

ZBA Meeting Minutes June 18, 2019

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, June 18, 2019 beginning at 5:30 pm., Pledge of allegiance was recited. Chairman Arcaro asked for roll call. Mrs. Gates was absent. Minutes were not done from the April 22nd meeting and once again tabled. Mrs. Sherman made a motion to approve the minutes from the May 21, 2019 meeting, seconded by Mr. Naylor. All were in favor, motion carried.

Old Business

O'Reilly's signs went to the Planning Commission for a design change and approval, and this issue had to be tabled until the July 16th 2019 meeting. Mrs., Sherman made a motion to table, seconded by Mr. Naylor. All were in favor, motion carried.

New Business

Mr. Arcaro: Case #06-2019, Cortina Leathers, represented by Jack Prause, located at 494 E. Main Rd. Conneaut Oh, Parcel #12-305-00-001-02 is seeking two (2) variances to add a twenty-eight (28) thousand square foot expansion onto their existing building.

All concerned parties were sworn in.

Mr. Arcaro: So who wants to go first, Melanie or Janet?

Mrs. Brown: So Cortina Leathers is going to be building a 28,000 square foot addition. There's two variances that Kris from CT alluded to in the plans, and they're not major variances, nor does the city object to the variances per the code. But right now, there's six parking spaces located in the front yard, in the legal non-conforming condition that it is. So the proposed plan shows the addition of two more spaces that expands the non-conforming condition, and that's not permitted per the code, 1134.02 (b). The code requires the six existing spaces to be removed. So the variance they're seeking is to allow the six existing and then add two more. And then the second variance they're requesting is per code 1134.05, the number of parking spaces is less than the required code. So, the existing site does not provide the number of spaces required for a manufacturing plant. One space per 800 square foot. 67 Spaces are required, 54 spaces provided which is 81% of the required. So, the proposed expansion is going to add 37 more spaces for a total of 91 spaces, which is still less than the 103 required. The variance that's going to be required is to allow fewer spaces. And then the third variance about the parking lot island, they're going to take care of that, plant some bushes, things like that.

Mr. McKenna: I was going to ask, you have all the parking spaces you need for your employees?

Mr. Prause: Absolutely. We're going to have far more than we're going to need. A big part of the plant is warehouse. There aren't very many people working in that area, so we're going to have well in excess of what we will need or ever need. The reason for the small parking lot being

expanded is that the parking lot for the office staff, you know, we've expanded. So, the two additional spots will be extremely helpful, because people won't need to walk.

Mr. Naylor: Is the trailer going to be removed?

Mr. Prause: Yes

Mr. Naylor: The drawing I see here, there's one, two, three, four, five, - six parking spaces where the trailer is and you want to add two more. And where are the two going to go?

Mr. Conway: There's actually five. If you look at the plans here, there's three on the north side, and basically there's (long muddled conversation referencing the plans with multiple people talking at once.) It's really taking advantage of some of this green space with planting along here to improve that look, as well as maybe some planting in the other green space....

Mr. Naylor: So when you say you agreed to maybe do it, you mean you're..

Mr. Prause: Well, we will, we just don't show it. We can do it, question is, what would you guys most prefer?

Mr. Conway: Can we submit a sketch? We just didn't know what you guys want, like put a nicer sign?

Mr. Conway: We will do that. We'll install landscape along this edge of the parking lot to beautify this area between 20 and the south end of the parking lot.

Mr. Naylor: Janet, do we have specs for landscaping?

Mrs. Brown: As far as?

Mr. Naylor: Requirement

Mrs. Brown: Setback requirements?

Mr. Naylor: No, along the parking lot. They want to beautify it.

Mrs. Brown: No

Mr. Naylor: S, really it's just

Mrs. Brown: We talked about that, putting in a few bushes.

Mrs. Sherman: I thought you just said you wanted to change the sign?

Mr. Prause: I would like to.

Mrs. Sherman: That's not on here, which..

Mr. Conway: Does that have to be a part of..

Mr. Arcaro: No. That can come later.

Mr. Prause: Right now we just have this ugly thing on a pole, and I'd like to have a nice sign.

References to plans and muddled conversation

Mr. Conway: Which allows us basically to do what we need to do to make that parking lot encroach slightly on that parcel without it being an issue.

