

Zoning Board of Appeals

REGULAR MEETING AGENDA

February 19, 2019

5:30 P.M.

PLEDGE OF ALLEGIANCE

Roll Call: Mr. Arcaro ____ Mr. McKenna ____ Mr. Naylor ____ Mrs. Gates ____
Mrs. Sherman ____

Approval of December 18, 2018 Meeting Minutes

Changes: _____

Motion to Approve: _____

Second Motion _____

Roll Call: Mr. Arcaro ____ Mrs. Sherman ____ Mrs. Gates ____
Mr. Naylor ____ Mr. McKenna ____

OLD BUSINESS: None

NEW BUSINESS - Case # 01-2019 - Mr. Daniel May of FPM OHIO LLC dba HEATED STORAGE OHIO HOLDINGS LLC of 0 Center Street, Conneaut, Ohio, parcel #12-316-00-008-00 is seeking a Conditional Use Permit (Section 1137.07 of Codified Ordinances) to use the vacant lot as a Temporary Outdoor Storage Facility (New Business) to store Boats, RV's, etc. They will install a six (6) foot Green Chain Link Fence. The fence will set back fifty (50) feet Off Center Rd and will conform to side a rear yard setbacks which is two (2") inches from the property lines. Located in a B-1 Highway Service Business District.

New Business Case # 02-2019 – Mr. Reuben Schwartz dba KGM Properties located at 618 Sandusky Street is seeking a Change in Use permit to lease out his building to Mr. Ray Hammond providing fresh cut hardwood counter tops, table tops, bar tops and barn beams. The building is currently used as an storage facility housing boats, rv's etc. Change of Use will be to a Commercial Retail. Located in an R-4 Urban Residential District.

Case # 01-2019 –

Mr. Daniel May of FPM OHIO LLC dba HEATED STORAGE OHIO HOLDINGS LLC of 0 Center Street, Conneaut, Ohio, parcel #12-316-00-008-00 is seeking a Conditional Use Permit (Section 1137.07 of Codified Ordinances) to use the vacant lot as a Temporary Outdoor Storage Facility (New Business) to store Boats, RV's, etc. They will install a six (6) foot Green Chain Link Fence. The fence will set back fifty (50) feet Off Center Rd and will conform to side a rear yard setbacks which is two (2") inches from the property lines. Located in a B-1 Highway Service Business District.

- Exhibit 1 – Business Permit Application
- Exhibit 2 – Fence Permit Application
- Exhibit 3 – Conditional Use Zoning Board of Appeal Application
- Exhibit 4 – Photo of Green Fence
- Exhibit 5 – Photo of what outside storage will typically look like
- Exhibit 6 – Scope of work
- Exhibit 7 – Site Plan and Arial View (5 pages)
- **Section 1137.07 Procedure for Conditional Use – is attached in your packet for your review**

Motion to approve _____ Motion to Deny _____

Second Motion _____ Second Motion _____

Conditions: _____

Case # 02-2019 - Mr. Reuben Schwartz dba KGM Properties located at 618 Sandusky Street is seeking a Change in Use permit to lease out his building to Mr. Ray Hammond providing fresh cut hardwood counter tops, table tops, bar tops and barn beams. The building is currently used as an storage facility housing boats, rv's etc. Change of Use will be from Commercial Storage to Commercial Retail. Located in an R-4 Urban Residential District. This Change in Use is considered a legal Non-Conforming Use – the building/business pre-dates zoning codes.

1107.01 NON-CONFORMING LOT INTENT.

The intent of this section is to provide for the eventual and equitable elimination of nonconforming lots, nonconforming uses of land and nonconforming structures which do not conform to the provisions of this Zoning Ordinance, but which were in operation prior to the enactment of this Zoning Ordinance. Nonconforming lots, uses, and structures are declared to be incompatible with the permitted uses in the district involved and shall not be used as a basis for adding other prohibited structures or uses in the same district. The completion, restoration, reconstruction, extension, or substitution of nonconforming uses shall be permitted based upon such reasonable terms as set forth in this Zoning Ordinance.

(Ord. 33-82. Passed 2-22-82.)

1107.04 NON-CONFORMING USES OF LAND.

The lawful use of any land existing at the effective date of adoption or amendment of this Zoning Ordinance may be continued although such use does not conform with the regulations of this Zoning Ordinance, providing the following provisions are met:

- (a) A nonconforming use shall not be extended, enlarged, or increased to occupy any additional land beyond that land parcel on which it was located at the effective date of this Zoning Ordinance.
- (b) If any such nonconforming uses of land are voluntarily discontinued or abandoned for more than two (2) years any subsequent use of land shall conform to the regulations specified in this Zoning Ordinance for the district in which such land is located.
- (c) No additional structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such nonconforming use of land.
- (d) Nonconforming uses established after the effective date of this Zoning Ordinance shall be declared as illegal nonconforming uses and shall be discontinued no more than twenty (20) days following the date of violation notice. Any person who fails to comply with this requirement is subject to penalties as specified in Section [1137.12](#).
- (e) A nonconforming use may be substituted by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, however, that any use so substituted shall be of the same or a more restricted nature.

1107.05 NONCONFORMING STRUCTURE.

A lawful structure existing at the effective date of adoption or amendment of this Zoning Ordinance may be continued although such structure does not conform to the area, height or yard provisions of this Zoning Ordinance, providing the following provisions are met:

(a) A nonconforming structure may be enlarged no more than twenty-five percent (25%) of its assessed real value for tax purposes by the County Auditor. Such enlargement shall be approved by the Board of Zoning Appeals by the following criteria:

- (1) No nonconforming function shall be detrimental to neighboring properties;
- (2) There shall be no flashing lights on neighboring properties;
- (3) There shall be no increase in noise, odor, or lights affecting neighboring properties.

(b) A nonconforming structure destroyed or damaged by fire, collapse, explosion, or Acts of God may be reconstructed and the nonconforming structure continued although such use does not conform to the regulations of this Zoning Ordinance. Reconstruction shall begin on a nonconforming structure within two (2) years from the date said nonconforming use was destroyed or damaged by fire, collapse, explosion, or Acts of God. If at the end of the two (2) year period the structure has not been rebuilt, such discontinuance shall be considered as conclusive evidence of an intention to abandon legally the nonconforming structure.

(c) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done for ordinary repairs. Nothing in this Zoning Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Motion to approve _____ Motion to Deny _____

Second Motion _____ Second Motion _____

Conditions: _____

Audience comment

Miscellaneous Business:

Motion to adjourn _____

Second Motion _____

Time:

Roll: Mr. Arcaro ___ Mrs. Sherman ___ Mrs. Gates ___ Mr. McKenna ___
Mr. Naylor ___