

RECORD OF PROCEEDINGS
BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MAY 11, 2012

20

Held

William J. Licate & Emily Orlando Licate
4016 Edgewater Drive
Ashtabula, OH 44004

The Open Public Hearing of the Saybrook Township Board of Zoning Appeals was called to order at approximately 3:15 pm by Vice Chairperson Paul Finlay with Board Members: Gilda McQuoid and Greg Strmisa seated on the Board, Zoning Inspector Robert Vaughn, Township Secretary Lori Punkar, Applicants William Licate and Emily Orlando Licate and Public: Mary Kay DelPriore, Karen Borkes, John Price, Julius Bader, Joe Mirabell, Linda Bader, Terri Price, Barbara Smith, Rosemary Timonere, Judith Park, Pat Hladek, Toni Carlisle, Debra Upole, Jill Huggins, Thomas Raffia, Catherine Vendel, Daryl Upole, Laura Rusek, Lisa Piaser, David Hradsky, Michael Kash, Kathy Kash, Louise Ebetino, Carl Muller and Shelly Mullen present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Ray Thomas, Dean Moore, 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. *Due to a programming error, this meeting was accidentally not recorded except the portion after the Board came out of Executive Session which can be listened to at our office (job #122).

Vice Chairperson Finlay led the assembly in "The Pledge of Allegiance".

Roll call of members was done to determine a quorum. A quorum was present.

Vice Chairperson Finlay 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. (Due to a programming error, this meeting was not recorded except the portion after the Board came out of Executive Session.)

Vice Chairperson Finlay stated this Public Hearing is being held pursuant to Section 519.14 and 519.15 of the Ohio Revised Code and Section 546 of the Saybrook Township Zoning Resolution.

Vice Chairperson Finlay stated the following: Application for Conditional Use Permit – The matter is before the Board of Zoning Appeals upon an Application for Conditional Use Permit filed by William J. Licate and Emily Orlando Licate, 4016 Edgewater Drive, Ashtabula, OH 44004.

Vice Chairperson Finlay asked "Were all parties of interest listed in the Application for Conditional Use Permit served with written notice of the public Hearing by regular U.S. Mail?" Zoning Inspector Robert Vaughn responded yes.

Vice Chairperson Finlay stated that the Board will now take testimony and evidence in favor of or in opposition to the applicant's Application for Conditional Use Permit. In Order to receive testimony and evidence in an orderly fashion the following procedure will be used:

- First, we will take the testimony of the applicants. The applicants will be sworn in and will present their testimony and evidence subject to questions of the Board and cross-examination and then will take testimony of anyone wishing to testify in support of the Application for Conditional Use Permit subject to questions of

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the Board and cross-examination.

- Upon conclusion of the testimony in favor of the Applicants, those parties wishing to testify and present opposition to the Application for Conditional Use Permit will testify.
- Each party wishing to testify shall raise their hand, be recognized by the Chairman, stand, be sworn under oath or affirmations, state their name and resident address and then present their testimony, subject to questions of the Board and cross-examination.

Applicants Emily Orlando Licate and William Licate of 4016 Edgewater Drive were both sworn in. Emily Licate stated that they are requesting a Conditional Use Permit so they can have Reiki classes for 1 to 4 people at a time in her home and to also offer yoga classes up to 8 people.

William Licate talked about other businesses that had been done in the neighborhood and gave some background on Emily Orlando Licate's education and that she has been doing Reiki for the last 10 years at their house on Lake Road and the house on Edgewater Drive. He read part of the Zoning Regulations then stated that health, safety, welfare is what they are promoting. He read Section 330 of the Zoning Text regarding complaints and stated that he has had no complaints from the neighbors and has received no notifications of violations or complaints from the Zoning Inspector. He asked that when the opposition testifies that they use facts, not fear and for the Board to continue letting them do this.

Gilda McQuoid asked for clarification on how long they have lived at Edgewater Drive.

William Licate stated that from January, 2009 until present Emily Licate did Reiki at the Edgewater Drive home and from 2002 to 2009 at their Lake Road home.

Gilda McQuoid asked how long is this business going to continue and Emily Licate said a few years. She stated they have two properties and can park seven cars at each property in the drives. That Reiki is very quiet and peaceful and that the house on Edgewater has a separate door into the house where there is a room used only for Reiki.