Mr. Prause: It'll look nicer that it is now.

Mr. Arcaro: When are you breaking ground?

Mr. Prause: Well, if we can get all this worked out, we'd like to start in July.

Mr. Arcaro: Adding jobs?

Mr. Prause: We are. We're adding seven to begin with and hopefully more. We're building some expansion room, more than what we need right now. We've grown and gone from thirty to fifty-five in the last three or four years. The expansion really allows for seven that we really need right now.

Mr. Naylor: Do we vote first or do we do the Duncan Factors?

Mr. Arcaro: We're going to do the Duncan.

Ms. Shubitowski: Your decision should rest partially on the results of the Duncan Factors.

Mr. Naylor: OK

Mr. Arcaro: So, the property in question where your plant is located at, if we didn't grant the variance, would it still yield a reasonable return?

Mr. Prause: We're on the edge of expansion, so we have to figure out a place to put the office parking lot. We looked at cutting into the front, but it's extremely expensive.

Mr. Conway: Expensive, and the budget, what the cost is coming in at, is very close to not being feasible. So, if we were forced to move, say, twelve spots and put the required spots off 20. I really don't know where they would fit, based upon grading. The expense of that could jeopardize the project.

Mr. Arcaro: So, if we didn't grant the variance, could there still be beneficial use of the property?

Mr. Prause: We probably wouldn't go forward.

Mrs. Brown: You guys were going to move, weren't you, because you needed the space? I mean, you're growing that rapidly. So that variance is needed.

Mr. Naylor: It's the wording on the Duncan Factors.

Mrs. Brown: Yes.

Mr. Conway: Beneficial as it is, but it prevents growth.

Mr. Arcaro: Essentially it will still yield a reasonable return cause you guys are still operating, you just won't be able to expand.

Mr. Prause: Yes

Ms. Shubitowski: There are no right or wrong answers to these questions, so don't get overwhelmed.

Mr. Arcaro: How does the board feel about the variance and whether it being substantial or insubstantial?

Mr. McKenna: I think it's insubstantial. I don't think that every case requires a certain number of parking spaces.

Mr. Arcaro: The essential character of the neighborhood, it's not going to be substantially altered. The adjoining properties, there's no residential around there?

Mr. Prause: No

Mr. Arcaro: Do you feel as though the variance would adversely affect the delivery of governmental services?

Mr. Prause: No

Mr. Arcaro: When you purchased the property, did you purchase it with or without the knowledge of zoning restrictions?

Mr. Prause: Um, we didn't purchase it.

Mr. Arcaro: So it would be without knowledge?

Mr. Prause: Yes, it would be without the knowledge.

Mr. Arcaro: So, Janet and/or Melanie, when talking with the applicants, do you feel their predicament could feasibly be resolved by any other method besides a variance?

Ms. Shubitowski and Mrs. Brown: No

Mr. Arcaro: Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

Board members: Yes

Mr. Arcaro: Based on that testimony, would someone like to make a motion to approve or deny?

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

Mr. Arcaro: Rick, I'm assuming there's no conditions with that?

Mr. Naylor: No: no (inaudible)

Mr. Arcaro: OK, motion carries.

Ms. Shubitowski: Incidentally, letters did go out, actually only one, because Conneaut owns everything around...

Mr. Arcaro: OK, Case number 07-2019, Ms. Janet Puffer, located at 332 Fenton Ave., Conneaut, OH P/N 12-329-00-086-00 is seeking two variances to add a new breezeway and attached garage to the rear of her home. Located in an R-3 urban residential district. OK, state your name.

Mr. Nyman: John Nyman

Mr. Nyman was sworn in. Ms. Shubitowski had been sworn in prior to speak on behalf of the Zoning Dept. on this case.

Ms. Shubitowski: Ms. Puffer intends to put on an addition on the back of her house on Fenton, and this addition is going to fall fourteen feet from, and there were corrections with this because it was turned in with the wrong zoning district, so make note of that. It's an R-3. That was on the application and I didn't catch it. It's actually a 3, so that's why there's changes on the letters that went out, but it's going to be fourteen feet from the rear parcel line, and an R-3 district has a rear yard setback of forty feet. So they're seeking a variance of thirty si.... I didn't change that, it should be twenty-six feet on the rear. The proposed breezeway on the rear of the home, it's kind of confusing, but their drawing put a measurement off the new breezeway of 13' 6" from the west parcel line. It's actually taken off the cement steps, because it's tied into the home.

