

## **ZBA Meeting Minutes September 18, 2018**

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, September 18, 2018 beginning at 5:30 pm., Pledge of allegiance was recited. Ms. Sherman is acting chair for Mr. Arcaro. Ms. Sherman asked for roll call. Present were Mr. Naylor, Mrs. Gates and Mrs. Sherman. Mrs. Gates made motion to excuse Mr. Arcaro and Mr. McKenna and Mr. Naylor second the motion. Roll was called – all approved.

**Mrs. Sherman** asked if the board reviewed the August 21, 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 August 21, 2018 meeting minutes – Mrs. Gates made a motion to approve the August 21, 2018 minutes and Mr. Naylor second the motion. Roll was called all approved

**Mrs. Sherman:** OLD BUSINESS: 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. This was tabled at the last meeting. We did receive a letter from the neighbor and is ok with the way it is and would like it to stay that way and grant the variance for 168 Poplar.

**Mrs. Gates-** Made motion to approve the fence. **Mr. Naylor** – second the motion. Roll was called – All approved

Mr. Naylor – I would like to bring up an issue also. I would like to have the Ordinance looked at again for the installing of a fence. **Mrs. Sherman** agreed. **Mr. Naylor** – I would like it to be in the minutes, I don't know who does it, but it needs looked at. **Ms. Shubitowski** - explained it needs to go through the Law Department and to Council. **Mr. Naylor** – Well, that all needs to be done because this is ridiculous in my opinion.

**Mrs. Sherman** – New Business: Case # 14-2018 – Mr. Jeffrey Spencer located at 174 15<sup>th</sup> St., Conneaut, OH. Parcel ID # 12-212-00-062-00 is seeking a variance to face the finished side of fence inward to his property. Located in an R-4 Urban Residential District.

**Mrs. Sherman** – There are two sides that are facing inward is that correct Melanie?

**Ms. Shubitowski** – Yes, the portion in the back he would like to continue the panels facing inward toward his property

**Mrs. Sherman** – It has already been existing there for years

**Mrs. Gates** – So what is existing now is already facing in toward the property

**Mrs. Sherman** – Yes, two sides

**Mrs. Gates** – So, I can understand granting the variance so it doesn't have to be switched

**Mrs. Sherman** – I will have to say we will need to table it because I have to abstain due to the fact there is a conflict because he is my son. We need three votes and two of our members are gone

**Mrs. Gates** – Made motion to table case # 14-2018 Mr. Jeffrey Spencer located at 174 15<sup>th</sup> St., Conneaut.

**Mr. Naylor** second the motion.

Roll was called – all approved

**Mrs. Sherman**- Case # 15-2018 – Mr. & Mrs. Dale Johnston located at 620 Darling St., Conneaut OH Parcel ID # 12-211-00-037-00 – Seeking a Front yard setback of one (1) foot ten (10) inches, Side yard setback of one (1) foot ten (10) inches and rear yard setback of twenty (20) foot to add a 22' X 12'2" x 15' addition. Section 1117.04. Located in an R-4 Urban Residential District.

**Mrs. Sherman** – Melanie can you tell us what is going on

**Ms. Shubitowski** – Mr. Johnston owns the home at 620 Darling and a deck was being installed. He was unaware of the zoning ordinance, it was brought to his attention that he needed a permit and that he needed variances because it does not meet the rear yard setback for the area, which is thirty (30) feet. Since it is attached to the home all other setbacks come into play, so he is seeking a front yard and side yard variance as well because it did not meet the criteria of 25' feet front yard (west side) and 10' feet side yard (south side)

**Mrs. Sherman** – Did you have to put a stop work order on this?

**Mrs. Shubitowski** – I did not put a stop work order on this, unless Janet did and I do not know anything about it.

**Mrs. Sherman** – I don't see one here. So you already built the deck in front of the pool. Did you get a permit for the pool?

