

ZBA Meeting Minutes September 17, 2019

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, September 17, 2019 beginning at 5:30 pm., Pledge of allegiance was recited. Mrs. Gates and Mrs. Sherman were absent. A motion to excuse Mrs. Gates and Mrs. Sherman was made by Mr. Naylor and seconded by Mr. McKenna. All were in favor, motion carried. A motion to approve the minutes from the August 20, 2019 meeting was made by Mr. Naylor and seconded by Mr. McKenna. All were in favor, motion carried. Minutes were not done from the July 16th meeting and tabled. Motion to table was made by Mr. Naylor and seconded by Mr. McKenna. All were in favor, motion carried.

Old Business - None

New Business

Case # 14-2019- Stacey Shellhammer, of 227 Woodland Ave., Conneaut, OH 44030, P/N 12-334-00-069-00 is seeking a 9' 3" variance on the west side for distance to existing structures, and 2' 9 1/2 " variance for the distance to the east parcel line. The property is located in a R-3 Urban Residential District. Accessory structures in residential areas require 10' from any existing structures, and 5' from a side or rear parcel line as defined in Section 1133.01 (m).

All participating attendees were sworn in.

Mr. Arcaro – Melanie, what's going on with this case?

Ms. Shubitowski – Ms. Shellhammer applied for a permit to put a carport to go in the driveway on the east side of her home. She's seeking a 9' 3" variance on the west side for distance to the home, where 10' is required. It's sitting 9" at the overhang to the proposed structure, and then a 2' 9 1/2" variance on the east side for distance to parcel line, where 5' is required. I would like to add, that since it's an open structure, it won't be used for storage of flammable materials, so you don't have that concern with an accessory structure close to a home.

Ms. Shellhammer – I have a very small lot, and I would be putting this carport on my existing concrete driveway. It's a movable structure, about 250 pounds.

Mr. Arcaro – Do you own the shrubs on the east side?

Ms. Shellhammer – No. There's a fence between.

Mr. McKenna – There's a front fence too, right? And it'll be behind that, correct?

Ms. Shellhammer – Yes

Mr. Naylor – The proposed carport will not be attached to the house?

Ms. Shellhammer – It will not be.

The carport will be made of aluminum and polycarbonate, and will be anchored into the concrete. Letters went out to neighbors, and Ms. Shubitowski stated that there were no replies. The GIS overhead was attached to the packets, and Ms. Shubitowski stated that the lines shown were not correct and survey accurate. The fence lies 2” inside Ms. Shellhammer’s property. Mr. Naylor asked if any of it would be enclosed, and Ms. Shellhammer stated that any enclosure would only be a windscreen. The Duncan Factors were presented and answered. Mr. Arcaro then asked for a motion to grant or deny. Mr. McKenna made a motion to approve both variances, seconded by Mr. Naylor. All were in favor, motion carried.

Case # 15-2019 Jon and Sarah Pizzi of 425 South Amboy Rd, Conneaut, OH 44030, P/N 12-345-00-001-00 are seeking a 3’ height variance to install a 40’ x 60’ x 18’ pole barn on the north side of their property. The property lies in a B2 Highway and Community Business District. Accessory structures in residential areas cannot exceed 15’ in height as defined in Section 1133.01 (m).

Mr. Arcaro – Melanie, what’s going on?

Ms. Shubitowski – They applied for a permit for a pole barn, fairly large, but it’s going on a very large piece of property. The only variance required is a 3’ height variance, although they did not mark out the area. I knocked on their door on several occasions and there was nobody home. The structure is quite small compared to the parcel, and placement closer than 5’ from parcel lines would have to be intentional. It’s like a postage stamp inside this parcel.

Mrs. Brown – Sarah and Jon need to speak on this, there’s some changes.

Mrs. Pizzi – We didn’t even know what the contractor had filed with you guys, so we’re having complications with him and we’re changing contractors.

Mr. Pizzi – I asked and was told 14’ walls and he put 12’, 10’ doors to try to get away without a variance. I’m not a contractor, but I figured it out, and it’s going to be taller than the 18’, I figured it’s going to be like 22 or 23 feet.