Mr. McKenna: The deck on the side?

Ms. Shubitowski: Right. So, with the deck into consideration, they are looking for a 4' 5" variance. And also, the letters were sent out. We had one..

Mr. Arcaro: Before you go any further. Mr. Nyman, you're the contractor?

Mr. Nyman: Yes.

Mr. Arcaro: So one of the owners isn't here, so how can we answer the questions...

Ms. Shubitowski: That's what I was just getting to. Letters were sent out, including one to Ms. Puffer. This appeared on my desk this morning, it was returned.

Mr. Arcaro: Who filed the application?

Ms. Shubitowski: Well, I had to send it to Ms. Puffer for her signature.

Mr. Nyman: She faxed it.

Ms. Shubitowski: Right, she faxed it.

Mr. Arcaro: Well, isn't it required that one of the owners of the property be here?

Ms. Shubitowski: It is.

Mr. Arcaro: So we're going to have to table this.

Mrs. Brown: Why are we tabling?

Mr. Arcaro: It's because she's not here. How is the contractor going to answer the Duncan Factors, let alone provide personal information about the property?

Mrs. Brown: Could Janet not make it?

Mr. Nyman: She lives in Houston Texas.

Mrs. Brown: So he's representing for her, so..

Mr. Naylor: Do you have something, a legal paper that says you're representing her?

Mr. Nyman: I know she sent something to Chuck Lafferty.

Mrs. Brown: I didn't know she couldn't, I mean I knew he was representing her and she was out of town, and she's trying to move back here, but.. I mean, I'd be more than happy to call her to get the Duncan Factors, because he's representing her and knows what's going on. He's her contractor. I'd be more than happy to call her in the morning and get the Duncan Factors.

Mr. Arcaro: As long as the board feels we have enough information.

Mrs. Brown: I just don't know that she'll be present. I can call her. I can go get out conference phone. Do you have her phone number?

Ms. Shubitowski: It should be on the application.

Mr. Naylor: Let me ask a question. Is it possible to consider this, and should it be approved, hold it in, uh, in other words, the builder can't do anything until she presents herself to Janet or Melanie and concurs with everything? Can we do that?

Mrs. Brown: Yeah, we can do that, or I can try and call her right now, just to be present on the phone.

Mr. Arcaro: I thought that because of law, they had to be done under oath and open forum, public hearing, rather than having a one on one conversation.

Mrs. Brown: No. Are you comfortable with doing it on the phone and swearing her in on the phone? Because she's out of town, I don't know if she'll be able to be here in the July meeting either.

Mr. Naylor: The only problem, I'm not trying to be a stickler here, but legally we don't know that that's her on the phone, OK? I don't want to get stuck because somebody was misrepresented and didn't appear. You know what I'm saying?

Mrs. Brown: Uh huh, I just don't think it's going to become a legal issue though. Not for something..

Mr. Naylor: A lot of these things shouldn't be legal issues and they are.

Mrs. Sherman: How come you sent the letters to her house here when we knew she lived in....?

Ms. Shubitowski: That's what it shows on the auditor's page.

Mrs. Sherman: I mean, didn't she already send in the application? I mean, on the application it should state her address.

Ms. Shubitowski: We have to go by what the auditor's page says.

Mrs. Brown: I'm going to call Kyle real quick and ask him. Hang on.

Mr. Naylor: You know, it would be nice to have a lawyer here.

Mr. Arcaro: Yeah, so we're just going to table this right now and do this next case, then we'll come right back to this after.

Mrs. Brown: OK, that's fine. Go ahead, I'm going to call Kyle.

Mr. Arcaro: OK, we're going to skip to case #08-2019. Mr. & Mrs. Daniel Freligh located at 268 E. Main Rd., Conneaut, OH Parcel ID #12-331-00-025-00 are seeking a variance to replace a three and a half...

Ms. Shubitowski: It's a 3/12 pitch.

