ZBA Meeting Minutes
July 16, 2019

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, July 16, 2019 beginning at 5:30 pm., Pledge of allegiance was recited. Chairman Arcaro asked for roll call. Mr. Naylor was absent. Minutes were not done from the April 22nd meeting and once again tabled. Mrs. Sherman made a motion to approve the minutes with corrections from the June 18, 2019 meeting, Corrections to Mr. Naylor's comment on page 2 that read S, corrected to "yes", and Mr. Freliegh's comment at the top of page 11 that read per grooming corrected to pet grooming. Motion to approve with corrections was seconded by Mr. McKenna. All were in favor, motion carried.

Old Business

Mr. Arcaro – Ok, under old business we have two cases that were tabled at the May 21st, 2019 (corrected from 2009) meeting. The design of the pole sign system was changed for visibility, approved by the planning commission on July 2, 2019.

Mr. Arcaro swore in guest speakers

Case # 04-2019- O'Reilly's Auto Parts Store located at 309 State Street, Parcel ID # 12-114-00-098-00 is seeking a forty-three (43) square foot variance to install a seventy-five (75) square foot sign installed on a twenty (20) foot high pole as outlined in Section 1133.05 (h) Pole Signs of the Codified Ordinances. Located in a B-3 General Business District. Mike Long with Bartlett Signs will be representing for O'Reilly's.

Ms. Shubitowski – The design was changed. Square footage unchanged, but changed to a two pole system in lieu of a ground sign that would obstruct visibility. The Planning Commission agreed to this design.

Mr. Michael Long was present from Bartlett Signs, and represented Simon CRE/O'Reilly Auto Pats. Mr. Long expressed the benefits of this design concerning both visibility of customers exiting the store, but also good visibility to attract potential customers to the store. He also stated that having driven around the area, there are similar designed signs in the area and didn't feel the sign would look out of place to anything else in the area. He used Dollar General, McDonalds, Pizza Hut and Andover Bank as examples. He stated that if the sign were to be scaled down to the thirty-two square foot criteria, nobody would be able to see the sign until they got right up to it.

Mrs. Gate questioned if the height of the sign was the same. Mr. Long stated that the original design was twenty feet high and the new one is fifteen. Mr. Arcaro asked for speakers from the audience. Beth Renn's sister, Wendy Zachowicz read objections written by Beth. Copies of Beth Renn's four page statement were given to all board members at the meeting.

11:11

New Business

There was no other business to discuss.

– motioned to adjourn
– seconded the motion
Time Meeting adjourned –

Patrick Arcaro, Chairman

Melanie Shubitowski

ZBA Meeting Minutes
August 20, 2019

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, August 20, 2019 beginning at 5:30 pm., Pledge of allegiance was recited. All members were present. Minutes were not done from the April 22nd meeting as well as the July 16th meeting and tabled. Motion to table was made by Mr. Naylor and seconded by Mrs. Gates.

Old Business
No old business.

New Business
Case # 11-2019- Kelly Carlson, of 970 Center Rd., Conneaut Ohio, Parcel Number 12-317-00-032-00, located in an A1 Agricultural District, is seeking an 18' 11" variance to install a porch around their home. The front yard setback for an A-1 district is defined as 50' in Section 1113.01. Construction had begun prior to obtaining a permit, and a stop work order was issued. Side and rear yard setbacks are not violated.

Speakers for all cases were sworn in at this time.

Mr. Arcaro: Melanie, want to give us an update first?

Ms. Shubitowski: I had a complaint that came in of a porch being built at the residence of 970 Center Rd. I went out, and the porch was, it was a wraparound porch, really nice, largely done, I issued a stop work order, and it was really apparent that Mrs. Carlson didn't have knowledge of zoning regulations when she bought the house, because she didn't have any idea what I was talking about. So, I put a stop work order in and Mr. Carlson came in and paid the triple fee. They were very apologetic. They did say they had a lot of lumber that would be ruined if it got rained on, and asked permission to use the lumber. Since the porch was probably 2/3 erected, I felt that the damage had already been done and approved.

