runners on them and they have a space and the planks on top. We can make rows across swamps and it makes a suction it protects from erosion, mud etc. I have pictures and I will bring them in for you to see.

**Mr. Arcaro** – Who owns the parcel

Audience Member – It belongs to Osair who is owned by Richard Osborne. I do all the Osborne properties all the way to Lake County. They are in it to liquidate, I am trying to do harvesting

**Mr. Arcaro** – What size trees are you taking out

Audience Member – 16’ inch cut and larger

**Mr. Arcaro** – Does anyone have anything else to say

**Mr. Campbell** – The only thing Paul and I were concerned about the property that we are mowing to keep the bugs down, the critters down and make it look nice for the last 30 years. Our question is will the timbering operation make sure after they are done the property will look like it did before they started.

**Mr. Gubenyar** – Said the owner of the property is fine with the neighbors using his property and maintaining the grass

**Mr. Campbell** – That’s good (laughter) because he would have to come and mow it then

**Mrs. Gates** – They will have to do a performance bond – right

**Mrs. Shubitowski** – Yes

Audience Member – When I pick up the paperwork I will have the performance bond ready to go

**Mrs. Gates**- What kind of equipment are you using and are you doing anything to protect the sidewalks and/or curbs so you are not cracking them

**Mr. Gubenyar** – The curb is cut out where the sidewalk goes across. Right past the sidewalks is where we will put the platforms. I will be using a forwarder and skidder and a dozer

**Ms. Shubitowski** – How close will you be getting to that easement

**Mr. Gubenyar** – We will pull some trees along that line especially the ones they are trimming

**Mr. Arcaro** – Is there a culvert

**Mr. Gubenyar** – I don’t believe there is a culvert

**Mrs. Sherman** – How close to the power lines will you go

**Mr. Gubenyar** – we will go to the property line

**Mr. McKenna** – Are the property lines clearly marked

**Mr. Gubenyar** – yes there are pins that are clearly marked

**Mr. Arcaro** – Are there any other questions – if not I will entertain a motion

**Mrs. Shubitowski** – What are your hours of operations

**Mr. Gubenyar** – Monday – Friday – 7 am – 4 pm – some weekends

**Mr. Arcaro** – If there is no other discussion – I will entertain a motion

**Mrs. Sherman** – I make a motion that we allow Sawyer Logging and Richard Osborne DBA OSAIR INC to timber at 441 E Main Rd. Conneaut, OH , Parcel # 12-306-00-048-00 contingent with the approval of the power company and the performance bond. Case # 02-2018 – Hours of Operation are from 7 am – 4 pm Monday – Friday and some weekends

**Mrs. Gates** – Second the motion

**Mr. Arcaro** – It has been moved by Mrs. Sherman and second by Mrs. Gates is there any other discussion. Melanie will you call Roll. All Approved – Motion Carries. You can pick up your permit at the Zoning Office

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**