Mr. Arcaro: Oh, a 3/12 pitch flat roof and add a pitched roof to their existing home/business. Located in a B-2 Highway and Community Business District and is defined as a legal non-conforming structure.

Dan Freligh was sworn in.

Mr. Arcaro: So, Melanie

Ms. Shubitowski: So, I was alerted that they were putting a roof on, replacing a flat roof with a pitched roof and no permit had been pulled. I spoke with Mr. Freligh the next day. When he and his wife moved here from Erie in, it was 2014, I believe..

Mr. Freligh: We moved here and purchased property, yes.

Ms. Shubitowski: And they came in, the first place they came into was the zoning office, because there wasn't anything they could find about what required a permit and what didn't, and the former zoning manager, the way she explained it to him for doing what he was doing, because he was replacing the roof. At any rate, he did pay the triple fee because it was done, and the county and myself, because there was a couple sections of roof that were not quite done yet, and the county and myself felt that if we got a good windstorm, it could cause damage, and we allowed those pieces to be put on. So, they're replacing a flat roof with a pitched roof, it's in a B-2 district. The variances they're seeking, it's five foot from the west parcel line, they own all the parcels around that property, but nothing has been combined.

Mr. Naylor: Have the parcels been combined?

Ms. Shubitowski: No

Mr. Naylor: If the parcels on the left were combined with the parcel in the center, there would be no variance required.

Ms. Shubitowski: On that one. So they're seeking a twenty five foot variance to meet the B-2 setback of thirty feet. And the parcel sits 10' 11" from the east side parcel line, and no combination would satisfy this setback, because of the church on the corner. So, it requires a 19' 1" variance there to meet the side yard setback of 30'. And this is to the best of my ability, because the parcel pins are under asphalt in the road. So, we're calling it 16' 11" variance to meet the 30' front yard setback. The sides are required because of the overhang on the new roof, the front is just legal non-conforming, so that's the reason we're going for the variance there, and also the frontage. The frontage is 80' there, so they're seeking an 18' 8" variance on the frontage, and that's a legal non-conforming issue.

Mr. Arcaro: Do you have anything to add to all of that?

Mr. Freligh: About six years ago, my wife and I located the church building on the corner of Rowe St. and US Rt. 20 and it looked like an appropriate place that we could use in retirement, because I like to do a lot of repairs and I retired in the year 2000. So, that particular church needed a roof, because when it rained outside, it rained inside. A next door neighbor suggested we call the contractor he had used, Reuben Schwartz. Reuben came over, and due to the discussion to what we would do to the building, I asked him, "do we need a building permit for that?" I had formerly talked to Deanna Gates in this office when we bought that building. My question to her was, "when do we, and when do we not, need a building permit out here"? "Where do I go to find the building codes and laws and stuff", and I got no straight answer where I could read this stuff, and I still don't know where it is. She did a lot of printouts and things for me, Deanna Gates did, but she stressed that in the hallway out here, there are different applications if you're going to put up a sign, a swimming pool, or a fence. And she said, as a general rule, she said, if it already exists and you're going to repair or replace it, then you don't need a building permit. So, Reuben Schwartz puts a roof on. Then, at the church we go to, the United Methodist church in Amboy, little white country church there, and the Amish came in and they were hired to put a roof on the pastor's house, the pastor lives next door, and my wife got a business card from them. And so we called them to come over and give us an estimate on replacing a roof on the duplex, because two years after we bought the church, we bought the next door neighbor property and a vacant lot, so we have three consecutive lots there. And so the Amish came out and gave us a pretty good price on it, they do nice work. They, the construction company asked me, "do we need a building permit for this"? I said, naw, you don't need a building permit for this, because you're just replacing a roof. Because from what Deanna Gates said, if it already existed and you're just repairing or replacing it, you don't need a building permit. Reuben Schwartz said, I'm not the contractor, I don't know, but it looked good to me, I said, no, you don't need that. Then the type of roof that was on it was basically a flat roof. I don't have to tell anybody what a flat roof is like. I wanted a pitched roof, lengthwise with gutters on the side, but I wanted to keep the water from running down the sides of the building there. I think the actual measurement is 21", but they tell me 24". I didn't get up and measure, so I don't know. I was out cleaning up the lot, picking up trash and stuff and I see this red pickup truck, and then, Melanie comes around the corner with her camera. So, I went up to say hello and find out who she was, and she was real helpful, because she explained to me that even though you replaced the roof, it's a different size. It goes higher, and the building goes about 25' and I think it was like 35, so yeah, we're about 10' under that, but we're just talking about the overhang, is what we're talking about, cause, as she explained, that will change your footprint. And, because it's correct me if I'm wrong, legal non-conforming, that it's ok the way it sits, but if you want to make any changes in sizes or shapes, then you have to have a building permit. So, within four hours I was in her office, we filled out the building permit papers, but then she said, "this won't pass", she said "you need a variance". So then we filled out a variance paper and was forty dollars for that. And then she said you'll hear about when this hearing was going to be and stuff. Then she said also, and oh, at that time, we gave her the latest copy of the survey we had and the blueprints for the trusses, and I gave her printouts of footprints of the building from the tax office I guess, auditor's office or something. Then I asked her, is there anything else? She said there's also another zoning office for the county. I immediately called Laura on the phone, she says, oh, I have the papers right here in my hand. She said I just received them because the zoning office from Conneaut is required to notify them, and they got it immediately. She said first you'll have to come in and file for a building permit from the county, that'll be \$154.50, and with that you have to submit your drawing.