Mrs. Sherman: Were you just replacing the porch? You added the side though, correct? The main porch was there, right?

Mr. Carlson: I made it bigger, longer.

Ms. Shubitowski: And the parcel line, it gets closer to the road as you go further north, so the length would have certainly affected the original setback.

Mr. Arcaro: So, you started building it without knowing that you needed a permit?

Mr. Carlson: Right.

Mr. Arcaro: You stopped it, but let them keep going anyway?

Ms. Shubitowski: Yes

Mrs. Gates: So, can I just interject a little bit there? Per Melanie's notes, it does say that they had told them to go to the county building dept. right away to get a building permit. When I talked to the building dept. as of yesterday, they had not went and gotten permits, but there was a stop work order on them from the county building dept., who, Mr. Carlson said that was told that he could not get a building permit from the county until he got a zoning permit tonight. So, I just want to let you guys know that is incorrect. They can submit an application, submit their plans, the plans can be reviewed. And the other thing the county building dept. says is that Conneaut City does not have the right to tell them to finish, only the building dept. can, because if this is not built per specifications and approved by the county building dept., then the building dept. can tell them they have to tear it down. So, they asked that you guys in the future…

Mrs. Brown: May I speak?

Mr. Naylor: After you're sworn in.

Mrs. Brown was then sworn in.

Mrs. Brown: Mr. Carlson came in with the plans and I called Laura right away with him in the office, and Laura wanted to know if the variance would most likely be approved, because she said he did not need to go to the dept. until after with anything from the city. So, if there's miscommunication, it wasn't on our part. Mr. Carlson was right there in the office when I talked with Laura, so whatever information is being given, it's been miscommunicated. So as far as the right to move forward or not, Melanie is not the one that approved it, I did. We were both in the office, he was very upset, very apologetic, did not know, however, his wood, he was worried about. So, not giving the county much thought, and I think I may have said something to Laura about it being half way built and we did a stop work order, she didn't have an issue with it.

Mrs. Gate: She has no recollection of it.

Mrs. Brown: So, wherever the miscommunication came in, Dawn, going forward, now that you're saying that, we'll definitely be more careful, but I think we were just trying to find some middle ground for Mr. Carlson. I don't believe it was a deliberate thing with the permit. I called Laura immediately and she said until after this meeting, she did not need him to come to the county.

Mrs. Gates: I talked to both her and Kari.

Mrs. Brown: I didn't talk with Kari, I talked with Laura.

Mrs. Gate. Laura is commercial, Kari is residential.

Mrs. Brown: Right, Laura answered the phone, so I talked with her, and Laura has been there a long time, she should know all the information and be able to direct us in the direction. I guess the communication between the two departments needs to be better.

Mr. Arcaro: Regardless of whether or not that situation gets cleared up, going forward in the future, I think we would appreciate it if we didn't have communication going to people to tell them to continue to work before coming to the board.

Mrs. Brown: We understood that. We felt like you most likely would approve the variance, I understand that. We were out of line at the time but we made an exception for someone because, you just make exceptions.

Mrs. Sherman: I don't think you should make exceptions until…

Mr. Arcaro: That's what I'm saying, because you start a precedent, then down the road they say well, you let Carlson's do it so…

Mrs. Gates: They could have tarped the wood until they came before us.

Mr. Naylor: So, I have a question. Are we not going to do this anymore then? If you have a problem, you'll call us or set up a special meeting rather than make decisions yourself?

Mrs. Brown: We won't be making that, going forward.

Ms. Shubitowski: The only other time that happened was with Mr. Freligh, and the county gave him permission to complete the roof on the east side. It was almost finished and I talked with the county on that one and they agreed to.

Mrs. Gates: That was a metal roof from a flat roof?

Ms. Shubitowski: Right.

Mrs. Sherman: Don't get us wrong. We try to do it correctly, so everyone around you does it correctly. Even though you're out south further, you still have to come to the city, and I know people out there think they don't have to, no one comes out. That's not true, we all usually do.

Mr. Arcaro: Do you have anything you want to add to it?