Mr. McKenna – With the 14’ sidewall you’re talking?

Mrs. Pizzi – We had a hard time getting him to come to the house to review the plans with him. We didn’t even see this until today.

Mr. Arcaro – Are you guys going to have power going to this building?

Mr. Pizzi – Not right away. Maybe eventually down the road.

Mr. Arcaro – The reason for the height?

Mr. Pizzi – Camper, storage.

Mr. Naylor – Can I make a comment on this? I think when you're putting in a new building like this, you ought to put a 12' door in there somewhere.

Inaudible, multiple conversations

Mr. Pizzi – 20' from the north property line and then 50' to 75' from the road.

Mr. McKenna – How about from your house?

Mr. Pizzi – I combined both these lots, so the whole structure is going to be on this lot.

Mrs. Pizzi – We have 2 appointments with 2 different contractors. We're trying to get new plans with them done soon, because we'd like to get this done before winter.

Ms. Shubitowski – So these dimensions will change?

Mr. Pizzi – The building size itself won't change, it's the height.

Ms. Shubitowski – and the height is really the issue here.

Mr. McKenna – What if you go for say, a 24' height? Is that feasible? Or do we have to have the full plans to get a variance?

Mr. Arcaro – How do you feel about that, Rick?

Mr. Naylor – The only thing I would put conditions on is that it meets the setback from all property lines, and I would go for a 25' variance, I mean 25' high. Are you going to use the overhead for any storage? You're not going to have anybody sleep up there?

Mrs. Pizzi – No

Mr. Naylor – So your only intent is to run electric, no water?

Mrs. Pizzi – Correct.

Mr. Arcaro – So we can give you a 10' height variance, so that would give you up to 25' high.

Mr. McKenna calculated the estimated height based on the testimony at around 21'. Letters were sent out with no responses to the zoning department. Mr. Naylor stated he has a 12' door in his garage and the ceiling height is 17', saying you need the extra height when the door is opened. Ms. Shubitowski pointed out that going steeper than the 4/12 pitch originally proposed would also extend shingle life. Mr. Arcaro stated if the board does grant the variance, the Pizzi's would need to get all the files to the city to reflect the variance, and the Pizzi's agreed. Duncan Factors were addressed to the satisfaction of the board. Mr. Naylor made a motion to approve a 10' height variance with the conditions that actual plans be submitted showing new dimensions and site drawing showing distances from parcel lines. Mr. McKenna seconded the motion, all were in

favor, motion carried. Mr. Naylor also reminded the Pizzi's that once a permit is granted, county permits would also be required.

Mr. Arcaro – Case number 16-2019, I don't see anybody in the audience, so we're going to table this one? Is there a motion to table this?

Mr. McKenna made a motion to table, seconded by Mr. Naylor. All were in favor, motion carried.

Mr. Arcaro – Do we know why they're not here?

Mr. Naylor – Let me make a comment. Angel Wassie is a friend of mine. I had a conversation with her about this. I told her to expedite matters, we really need a drawing with dimensions from the proposed foundation to property lines. I believe that's what she is still working on.

Case #17-2019 – Eric Newhart of 513 Sandusky St., Conneaut, OH 44030, P/N 12-213-00-015-00 is seeking a 3' height variance and a 2% variance for required rear yard to erect a 36' x 40' x 18' pole barn in the rear of his home which is located in an R-4 Urban Residential District. Accessory structures in residential areas cannot exceed 15' in height or occupy more than 30% of a required rear yard as defined in Section 1133.01 (m).

Ms. Shubitowski – This one confused me a little bit. Mr. Newhart brought in the paperwork, and you'll note that there's a survey in there going back to 1999 done by Fred Bennett. He said that the plot was split and it doesn't look to have been finalized. You have 3 addresses on one parcel.

Mr. Newhart – I have 2 addresses on one parcel.

Ms. Shubitowski – Well, you have a duplex, then you have another house beside that.