Mr. Naylor: That's where the drawings from 2014 came from? Cause it says approved July 7, 2014 on mine.

Mr. Freligh: Are you talking about survey drawing?

Mr. Naylor: It say approved, Ashtabula County Survey Department, yeah.

Mr. Freligh: Yes, and I do have a copy of that survey drawing with me if you want to see that. So, she said you have to submit your drawings. I didn't know what drawings, I'm new to this. I thought I had to draw pictures or something. She said no, you have to get these drawings from an engineer or an architect. She gave me a couple phone numbers, and I got ahold of one of them that is an architect. So he's currently working on those right now, we're under contract with him. Laura said you have to submit those drawing when you file for your building permit. So we're waiting until he finishes them before we file, and that's as far as I know.

Muddled multiple conversations, the architect told Mr. Freligh that he could combine all three properties.

Mr. Freligh: I called the surveyor and talked to a lady. She said there's a code that says if it's residential, which this is zoned commercial, but she said if it's residential and you have a house on one property and a house on the other, you can't combine the properties. Then I said, well, this is commercial property, and she said she didn't know about that. She said I'll have the surveyor contact you, and I'll have him give you a price on surveying it, and so, I did receive a contract, but it was to survey the outside perimeter and nothing more. So I forwarded that to the architect, and he said I'll do some more reading on this. He said, I'm confused on this part, but there's something like zoning and usage. He's talking about usage, because usage is listed as residential. And we have five feet expansion somehow, because the usage is, uh ok with the residential part of it that we would probably not need the survey.

Mrs. Sherman: So, you're not going to use it as a commercial building? You called it a duplex. Does it have apartments in there?

Mr. Freligh: No, it is a business. I have a registered business in there. In Erie, if you teach private music lessons out of your home, you don't need a business license. So when I moved out here, I looked on the internet and it said if you have a place of business anywhere within the city of Conneaut, you have to register your business. They had a form there, so I filled it out, and we've been paying business taxes through the tax office for a couple year now.

Mr. Arcaro: Are you living in part of the building?

Mr. Freligh: I am, yes.

Mr. Naylor: So that's why it's a duplex.

Multiple inaudible conversations

Mr. Freligh: But originally, I think there was like a dance studio on one side and a per grooming place on the other, there were businesses in there.

Mr. Arcaro: So what are you planning on doing with the church?

