

ZBA Meeting Minutes July 17, 2018

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, July 17, 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 and Mr. McKenna. Mr. Arcaro entertained a motion to excuse Mrs. Gates – Moved by Mr. Naylor and second by Mrs. Sherman. All approved.

Mr. Arcaro asked if the board reviewed June 19, 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 – Mrs. Sherman made a motion to approve the June 17, 2018 minutes and Mr. Naylor second the motion. Roll was called all approved. Mr. McKenna abstained.

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. **Scott Kidd**– I do, **Bob Rodgers**– I do, **Terry Rodgers** – I do, **Melanie Shubitowski** – I do

Mr. Arcaro: Old Business Case # 09-2018 Karl Salinas of 1036 Lake Rd.

After reviewing the application and the hearing of evidence under oath. Reviewing as documentary submissions of interested parties, and by taking into consideration personal (inaudible) of properties in question. The Board of Zoning Appeals finds and concludes that the property in question will yield a reasonable return and there can be beneficial use of the property without the use of the variance because it is an Accessory Structure used for storage. The variance is substantial because the request of variance will eliminate the entire five (5) foot setback bringing the deck right to the property line. The essential character of the neighborhood would be substantially altered and adjoining properties would suffer a substantial detriment as a result of the variance because adding a second story deck to the thirty-five (35) foot storage building will occupy over forty-eight (48%) percent of the required rear yard space. Adjoining properties could and/or would suffer substantial detriment as a result of the variance because the deck on the east side could potentially block views of Lake Erie to neighboring properties, thereby depreciating the enjoyment and use of their own property. The variance would not adversely affect government services. The applicant purchased the property without knowledge of the zoning restrictions. The applicant's predicament feasibly can be resolved through some other method than a variance by eliminating the deck and using the building for storage as it was built. The spirit and intent behind the zoning requirement would not be observed and substantial justice not done by granting the variance because this is an accessory structure. The height variance has been granted for thirty-five (35) feet and granting another variance for a deck on a storage building will not provide any additional benefits or value to the property.

For all the above reasons the variance is going to be denied. I will entertain a motion from the board. Mrs. Sherman made motion to deny the variance and Mr. Naylor second the motion. Is there any further discussion. Ms. Shubitowski please call roll: Mrs. Sherman, Mr. Arcaro, Mr. Naylor. Mr. McKenna abstained.

Mr. Arcaro- That concludes old business now moving onto new business Case # 10-2018 Mr. & Mrs. Robert Rodgers your application to add an addition to the home was denied. Parcel # 12-347-00-071-00 – the reasons for the denial are as follows: The addition does not meet the side yard setback outlined in your area of fifteen (15) feet. The proposed addition will lye six (6) feet from the north side property line, and overhang of the home it is attached to lye’s five (5) feet from the same property line, requiring a variance of ten (10) feet. The provisions identified and used for denial pf a permit are outlined in Section 1117.02, which defines requirements for a single-family home within an R-2 Urban Residential District.

Mr. Arcaro – Scott are you going to speak

Mr. Kidd – Would you guys like a copy these (plans)

Mr. Naylor – Yes, please

Mr. Naylor – We, Dolly and I went out to the residence today and asked for a revised set of drawings so that everybody could look through them.

Mr. Arcaro – Melanie do you want to tell us a little bit about what you found out there

Ms. Shubitowski - I measured from the building to the parcel line and found that the structure was going to lye six (6) feet from that parcel line. The side yard setback is fifteen (15) feet but it also foot overhang which puts it five (5) feet from the parcel line which would require a ten (10) foot variance. It is the opinion of the Zoning Office that the variance should be granted

Mr. McKenna – Is the new roof of the addition lining up with the existing roof on the side of the house

Ms. Shubitowski – The outside walls set in and lines up with the outer wall. The overhang does not. From the building to the parcel line

Mr. Kidd – Nothing new will go out any further than the existing

Mr. McKenna – Are you eliminating the patio roof and making it one big roof

Mr. Kidd – Yes, the patio stays but the roof structure will change

Mr. Arcaro- Did neighborhood letter go out

Mrs. Brown – Yes and the neighbors we heard from are all in support of the addition

Mr. Arcaro – Are they any other questions

Mrs. Sherman – Is your electrician licensed through the county

Mr. Kidd – Yes, he is licensed

Mr. Arcaro – Asked the board if they had any other questions

Mr. Naylor – I appreciated the fact that it was staked out when we got there, that helps us and thank you.

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

Mr. Naylor – I make a motion to approve the application for the addition to the rear of the home located at 1118 Sunrise, Conneaut, Parcel # 12-347-00-071-00 the variance of ten (10) feet on the north side

Mrs. Sherman – Second the motion

Mr. Arcaro – Are there any conditions to place on the motion

Mr. Naylor – No

Mr. Arcaro – It has been moved by Mr. Naylor and second by Mrs. Sherman. Is there any further discussion. Melanie please call roll: Mr. Naylor – yes, Mrs. Sherman- yes, Mr. McKenna – yes,

Mr. Arcaro – yes.

Mr. Arcaro – Your application for variance has been approved and you can pick up your permit --- when (looking at Ms. Shubitowski and Mrs. Brown)

Mrs. Brown – You can pick up your permit on Thursday after lunch

Mr. Arcaro – Before you leave I have a few questions I need to ask you

1. The property in question WILL yield a reasonable return and there CAN be a beneficial use of the property with the variance.
2. The variance is INSUBSTANTIAL because it is not effecting the setback any more than it currently is
3. The essential character of the neighborhood WOULD NOT be substantially altered or adjoining properties WOULD NOT suffer a substantial detriment as a result of variance
4. The variance WOULD NOT adversely affect the delivery of governmental services
5. The applicant purchased the property WITHOUT knowledge of the zoning restriction
6. The applicant's predicament feasibly CANNNOT be resolved through some method other than a variance.
7. The spirit and intent behind the zoning requirement WOULD be observed and substantial justice DONE by granting the variance because it will not harm the neighborhood and it will benefit the homeowner.

For all the above reasons it has been moved that the variance be granted with no conditions and you can pick up your permit after lunch on Thursday.

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

Mrs. Sherman – motioned and Mr. Naylor second the motion. Roll was called – all approved.

Meeting adjourned – 5:50 pm

Patrick Arcaro, Chairman

Melanie Shubitowski, Clerk

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

Patrick Arcaro, Chairman

Melanie Shubitowski, Clerk

