

RECORD OF PROCEEDINGS

Minutes of

BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

FEBRUARY 21, 2012

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FILE # 12-0203

David P. Anderson & Joanna E. Pretz-Anderson
18 Arcola Drive
Ashtabula, OH 44004

The Open Public Hearing of the Saybrook Township Board of Zoning Appeals was called to order at 3:15 pm by Board Member Board Member Raymond Thomas along with Board Members Gilda McQuoid and Greg Strmisa seated on the Board, Township Secretary Lori Punkar, Applicants David Anderson and Joanna Pretz-Anderson and Public: Janette Herzog, Joyce Anderson and Lanny Anderson present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Richard Heath, Paul Findlay, 1st Alternate Jeff Freeman and 2nd Alternate Gene Mills were not present; therefore no vote will be reflected for them.

The following minutes reflect action taken by this Board. The recording of this meeting is on file at the Administrative Office. More detailed information needed can be obtained by listening to it at our office (file #112) or, upon request; it can be copied onto a CD at the current cost of the CD.

Board Member Raymond Thomas led the assembly in "The Pledge of Allegiance".

Board Member Raymond Thomas stated that the Hearing is being recorded for record purposes only, if anyone is recording, please so state for the records. No one stated they were recording.

Board Member Raymond Thomas stated this public hearing is being held pursuant to Section 519.14 and 519.15 of the Ohio Revised Cod and Section 546 of the Saybrook Township Zoning Resolution.

Board Member Raymond Thomas stated that the matter is before the Board upon a Notice of Appeal filed by David P. and Joanna E. Pretz-Anderson, 18 Arcola Drive, Ashtabula, OH 44004, for an Appeal for an Area Variance.

Board Member Raymond Thomas read the legal notice that appeared in the Star Beacon on February 10, 2012 which stated:

The Zoning Board of Appeals of Saybrook Township, Ashtabula County, Ohio give notice that a Public Hearing will be held on the 21st day of February, 2012 at 3:15 pm at the Saybrook Township Administration Building, located at 7247 Center Road, Ashtabula, OH 44004, for a variance on the following property:

Owner: David P. & Joanna E. Pretz-Anderson
Property Address: 18 Arcola Drive

Permanent Parcel No. 48-034-10-005-00

Proposed variance for: Set back

A copy of the Appeal is on file with the Zoning Board of Appeals and is available for inspection and copying upon request to the Vice Chairperson at 440-964-0049. All persons have a right to appear in person or by representation to question the owner or give testimony. By Order of Board of Zoning Appeals of Saybrook Township Ray Thomas, Vice Chairperson, February 10.

Board Member Raymond Thomas read the Notice of Appeal of Decision which stated the following:

Property Owner: David P. Anderson & Joanna E. Pretz-Anderson

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Property Address: 18 Arcola Drive, Ashtabula, OH 44004
 Auditor's Parcel ID #48-034-10-005-00
 Current Use Classification Zoning District: T-13-Sec 2
 Appeal for Variance: Lot area, width, size, height, set back or buffer requirements.

(All parties of interest listed in the Notice of Appeal were served with written notice of the public hearing by regular U.S. mail.)

Board Member Raymond Thomas stated the Board will now take testimony and evidence in favor of the applicant.

David Anderson and Joann Pretz-Anderson were sworn in.

David Anderson stated they live in Strongsville, Ohio and will be permanently moving here possibly in a couple of years. They are applying for a variance for a side yard setback – the existing attached garage is 6 feet from the property line and is non-conforming. They would like to add a room to the north with the same setback as the existing garage. They stated that the neighbor's view of Lake Erie would not be blocked.

Board Member Raymond Thomas asked if anyone wishes to testify in opposition to the appeal. No one gave testimony.

Gilda McQuoid read the Duncan v. Middlefield, 23 Ohio St. 3rd 83 which stated: Under Duncan, the rule for determining if a variance is justified shifts from one involving whether the landowner would be deprived of all reasonable use of property to a complex formula involving multiple (and shifting) tests. These tests include, but are not limited to:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance; - yes
2. Whether the variance is substantial: - 40% - yes
3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment"; - no
4. Whether the variance would adversely affect the delivery of governmental services; - no
5. Whether the property owner purchased the property with knowledge of the zoning restriction; - yes
6. Whether the problem can be solved by some manner other than the granting of a variance; - no if you want to build, yes if you don't build
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance; - yes because the new building will align with the existing garage.

Board Member Raymond Thomas read Attachment B of the Notice of Appeal of Decision for the record which stated:

Area Variance: We see a variance to the East sideline setback. The code specifies a 10' setback and we request a 7' sideline setback. This 7' setback should continue the same setback as our garage, relative to the structure at 16 Arcola Drive. We are planning to build a new room to connect the breezeway and house on the North side of the garage.

Board Member Raymond Thomas read Attachment D of the Notice of Appeal of Decision for the record which stated:

Area Variance: Our request for a variance to build a new family room with less than 10' side buffer comes to you with the following reasons:

1. We purchased this home in 2007 with the plan to retire here and live in Saybrook

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Township year round. Expanding the living areas on the ground floor has been our desire since our purchase. This plan is our best effort in retaining the character and beauty of this well-built home, and would achieve our dream of having a comfortable, moderately-spacious home on Lake Erie with clear views of the lake along the full width of the structure facing north.

2. We have a desire to not disturb our excellent relationships with our immediate neighbors to the east, Lanny and Joyce Anderson at 16 Arcola Drive (our brother and sister-in-law.) The closeness does not hinder their property. The Andersons at 16 Arcola Drive are in agreement with our project.
3. Precedent has been set to allow variance to side set-backs; in particular we cite the addition of a garage to 16 Arcola Drive. A literal interpretation of the provisions of this resolution would deprive us of rights afforded to other properties along Arcola.
4. We want to capitalize on the beautiful view of Lake Erie by situating the new room to include windows along the North side.
5. This addition would enhance the value of the house.
6. We want to capitalize and add to what was originally built in 1953 and not take away from the original design and integrity of the house.
7. We want to build the new room off the most uninhibited side, i.e. the garage.
8. We don't want to alter the original formal living room area, thereby retaining the original design in the most feasible way. (Our plan to increase the dining room only 6' brings it out to the original roofline, incorporating the original front porch into the dining room.)
9. Our family is increasing and we expect they will visit us in this home. Having a new family room and expanded dining room will increase our enjoyment and hospitality.
10. Extending the house to the north from the garage will not be any closer on the east side to the building at 16 Arcola Drive than our present structure.

#1 Gilda McQuoid moved resolution, seconded by Board Member Raymond Thomas to approve the variance requested for all the reasons state above in the Duncan.

Roll Call Voting:	Board Member Raymond Thomas	Yes
	Gilda McQuoid	Yes
	Greg Strnisa	Yes

#2 Board Member Raymond Thomas moved, seconded by Gilda McQuoid to adjourn the meeting at approximately 3:50 pm.

Voting:	Ray Thomas	Yes
	Gilda McQuoid	Yes
	Greg Strnisa	Yes

The meeting was adjourned.



Board Member Raymond Thomas, Board Member
Township Secretary



Lori Punkar, Township Secretary