

RECORD OF PROCEEDINGS

Minutes of

Meeting

BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

OCTOBER 7, 2011

20

100711

Nancy Myers

5755 Ravine Drive, Parcel #1

Ashtabula, OH 44004

The Open Public Hearing of the Saybrook Township Board of Zoning Appeals was called to order at approximately 10:45 am by Chairperson Richard Heath with Board Members: Paul Findlay and Greg Strnisa seated on the Board, Zoning Inspector Robert Vaughn, Office Secretary Lori Pankar and Public: Nicholas Curci (Attorney for Nancy Myers), Nancy Curci, Diana Eget, Dan Gutelius, Nancy Myers and Gary Timonere were present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Ray Thomas, Gilda McQuoid, 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 #96) or, upon request; it can be copied onto a CD at the current cost of the CD.

Chairperson Heath led the assembly in saying "The Pledge of Allegiance".

Roll call of members to determine quorum was done, a quorum was present as listed above "in attendance".

Chairperson Heath stated that the Hearing is being recorded for record purposes, if anyone is recording, please so state for the records. No one stated they were recording.

Chairperson Heath 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. Notice of Appeal Case -- The matter is before the Board upon a request for an area Variance file by Nancy Myers, 5755 Ravine Drive Parcel #1, Ashtabula, Ohio 44004.

Chairperson Heath read the Legal Notice advertised in the Star Beacon on Monday, September 26, 2011 that stated:

The Zoning Board of Appeals of Saybrook Township, Ashtabula County, Ohio gives notice that a Public Hearing will be held on the 7th day of October, 2011 at 10:30 am at the Township Administration Building located at 7247 Center Road, Saybrook, Ohio for a Variance on the following property: Applicant - Nancy Myers; Property Address - 5755 Ravine Drive, Parcel #1, Ashtabula, Ohio, Tax Parcel ID# 48-003-22-108-00; Proposed Variance; lot area, width, size, height, set back or buffer requirements. 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 Secretary at 440-969-1106. 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 by Richard Heath, Chairperson.

Chairperson Heath asked Zoning Inspector Robert Vaughn if all parties in interest listed in the Notice of Appeal were served with written notice of the Public Hearing by regular U.S. Mail and Zoning Inspector Vaughn stated they were. A copy of the list can be

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20

found in the Addendum.

Chairperson Heath read the Notice of Appeal for the record, a copy of which can be found in the Addendum.

Nancy Myers, 5755 Ravine Drive, Parcel #1, Seasonal cottage, R-3 District, Appeal for a Variance – lot area, width, size, height, set back or buffer requirements, dated 9-13-11, signed by Nicholas R. Curci, Attorney for Applicant

Chairperson Heath read the letter to Saybrook Township from Attorney Nicholas Curci, a copy of which can be found in the Addendum, which stated:

Please be advised that I represent Nancy Myers in the matter of her request for a Variance at 5755 Ravine Drive, Parcel #1, Ashtabula, Ohio.

The following is the information you requested:

3. Description of nature of variance requested – Nancy Myers contacted three contractors for the purpose of renovating the seasonal cottage located on this parcel. Ms. Myers recently purchased this parcel with existing structure for the purpose of using it in the summer months from April thru October. The water is turned on in April and turned off the end of October. The three contractors informed her that because of the cottage's present condition it could not be renovated and it would have to be torn down and rebuilt. In order for her to rebuild the structure it would have to be rebuilt in accordance with Saybrook Township Code. The cottage, at present, sits on a foundation 20 x 20. In order to meet the code it was necessary to change the foundation size to 24 x 26. The request for a variance is consistent with the required change in area that varies from the existing non-conforming use.

4. A narrative statement demonstrating that the requested variance conforms to the following:

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district

Response – the property is not owned by the applicant, but rather the Ravine Camp Corp. The Ravine Camp Corp. owns one large parcel of land on which 44 seasonal cottages have been erected. The Corporation was formed in 1971, after the land was purchased from a previous owner, who had rented space to individual cottage owners. Many of the existing cottages have been built 50 years ago. After the Corporation had been formed, persons owning structures on this property became members, shareholders in the Corporation. All members as the result of their membership were permanently given a specific designation of land that became theirs in every respect except ownership. It was their land with their structure which could be sold to whoever at whatever price they choose. The new owner would become a member of the Corporation, paying dues to the Corporation and taxes to the local government.