Mr. Freligh: The church I'm planning on fixing and repairing it to begin with, because as you can imagine, the roof was let go, I don't know how many years. The walls were plaster, the ceiling was plaster, and the plaster is almost one hundred years old. I'm taking the plaster down and replacing the plaster and cleaning it up, fixing it up inside, so it's not really ready for anything, and I might die before it happens, I don't know. My full intention is that if it does get finished, to register it as a dance hall, not as a bar. I don't want a liquor license in there. I'm a retired professional musician, a music educator. My style of music is old time country, Hank Williams and that type of thing. It draws a crowd from out of town, and their average age is 75 years. So, there's no drinking, drugs, no smoking. That's my intention. You know you can't let your roof go, you'll have water coming in, your walls come down, your floor comes down. And this duplex, I don't know how long these boards were leaking, it was bad before we even bought them. In the duplex, they had a dance floor on the west side, and when you walked in there, you could see the basement. There was no sub floor, the floor was buckled, water everywhere. So, we threw some tarps up on top and underneath to stop it, and I rebuilt the whole floor in there so it's good and solid. It's that kind of thing that we're dealing with. It's some serious repairs.

Mr. McKenna: You say you have an architect working on it?

Mr. Freligh: I do, yeah.

Mr. McKenna: On the roof you're getting a variance for?

Mr. Freligh: Oh, the one I'm getting a variance for, that's the second roof, and it's mostly replaced, yes. It got stopped just before they finished closing this off.

Mrs. Sherman: What pitch is it now?

Mr. Freligh: I'm not given a specific pitch, but if I had to estimate, I'd say it's about 7/12.

Mrs. Sherman: I didn't even remember seeing a 3/12 pitch, cause it's saying you're replacing a 3/12.

Multiple inaudible

Mr. Freligh: ...and so it slants down. If you stand on the low end, you can see it goes uphill. So, we're just trying to protect our property and shed the water away from it.

Mr. McKenna: It looked like the trusses were like, four feet apart.

Mr. Freligh: And they're designed that way.

Mr. McKenna: They are? Do they have structures in between them to support the roof?

Mr. Freligh: They run horizontal 2 x 4's across.

Ms. Shubitowski: That's addressed there under load.

Mr. McKenna: So that's designed for the snow load?

Ms. Shubitowski: Yes, it's designed for the snow load.

Mr. Freligh: The Amish bought the trusses from Carter Lumber near Rome Ohio someplace. They got it from a distributor in Pennsylvania, and the architect lives in Texas. The architect says we need Ohio certified stamped blueprints for these trusses, and the architect had them on his desk in ten hours.

Mr. Naylor: The structure itself, we're not involved with. All we're looking at is variances on the distances. Correct?

Ms. Shubitowski: Right. And you're just looking at the front and frontage as token variances.

Mrs. Sherman: And the pitched roof, right?

Ms. Shubitowski: No, that's not a variance because it's not going to exceed the thirty-five foot height.

Inaudible

Mr. Arcaro: Did the letters go out?

Ms. Shubitowski: They did. I didn't hear back from anybody concerning this.

Mr. Freligh: We got a know on our door because those letters went out, and evidently some of the neighbors had gotten together, and we didn't even know him. He came to the door and he handed all these letters, and all these people had signed with their signature, address and approval on all these letters. They came over and handed them to me and said, "maybe this will help".

Mr. Naylor: How many letters did you send out?

Ms. Shubitowski: I think it was 28 on this. I spent a good part of the day doing letters on this one.

Mr. Freligh: Do you want them?

Mrs. Brown: Yes, I like to keep them with the packet. Do you want copies?

Mr. Freligh: I would appreciate copies. That way I can thank them. So that's all I know.

Mr. Arcaro: So, with the property in question, if we don't grant the variance, will it continue to yield a reasonable return?

Mr. Freligh: I don't think that the roof has anything to do with any financial income whatsoever, save the fact that it won't be raining on any students I have coming in, and it won't be raining in on us.

Mr. Arcaro: How about the beneficial use of the property? If we don't approve the variances, would that be a problem?

Mr. Freligh: Beneficial use, I don't understand.

Mr. Arcaro: So, you're living there, right?

Mr. Freligh: I am.

Mr. Arcaro: So, if we don't approve the variance, you're going to have water in big buckets, you said.

Mr. Freligh: Yeah, and that's not very beneficial, and the whole building would come down.

Mr. Arcaro: Does the board feel that the variance is substantial or insubstantial?

Mr. McKenna: I'd say insubstantial. Two of the variances are already there, or have been there forever. The two sides (inaudible) I can't see where the harm is. My opinion.