**Mr. Johnston** – It was like 4 years ago and I didn't know I needed one. I just took the lowest part of my yard and put it in

**Mrs. Sherman** – Looking at the plan – are you putting sides around it like this.

**Mr. Johnston** – Yes

**Mrs. Sherman** – So your gonna have sides here ... and sides here

**Mr. Johnston** – Yes

**Mrs. Sherman** – All enclosed .... OK

**Mr. Johnston** – Asked what a non-conforming law means

**Mrs. Shubitowski** – For instance – a home pre dates the zoning ordinance. Then an ordinance is put in place. Once you change the dimensions of the home, it is a legal non-conforming because it does not meet the zoning ordinance today.

**Mr. Johnston** – OK – I am not trying to start an argument – I just didn't understand the setbacks.

**Mr. Naylor** – It is grandfather and we modify the zoning so it complies

**Mr. Johnston** – OK – so my shed is getting old and needs repaired and a friend of mine said had just have them drop it off and you don't need a permit

**Mr. Sherman** – You do – but if you are repairing your shed and not changing the size – then you do not need a permit

**Mr. Johnston** – I was told if it is on wheels, you do not need a permit

**Mrs. Sherman** – It's not on wheels when they set it down

**Mrs. Shubitowski** – There is a classification if it is movable. If it is on a permanent foundation, it has to be five feet from parcel lines

**Mr. Johnston** – I guess that is why we are asking. We are not planning on doing anything until next year anyways, but I thought I could just by an enclosed trailer and park it in the driveway (laughter)

**Mrs. Shubitowski** – La la la (acting as if not to hear that statement)

**Mrs. Sherman** – Just come and ask if you need a permit before you start any project

**Mrs. Sherman** – Did letters go out to the neighbors

**Mrs. Shubitowski** – Yes they did and nothing came back from anyone

**Mrs. Gates** – I looked this one up to – Did you pull a permit from the County

**Mr. Johnston** – No, I have not, I was not aware

**Mrs. Gates** – Yes, because it is attached you will need a building permit from the County

**Mrs. Shubitowski** – They will not approve a permit until the City approves first

**Mr. Johnston** – Is that what I need to go through Jefferson for

**Mrs. Gates** – Yes

**Mrs. Sherman** – Any other questions

**Mrs. Gates** – The only other question I have is – does it meet percentage of rear yard.

**Mrs. Sherman** – Is the East side the rear yard?

**Mrs. Shubitowski** – Yes, actually because it is kinda of a corner lot – it does not even have a percentage rear yard per say

**Mrs. Sherman** – Oh, so it is on a corner lot

**Mrs. Shubitowski** – It has two fronts and two sides, but the property does extend all the way to Hiler St.

**Mrs. Gates** – So it is a deep lot then

**Mrs. Shubitowski** – Yes – it is triangular

**Mrs. Gates** – Its an odd shape lot – ok

**Mr. Naylor** – Where is Hiler St.

**Mrs. Sherman** – Could you show us on here (looking at plans) – so your driveway is here – Is Hiler here?

**Mr. Johnston** – No – Hiler is this way (looking at plans)

**Mrs. Sherman** – Oh, so it's this way (looking at plans)

**Mr. Naylor** – Where is the front of the house (looking at plans)

**Mr. Johnston** – Right here (looking at plans)

**Mr. Naylor** – What's the distance currently from the house to the property line

**Mr. Johnston** – If you took four steps out the front door you will hit the road

**Mrs. Sherman** – But that is the side we need the variance on ... Is that correct Melanie

**Mr. Naylor** – Says here one foot ten inches – that will give you the twenty five feet you need from the front

**Mrs. Shubitowski** – There is twenty-three feet 2 inches to existing pin

**Mr. Naylor** - From the front of the house to the street

**Mrs. Shubitowski** – Right – to the pin that we found in the SW corner

**Mr. Naylor** – So it is the closest pint from the house to the pin. It looks to me like the street is on a diagonal in front of the house