The property in question is unique in that it has no recorded property lines except for the Corporation's one large parcel, legally recorded, which is a special condition and circumstance which is peculiar to the land and structure.

b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.

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20

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Response – The applicant purchased this property with the intention of using it as a seasonal cottage, which among many reasons would allow her to vacation with her grandson who would also be visiting other grandparents who are members of this Corporation.

c. That special conditions and circumstances do not result from actions of the applicant.

Response – The applicant is not responsible for the special condition and circumstances and wishes to abide by the laws of the Township.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other land, structures, or buildings in the same district.

Response – The applicant wishes to use her property for her enjoyment without special privilege in full compliance of the Township laws.

Chairperson Heath asked if anyone wished to testify in support of the Appeal and Attorney Nicholas R. Curci spoke up. He did not need to be sworn in since he is an Attorney and officer of the Court.

Attorney Curci introduced himself along with Applicant Nancy Myers, Officer of Ravine Camp Corporation Dan Gutelius and Nancy Curci (wife).

Attorney Curci stated that Zoning Inspector Vaughn has been professional, courteous, and helpful during this process.

Attorney Curci presented a legal description (map- a copy of which can be found in the Addendum), of the parcel of land owned by Ravine Camp Corporation and proceeded to describe the parcel and reiterated some of the content of the letter as stated above.

The Board advised Attorney Curci to have approval by other owners and by the Ravine Camp Corporation's Officers. Attorney Curci stated that the Corporation has been a part of the variance process.

A letter from the President of Ravine Camp Corp. Steven Rongale to Saybrook Township, a copy of which can be found in the Addendum, states:

Please be advised that as President of Ravine Camp Corp., we agree and approve of the requested variance of Nancy Myers.

Attorney Curci presented several pictures of Nancy Myers' cottage along pictures of other cottages close by.

Greg Strmisa asked how close to the neighbors will the new structure be and Attorney Curci replied 20 feet in either direction, the new structure will be 1001 square feet with a loft.

Paul Findlay asked about legal boundaries and Robert Vaughn said there are no designated legal boundaries and no standards for properties not on record and that is why this is before the Appeals Board.

OCTOBER 7, 2011

Held

20

Chairperson Heath asked if there was anyone who wished to testify in opposition to the appeal, no one did.

#1 Paul Findlay moved resolution, seconded by Greg Strnisa to accept into record the Zoning Variance Report Review from McKenna and Associates, a copy of which can be found in the Addendum.

Roll Call Voting:	Paul Findlay	Yes
	Greg Strnisa	Yes
	Richard Heath	Yes

Chairperson Heath stated that the McKenna report was commissioned by the Township, they are a consultancy for Zoning and Land Use – their findings are not compelling upon the Board insofar as the decision on today’s matter is concerned.

#2 Paul Findlay moved resolution, seconded by Greg Strnisa to end the public portion of the meeting and go into Executive Session for deliberation and consideration of the evidence at approximately 11:15 am.

Roll Call Voting:	Paul Findlay	Yes
	Greg Strnisa	Yes
	Richard Heath	Yes

#3 Greg Strnisa moved resolution, seconded by Richard Heath to return to Regular Session at approximately 11:25 am.

Roll Call Voting:	Paul Findlay	Yes
	Greg Strnisa	Yes
	Richard Heath	Yes

(Note: The recorder was turned off when the Board went into Executive Session and by mistake, was not turned back on when they returned to Regular Session.)

Paul Findlay read the Duncan v. Middlefield, 23 Ohio St. 3d 83 and stated the following:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance; probably as firewood
2. Whether the variance is substantial; no
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

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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

#4 Paul Findlay moved resolution, seconded by Richard Heath to approve the variance requested for all of the reasons stated above.

Roll Call Voting:	Paul Findlay	Yes
	Greg Strmisa	Yes
	Richard Heath	Yes

#5 Greg Strmisa moved, seconded by Paul Findlay to adjourn the meeting at approximately 11:30 am.

Voting:	Paul Findlay	Yes
	Greg Strmisa	Yes
	Richard Heath	Yes

The meeting was adjourned.



Richard Heath, Chairperson



Lori Punkar, Township Secretary