Mr. Arcaro: How about the essential character of the neighborhood. Would it be substantially altered?

Mr. Freligh: I understand that if you make improvements on your property, it raises the value of the neighbor's property as well. I know that the neighbors that have spoken to us are excited about it, because those buildings have been downtrodden for a long time.

Mr. Arcaro: Do you feel that the variance would adversely affect the delivery of governmental services?

Mr. Freligh: What kind of services?

Mr. Arcaro: Governmental. Water, garbage, sewer.

Mr. Freligh: No.

Mr. Arcaro: When you purchased the property, did you purchase it with or without knowledge of the zoning restrictions?

Mr. Freligh: I don't know much about the zoning restrictions, however, when I did initially buy one property then a couple years later bought the other two, because Will Sedmak owned all three originally, I did come to the zoning office, the second time I called, and I asked, what is the zoning on these? They said commercial, so I was aware that they were commercial properties when I bought this, and I just discovered within the last week about this usage thing.

Mr. Arcaro: So when you put the pitched roof on, were you aware of the zoning restriction when you did that?

Mr. Freligh: No, no I wasn't, because I thought it was ok, replacing what was already there.

Mr. Arcaro: Does the Zoning office feel as though the applicants predicament can be resolved through another method?

Mrs. Brown & Ms. Shubitowski: No

Mr. Arcaro: And does the board feel as though the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance?

Board: Yes.

Mr. Arcaro: So, hearing that testimony, would somebody be willing to make a motion?

Mr. KcKenna made a motion to approve all variances, seconded by Mrs. Sherman.

Mr. Arcaro: It was moved by Mr. McKenna and seconded by Mrs. Sherman. Is there any further discussion?

Mr. Naylor: I have a question. Is there any benefit to this gentleman combining those three properties?

Ms. Shubitowski: There might be a benefit combining that one with the one on the west, which is largely parking lot. It actually may be more problematic to combine with the church.

Mr. Naylor: OK, I was just seeing if there was some way to make these better.

There was no further discussion. A vote was taken, all member of the board approved and motion carried.

Mrs. Brown and Mr. Freligh discussed when the permit could be picked up, and it was agreed that Mrs. Brown would e-mail it to Mr. Freligh. Mr. Freligh then asked where he could go to find the ordinances, and Ms. Shubitowski advised him that he could go to Conneautohio.gov, but was unsure if the link had been updated yet, as the ordinances had very recently moved from Conway Green to American Legal Publishing. Mrs. Brown stated that they were working on that, building the website, but advised Mr. Freligh that he could come to the zoning office at any time and the

office would be happy to help. She also pointed out that he could see the written codified ordinances in the zoning office.

Mr. Naylor: The thing to do, in my opinion, is to go in and talk to Janet and Melanie, tell them what you're going to do, and let them determine..

Mr. Freligh: If I need a permit or not.

Mr. Naylor: Right.

Mr. Freligh: That's what Melanie said.

Mr. Naylor: When you start that book, when you get to the end, you won't remember what it said at the beginning.

A short recess was taken at 6:35 pm before returning to the former case. The board reconvened at 6:40 pm.

Mr. Arcaro: OK, we're going to go back to Case #07-2019.

Ms. Shubitowski: The only thing I had to add was that the letters did go out, which I already mentioned that the owners did come back. I only had one other response from a neighbor, I can't remember her name, that was confused thinking that they were going for a variance to put on her property. I straightened her out and she's fine.

Mr. Nyman: I talked to her; I know who you're talking about. I talked to her husband while I was staking it out.

Mr. Arcaro: So, John, you want to come up, tell us what's going on, anything to add. Anything you want to add?

Mr. Nyman: No, all I want to do is build a garage and breezeway.

Mr. McKenna: So, the garage is going to be attached to the house?

Mr. Nyman: It's going to be, well, you guys got the prints. The garage is off to the east, then the breezeway is across the back side of the house (inaudible) the length of the house.

Mr. Arcaro: Is the breezeway already there?

Mr. Nyman: No.

Mr. McKenna: I'm not sure I understand, is the breezeway just a porch? Like a long hallway?

Mr. Nyman: Yes, basically.

Mrs. Brown: It covers the walkway so she doesn't get wet when she walks to her garage. It attaches the back of the porch to the garage.