Lisa Piaser, the yoga instructor, stated that the most people in a yoga class would be eight.

Toni Carlisle of 4005 Edgewater Drive was sworn in and testified in support of the Applicant. She stated that the classes will allow no more than six people at a time on the Licate's property and there is parking space adjacent or in the rear of the house. She had attended some of the Women's Gatherings at the Licate's home and that they were social gatherings and that the activities had nothing to do with Reiki. She stated there were other people on the street that worked out of their homes and that this Conditional Use Permit would not cause any disruption on the street.

Terri Price of 4003 Edgewater Drive was sworn in and testified in opposition of the Applicant. She stated that she lived two doors down from the Licate's. That she has had no access to plans about parking for the business. She asked if the Licate's need a variance for the Lake Road home for parking. She stated that the gatherings at the Licate's Edgewater Drive home have been business related and that she has a flier that advertises a gathering that costs \$144.00 per day and includes lunch. She stated that the traffic on Edgewater Drive swells and interferes with garbage pickup and mail delivery and asked that the permit be denied.

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John Price of 4003 Edgewater Drive was sworn in and testified in opposition of the Applicant. He stated that the application fell short of the requirements, that Section 562, items 6 and 7 were not met.

Daryl Upole of 3916 Edgewater Drive was sworn in and testified in opposition of the Applicant. He stated that he agreed with John Price and is concerned that the proceedings are adequate. He feels the minimum requirements were not met and wanted to know what the specific conditional use is referred to in Item 6. He stated he is in opposition because he does not have enough information and would like for the Board to deny the Conditional Use Permit.

Linda Bader of 4004 Edgewater Drive was sworn in and testified in opposition of the Applicant. She stated that the Zoning District is an R-1, Single Family Home and that she lives next to Licate's. Section 562, Item 6 states the applicant must submit a plan and that on-street parking has been a problem. She asked that the Board deny the Permit.

Louise Ebetino of 1041 Stowe Road was sworn in and testified in opposition of the Applicant. She stated that when Mr. Licate talked about the businesses in homes, they were on Lake Road not Edgewater and that the traffic patterns are different.

David Hradsky of 3627 Edgewater Drive was sworn in and testified in opposition of the Applicant. He asked who is living on Lake Road and stated that he is against starting the business at Edgewater, that down the road they may expand to include a bed and breakfast.

Karen Borkes of 5121 Lake Road West stated that she attends yoga classes and that she parks behind the back of the home.

Jill Huggins of 4002 Edgewater Drive asked if the house on Lake Road is Zoned Commercial, why are the Licates moving it to a residential area.

Debbie Upole of 3916 Edgewater Drive was sworn in and she stated that her son's bus couldn't get up the street because of the cars parked on the street. She is concerned that they need more information to make a decision.

Karen Borkes of 5121 Lake Road West asked what time the yoga classes are held at the Licates.

Terri Price of 4003 Edgewater Drive presented the flier from one of the first Reiki Workshops held that she referred to earlier.

John Price of 4003 Edgewater Drive stated that if they are granted the permit, it is a business and large gatherings are going to be perceived as a business gathering.

Toni Carlisle agreed with John Price. She stated she has attended several of the gatherings and when real progress is being made there are going to be some inconveniences.

Terri Price asked why the gatherings aren't held at appropriate places.

Emily Licate stated that the gatherings have nothing to do with her Reiki practice.

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Speakers came in for the gatherings and are for 13 to 16 women and that since 2010 she has had six gatherings. She stated there will be no parking on the street for her business and what she is hearing is so far off base. She submitted maps to the Board showing the parking. She went to a lawyer. She is allowed to do Reiki in her home and that she wants to teach it.

William Licate stated that he has never told anyone in the neighborhood to hold their garage sales, graduation parties or weddings someplace else like Terri Price has said they should hold gatherings someplace else. Picnics and parties are OK but not women's groups? He state that he is upset that some people on the street can control the entire street.

Linda Bader stated that she doesn't want a business next to her on the street.

Karen Borkes asked if the Zoning Board has received any complaints about the women's gatherings.

David Hradsky asked if the Licate's taxes will increase since they are a business. He stated that he lives on a residential street, not a commercial street.