Mr. Carlson: No, not really. Melanie basically summed it up. Kelly called the county, I was standing right there, and they flat out told her that I couldn't go up there and do anything with them until this. I asked for permission to keep going, because I had $3,000 worth of wood sitting out. Yeah, I could have tarped it, but I had 20' boards. You can tarp 40 tarps on 20' boards, it's going to take off, you know, banana.

Mrs. Sherman: Are you new to the area?

Mr. Carlson: No.

Mr. Arcaro: Does the board have any other questions or comments before I get into the Duncan Factors?

Mr. Naylor: I'd like to know where they need the 18' 11" from.

Inaudible

Mr. Naylor: OK, I would appreciate that when we get these, they're marked up. I don't do real well without dimensions.

Susan Snyder, a neighbor of the Carlson's at 978 Center Rd. was sworn in at this point. She testified that although she had lived there for most of her life, she had never known there was an ordinance for distance from the front parcel line. She asked if the previous owner's porch had extended further if it were not grandfathered in. She then praised the work done to the Carlson's home and said it was the most beautiful porch she had ever seen, and asked for clemency for the Carlson's.

Mr. Arcaro: Do you want an answer to your question?

Ms. Snyder: My question?

Mrs. Brown: You had referred to if it would be grandfathered in because you didn't understand the setbacks. You're right, there's a lot of old houses. What happens is when people change or add like they're doing, it activates the code, so they have to meet current setbacks. That's what happened in their case, and unbeknownst to them and you, not realizing, thinking your house is old, you don't have to get a permit, you don't have to meet setbacks, but you do. It's called a legal non-conforming.

Ms. Shubitowski: To replace what's there without changing any dimensions, you wouldn't need a permit.

Ms. Snyder then requested more information be extended to the community regarding zoning rules, possibly things in the newspaper. Mrs. Brown explained that there is public access to our codes via the internet or people can come up to the zoning office. Mr. Naylor said that she was asking to inform the public that there are these regulations, not specifically what they say.

Mr. Carlson was then presented with the Duncan Factor questions and questions were answered to the board's satisfaction.

Mr. Naylor: Can I ask a question? Were letters sent out to the neighbors?

Ms. Shubitowski: Yes

Mr. Naylor: Were there any responses?

Ms. Shubitowski: No

Mr. Arcaro: So, for all the reasons we've heard and all the testimony, I'll entertain a motion to either grant or deny.

Mrs. Sherman made a motion to approve the variance with no conditions, seconded by Mr. Naylor. All were in favor, motion carried.

Case # 12-2019 - Mr. Mike Quinn Jr., owner of 189 Park Avenue, Parcel Number 12-202-00-021-00 and Mr. Charles Giganti, owner and operator of Charlie's Deli at same location, are seeking a 9' height variance to paint a 12' x 24' sign on the west side of the structure, and removing all currant signage from same location. Section 1133.05 (e) (2) specifies a maximum height for a wall sign of 3'. The parcel is located in a B-4 Business District.

Mr. Arcaro: Melanie, what have you got?

Ms. Shubitowski: Chaz came in. Currently there's a couple of banner signs on the west wall of the building that have been there for some time. He wants to replace it with, it's really a beautiful rendering, it's going to be 12' x 24'. Of course, it's a wall sign. Ordinance allows for a 3' maximum height with no restriction on width. He's going to be removing the banner signs on the side of the building and painting this rather attractive sign on the side.

Mr. Arcaro: How long do you think that's going to take?

Mr. Giganti: Not long. A couple months.

Mr. Arcaro: Are you painting it?

Mr. Giganti: No, we seeked out an artist. She's done some signs for D Day, Doublin' Down bar in Ashtabula she did. I initially wanted a mural, but the brick is so bad, there's no way to fix it for this.

Mr. McKenna: You're going to hang the sign?

Mr. Giganti: Yeah, she's going to paint 4' x 8' plywood, three high, then across so she can do one board at a time.

Ms. Shubitowski: But it's not going to extend out from the building? It'll be flush with the…

Mr. Giganti: It'll be flush with the building, then probably on the side be framed in with 1" x 1".