**Mrs. Shubitowski** – It is on a diagonal. I took it from the northern corner

**Mr. Naylor** - So how much distance from the front of house to the street

**Mrs. Sherman** – Talking to Mrs. Shubitowski so the measurement you have is incorrect because you measured from the wrong spot. So we need more than one foot

**Mrs. Gates** –Who is Amber Wadding

**Mr. Johnston** – My daughter

**Mrs. Gates** – So she is the property owner

**Mr. Johnston** – Yes, we owned it at one time

**Mrs. Sherman & Mr. Naylor** – Talking and looking at site plan with Mr. Johnston. It looks like a at least seventeen feet is needed for a variance

**Mrs. Sherman** – I need to go back to the correct owner to grant this variance

**Mrs. Gates** – It looks like it transferred August 27<sup>th</sup>

**Mr. Johnston** – We have been talking about it for a couple of years

**Mrs. Sherman** – So who did it get transferred to – so Amber Wadding is the correct owner

**Mr. Johnston** – Yes – she is my daughter

**Mrs. Sherman** – Any other Questions

**Mr. Naylor** – Yes – I think we need to look at the other distances. Right now, there is sixteen feet between the property lines to the deck

**Mrs. Shubitowski** – That is not correct –Here are my measurements it is eight feet two inches – so he needs one foot ten inch for side yard. The rear is the east side is ten feet from parcel to the deck

**Mr. Naylor** – So they need twenty feet. None of the neighbors have said anything. Just as a question do you need to have a fence around a pool.

**Mrs. Shubitowski** – If the sidewalls are under four feet – yes. But if the sidewalls are greater than four feet than no.

**Mr. Naylor** – How tall is your pool

**Mr. Johnston** – From this point on it is at least 48 inches but I have it dug into the hill

**Mrs. Sherman** – That makes it even worse, so you are going to need a fence around a pool

**Mr. Naylor** – No – that is not what Melanie said

**Mrs. Shubitowski** – If it has a four-foot sidewall it does not require a fence, however I would recommend a six-foot fence

**Mr. Johnston** – Yes – it is future plans for sure

**Mrs. Sherman** – But it is dug into the ground

**Mr. Johnston** – We dug it into the ground and put sand around it and set the pool on top of the sand. The problem is – it goes downhill and the deck covers that hill. The pool is four foot on the far side where it is dug into the ground the deck is all around it

**Mr. Naylor** – I think this is something Melanie needs to follow up on

**Mrs. Shubitowski** – It sounds like you have it taken care of by having the deck – but I will check it out.

**Mr. Naylor** – Where the yard goes on an angle north – that is where it goes up hill and that is what is in question. If he would not have built the deck – yes you could have run and jumped into the pool. Where the deck is there is a fence there.

**Mr. Naylor** – He has a fence on the existing deck- what are you going to do about the new addition – are you going to put a fence on there to

**Mr. Johnston** – Yes a railing – same concept is there – I will go all the way around

**Mr. Naylor** – OK

**Mrs. Sherman** – Are there any other questions. I will entertain a motion

**Mrs. Gates** – Made motion to grant the variance for case # 15-2018 for Amber Wadding owner of 620 Darling St., Conneaut, OH. Parcel ID # 12-211-00-037-00 seeking a front yard setback of seventeen (17) feet and side yard (north side) setback of one (1) foot ten (10) inches and a rear yard setback of twenty (20) feet to add a 22' X 12'2" x 15' addition/deck

**Mr. Naylor** – Second the motion  
Roll was called – All approved

**Mrs. Sherman** -Are there any other issues before the board – I will entertain a motion to adjourn  
**Mrs. Gates**– **motioned to adjourn and Mr. Naylor second the motion.** Roll was called – all approved.

**Meeting adjourned** – 6:04 pm

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Dolly Sherman, Acting Chairman

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Melanie Shubitowski, Clerk