Mr. Newhart – 513, 511, 507, 503. That was the original parcel. There's a parcel that went all the way to 16th street originally. We cut that off and sold it.

Ms. Shubitowski – So, in lieu of a parcel line dividing the duplex and 507 (referring to GIS indications) I concluded that the back yard was going to be where the fence was put in

Mr. Newhart – Actually the fence is 4" on my side of the property line. I got a permit to put a fence up on the parcel, it's been like, 20 years ago.

Mr. McKenna – That duplex is on a double lot or a single?

Ms. Shubitowski – This (referring to fenced in area) is all on one lot. So, I based the percentage of rear yard, fence to fence, fence to house. The deck is going to disappear that you see in the picture also. So you're looking at the proposed building to occupy 32% of the rear yard, 30% is maximum by ordinance and it's going to be 3' over height. So, he's seeking a 3% variance in height and a 2% variance in required rear yard.

Letters went out, there were no responses.

Mr. Newhart – There's a property line 4' to the south of that fence.

Ms. Shubitowski – There's a property line, but it's not parceled off by what the auditor is showing.

Mr. Naylor – How far will the building be from the current structure?

Mr. Newhart – It's on there, 18'.

Mr. Naylor – OK, How far does it need to be from the home?

Mrs. Brown – Ten feet.

Multiple conversations and reference to plans.

Mr. Newhart – It's really a 24' building with a 12' lean-to on the side. I'm going to use 24' trusses, but I want a full slope, I don't want a step in the roof so there will be no problem with leaking. It will all be totally enclosed.

More ongoing reference to plans.

Mr. McKenna – Has the county approved this?

Mr. Newhart – No, I have to get this permit first.

Mr. Arcaro – So there are two addresses?

Ms. Shubitowski – On the duplex?

Mr. Newhart – There's two addresses on the house, but it's one house. I've never used the 511 address. It hasn't been used in 40 years.

Mr. McKenna – My question to Melanie was, she's saying these four lots are still in the county as one lot.

Mr. Newhart – Not in the county's eyes.

Mr. McKenna – The county record still shows it as one big lot. In other words, it's surveyed off with pins and all, but the county still shows it as one big lot.

Mr. Naylor – When did you break it up?

Mr. Newhart – We broke it up in 1999. (Mr. Newhart pointed out lots on the map and who they went to)

Mr. McKenna – Something you should probably follow through on.

Mr. Newhart – Well, there was a point in time when they were trying to tell me I lived on 16th St.

Mrs. Brown – You need to come see Melanie, she'll get it all straight for you. What I think happened was you did it all right with the surveys, it just didn't go to the zoning person or maybe the county. Somebody dropped the ball.

Mr. Naylor- Does that affect the motion here tonight?

Ms. Shubitowski – I don't believe it should. I based everything off of Fred Bennett's survey for that supposed parcel where the duplex sits on, which was basically fence to fence and house to fence.

Mr. Naylor – OK. So his lot problems with the county are not part of this?

Ms. Shubitowski – Right. We can get that straightened out and do a lot split if necessary.

Duncan Factors were then asked and answered accordingly.

Mr. Arcaro – Based on the testimony we've heard, I'll entertain a motion to either grant or deny the variances.

Mr. McKenna made a motion to approve, seconded by Mr. Naylor. All were in favor, motion carried. Mr Naylor requested a site plan showing distance to parcel lines which was added on a condition.

Mr. Newhart brought up the county GIS, which then showed it changed from when it was reviewed and printed for the permit. It now shows separate parcel ID's and additional parcel lines that coincide with the surveys done in 1999.

Mr. Arcaro – Let the record reflect that case number 17-2019, the proper parcel number is 12-213-00-015-02, and there's no audience comments, nothing else to come before the board?

With nothing further, Mr Arcaro asked for a motion to adjourn.

Mr. Naylor – motioned to adjourn

Mr. McKenna – seconded the motion

Time Meeting adjourned – 6:25 p.m.

Patrick Arcaro, Chairman

Melanie Shubitowski