Mr. Arcaro: Plywood isn't going to hold up very well with the weather.

Mr. Giganti: We're going to seal it.

Mr. Naylor: The other thing is, if he uses marine plywood, which is super expensive I understand, but it will last a lot longer. It really all depends on what kind of paint and sealer they use.

Mr. Giganti: She's done a lot of research, and she confident the paint, (inaudible) which is almost easier than painting a mural on the brick, and a lot cheaper, actually. During D Day I saw there's absolutely no draw down that way. The park is a mess, the memorial park, rusty fences, we're

trying to get the area cleaned up. We feel that's one way to get people to come. You go to bigger cities, they have murals all over, which is very cool. There are things we can't put on the brick, but you'll still have that feel. People come to take pictures, maybe they'll see Biscotti's or the Deli and come back at another time.

Mr. Arcaro: On my other hat, I'm on the Port Authority for the City. We are working, we're working with an engineer. We've been trying to clean that area up but it's going to take some time. Our architect the city has hired in conjunction with the port. Are you planning on lighting this up at all?

Mr. Giganti: Uh, no. There's a lot of street lights down there, so I think you would still see it, even at nighttime, because it's in JoAnn Pignotti's parking lot, I don't know if there's pole lights there, but I know on the road itself on Park Avenue it's very bright. So, I think you would still be able to see it, even at nighttime.

Mr. Arcaro: Did the letters go out, Melanie?

Ms. Shubitowski: They did

Mrs. Brown: JoAnn Pignotti called, very supportive.

Mrs. Gate: So, is there any committee or anything down at the port has to approve any of this?

Mr. Arcaro: No

Mr. Giganti: Is that a port district?

Mr. Arcaro: No, we've just bought some buildings in that area. We're trying to clean up the blight and just get some businesses to come in and those types of things.

Mr. Naylor: If the sign is mounted and you then want to put lights, I would assume you would bring the lights off of the roof out and showing down. Does that require another permit or is he ok?

Ms. Shubitowski: That would require an electrical permit.

Mr. Giganti: There's no way for me to know how bright it is without seeing it on there, but I'm ok with not lighting it up at night.

Mrs. Sherman: If you decide, call the city. They'll direct you.

Mr. Arcaro: Any other questions?

With no further questions from the board, Mr. Arcaro addressed the Duncan Factors which were answered to the satisfaction of the board.

Mr. Arcaro: OK. So, for all the reasons above and the testimony we've heard, I will entertain a motion to either grant or deny.

Mrs. Gates made a motion to grant the variance, seconded by Mr. Naylor. The only condition placed on the variance was for Mr. Giganti to speak with the Zoning Office, should he decide to install lights on the sign. All were in favor, motion carried.

There was nobody present for case number 13-2019- Mr. & Mrs. Jonathan Pizzi, of 425 South Amboy Road, Conneaut, OH, Parcel Number 12-345-00-001-00 are seeking a 1' 6" variance to install a portion of their proposed fence on the south side of their property at a height of 8'. The home is located in an R-2 Urban Residential District. Section 1133.01 (f) (1) specifies a maximum height of 6' 6" in a side or rear yard.

Mr. Arcaro: I will entertain a motion to table case number 13-2019.

Mrs. Brown: Melanie, did they get a letter?

Ms. Shubitowski: Yes

Mrs. Brown: What case is that?

Mr. Arcaro: It's the fence on Amboy Rd.

Mr. Naylor: Where's the road on this drawing? I just want to know if the street is in front of the house, if they drive in this way.

Mrs. Sherman: Straight along the fence line.

Mr. Arcaro: Well, there's a motion to table it. We're going to talk about it again, right?

Mrs. Brown: Yes

Mrs. Gates: I made the motion.

Mr. Arcaro: Is there a second?

Mr. McKenna: I second it.

All were in favor, motion to table carried.

Mr. Arcaro: Is there anything else to come before the board?

There was no other business to discuss.

Mrs. Gates – motioned to adjourn
Mr. Naylor – seconded the motion
Time Meeting adjourned – 6:20 p.m.

Patrick Arcaro, Chairman

Melanie Shubitowski