Jill Huggins was sworn in and testified in opposition of the Applicant. She stated that she agrees with David Hradsky and wants to keep Edgewater as residential. There are other places to rent buildings and pay taxes to have a business. Lake Road and Edgewater Drive are not the same neighborhood, Lake Road is Zoned Commercial.

Michael Kash of 1043 Stowe Road stated that he doesn't think the Licate's are living at the house on Edgewater.

Shelly Mullen of 593 Lake Road West was sworn in and stated that we need to consider everything and that we are fortunate to have this opportunity.

John Price stated that the Zoning Text allows home businesses and a burden comes with that. He asked if the Applicant understands the burdens that come with this, how many people will work in enterprise, off street parking, fire extinguishers, emergency exits, and business hours. He stated that their plan is incomplete and that a Conditional Use Permit for a business can't be done within 100 feet of the property line.

Emily Licate stated that she can have a business in her home with one other person. She stated that burdens are what we're carrying and she is against that, she's not here to start a war. Teaching Reiki is letting people know what she knows. She is not here to have a commercial business. She met with an insurance agent about coverage and will have access for wheel chair bound people.

Louise Ebetino asked why the Licate's are applying for a Conditional Use Permit if she is allowed to have a business in her home.

Vice Chairperson Finlay stated they are here to take testimony.

William Licate stated that he doesn't think his Lake Road property is Zoned Commercial.

The Board read eight notarized letters from the following Saybrook residents; all were in opposition to the Conditional Use Permit for 4016 Edgewater Drive: John Shouvin, Margo Biscotti, Michael and Kathleen Kash, Charles and Louise Ebetino, Janet

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Wunderle, Randy Weatherhead, Daryl Upole, and Donald Lansbury.

The Board read one notarized letter from Noreen Petrochello, an Ashtabula City resident, who was also in opposition to the Conditional Use Permit for 4016 Edgewater Drive.

Vice Chairperson Finlay read the legal notice that ran one time only on April 30, 2012 in the Star Beacon as follows:

The Zoning Board of Appeals of Saybrook Township, Ashtabula County, Ohio, give notice that a Public Hearing will be held on the 11th day of May, 2012 at 3:15 pm o'clock at the Township Administration Building located at 7247 Center Road, Ashtabula, Ohio 44004, for a Conditional Use Permit on the following property: Owner(s): William J. Licate and Emily Orlando Licate, Property Address: 4016 Edgewater Drive, Ashtabula, Ohio 44004, Tax Parcel Id #480231004600, Proposed Use: Applying for a Conditional Use Permit for teaching Reiki Classes, giving Reiki Treatments and Yoga Classes at 4016 Edgewater Drive, Ashtabula, OH, 44004. A copy of the Application for a Conditional Use Permit is on file and available for inspection and copying at the Saybrook Township Administration Building, 7247 Center Road, Ashtabula, Ohio 44004. 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, Paul Findlay, Vice Chairperson

The application for Conditional Use Permit was not read, however, a copy can be found in the Addendum.

Vice Chairperson Finlay asked if there was anyone who wanted to add anything new to this Hearing – no one responded.

#1 Gilda McQuoid moved resolution, seconded by Greg Strnisa to close the testimony portion of the meeting and go into Executive Session at approximately 4:55 pm for further deliberations. The three Board Members and Zoning Inspector Robert Vaughn went into this session.

Roll Call Voting:	Greg Strnisa	Yes
	Paul Finlay	Yes
	Gilda McQuoid	Yes

#2 Gilda McQuoid moved resolution, seconded by Greg Strnisa to return to Regular Session of the Public Hearing at approximately 5:15 pm.

Roll Call Voting:	Greg Strnisa	Yes
	Paul Finlay	Yes
	Gilda McQuoid	Yes

#3 Greg Strnisa moved resolution, seconded by Gilda McQuoid to deny the request for the Conditional Use Permit at 4016 Edgewater Drive, Ashtabula, Ohio 44004.

Roll Call Voting:	Greg Strnisa	Yes
	Paul Finlay	Yes
	Gilda McQuoid	Yes

#4 Gilda McQuoid moved, seconded by Greg Strnisa to adjourn the Public Hearing at approximately 5:15 pm.

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Voting:	Greg Strnisa	Yes
	Paul Finlay	Yes
	Gilda McQuoid	Yes

The meeting was adjourned.



Paul Finlay, Vice Chairperson



Lori Punkar, Township Secretary