Multiple inaudible conversations, followed by indistinguishable references to the plans.

Mr. Nyman: I gave them the full copies of the prints. I would have brought it but...

Mrs. Brown: Oh, I don't have the big copy, I can't make copies of those. I don't have a big enough.... And I didn't bring them up with me.

More multiple conversations and reference to plans.

Mr. Naylor: So it is going to be enclosed, it's not going to be an open porch.

Mr. Nyman: It's going to be enclosed.

Mr. Naylor: Did you catch that?

Mr. McKenna: Yep, we got it.

Mr. Arcaro: Does the board have any further questions for Mr. Nyman? If not, I want to get into the Duncan Factors.

Mr. Naylor: I do have one question. Janet, did you talk to the lady that owns it?

Mrs. Brown: Mrs. Puffer? No, I did not. I didn't have her phone number.

Mr. Naylor: So that's still up in the air.

Mrs. Brown: What's up in the air?

Mr. Naylor: The fact that there's no representative.

Mrs. Brown: I spoke with... Kyle did not answer, but I called and spoke with Jim, who has been with many Zoning Board of Appeals, and he said it was fine that the contractor was here representing and answer the questions.

Mr. Naylor: And that's in the minutes, right?

Mrs. Brown: It's on the record.

Mr. Naylor: OK, thank you.

Mr. Arcaro: So, the property in question, if we did not grant the variance, would still yield a reasonable return?

Mr. Nyman: I think the property would increase anyway. There's no garage there.

Mr. Arcaro: And if we didn't grant the variance, would there still be a beneficial use of the property?

Mr. Nyman: There wouldn't be a garage, other than just the back yard.

Mr. Naylor: I'm sorry, I have one more question. This plat plan here shows two 50' parcels. Are they one piece now?

Mr. Nyman: She's had it surveyed and they're combined.

Mr. Naylor: I didn't see that anywhere. Thank you, I'm done now.

Mr. Arcaro: Does the board feel as though the variance is substantial or insubstantial?

Mr. McKenna: Insubstantial

Mr. Arcaro: Why is that, Rick?

Mr. McKenna: Because the garage is attached to the house. If it was separate, it wouldn't even need a variance. It would only need ten feet from the back yard, so combining it, I don't see an issue.

Mr. Arcaro: Do you feel as though the character of the neighborhood would be substantially altered, or neighboring properties suffer any detriment as a result of the variance?

Mr. Naylor: No.

Mr. Arcaro: Would the variance adversely affect the delivery of governmental services?

Mr. Nyman: No.

Mr. Arcaro: Do you know if the applicant purchased the property with or without knowledge of the zoning requirements?

Mr. Nyman: I'm going to say she probably didn't know.

Mr. Arcaro: Does the board feel as though the predicament of the applicant can feasibly be resolved through anything other than a variance?

Board: No.

Mr. Arcaro: And do you feel as though the spirit and intent of the zoning requirement would be substantially observed by granting the variance or not?

Mr. Naylor: I feel it would.

Mr. Arcaro: It would be observed?

Mr. Naylor: Yes.

Mr. Arcaro: And substantial justice done? What?

Mr. McKenna: Because without it, they can't use their property the way they want. There's no harm to any other neighbors.

Mr. Arcaro: So, for all the above reasons, hearing this testimony, would someone like to make a motion to grant or deny this variance?

Mrs. Sherman made a motion to approve the variances.

Mr. Arcaro: Are there any conditions with that variance?

Mrs. Sherman: I just want to ask you, the height of the garage is going to match the house?

Mr. Nyman: It does, it won't even be as high.

Mr. Naylor: It should be less than 15'.

Ms. Shubitowski: No, it's not an accessory structure.

Mrs. Sherman: I was just making sure there's not going to be an apartment upstairs or something.

Mr. Arcaro: Is there a second?

Mr. McKenna seconded the motion to approve. There was no further discussion. All were in favor, motion carried.

There was no other business to discuss.

Mr. Naylor – motioned to adjourn
Mr. McKenna – seconded the motion
Time Meeting adjourned – 6:52 p.m.

Patrick Arcaro, Chairman

Melanie Shubitowski