

Minutes of **BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP**

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10748

Held

**JUNE 5, 2012**

20

**Carol Jahnke  
6634 Lake Road West  
Ashtabula (Saybrook), 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 Findlay with Board Members: Dean Moore, Gilda McQuoid, Greg Strnisa seated on the Board, Township Secretary Lori Punkar, Office Manager Joyce Crease and no Public present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Ray Thomas, 1<sup>st</sup> Alternate Jeff Freeman and 2<sup>nd</sup> 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 (job #124) or, upon request; it can be copied onto a CD at the current cost of the CD.

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

Township Secretary Lori Punkar 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.

Vice-Chairperson Findlay stated that 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 an Appeal for Variance, filed by Carol Jahnke, 6634 Lake Road West, Ashtabula, OH 44004 for an Area Variance.

Vice-Chairperson Findlay read the Legal Notice which was in the Star Beacon on Mary 25, 2012 which stated:

The Zoning Board of Appeals of Saybrook Township, Ashtabula County, Ohio, gives notice that a Public Hearing will be held on the 5<sup>th</sup> day of June, 2012 at 3:15 pm at the Township Administration Building located at 7247 Center Road, Saybrook, Ohio for a variance on the following property: Case No. 120518, Owner: Carol Jahnke, Address: 6634 Lake Road West, Tax Parcel ID#: 480050000900, Proposed Variance: Addition to Non-Conforming Structure. A copy of the Appeal is on file with the Zoning Board of Appeals and is available for inspection and copying upon at the Saybrook Township Administration Office, 7247 Center Road, Ashtabula, OH. 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, May 25.

Vice-Chairperson Finlay asked if all parties of interest listed in the Notice of Appeal served with written notice of the Public Hearing by regular U.S. Mail, Township Secretary Punkar stated based on what is in the file, yes.

Vice-Chairperson Findlay read the Notice of Appeal which stated:  
Property Owner: Carol Jahnke, Property Address: 6634 Lake Road West, Ashtabula (Saybrook), Ohio 44004, Auditor's Parcel: ID# 480050000900, Current Use Classification Zoning District: R-3, Appeal for a Variance: Lot area, width, size, height, set back or buffer requirements.

JUNE 5, 2012

Held

20

Vice-Chairperson stated the Board will now take testimony and evidence in favor of or in opposition to the applicant's Appeal for an Area Variance. No one gave testimony.

#1 Gilda McQuoid moved resolution, seconded by Greg Strnisa to recess until the Board receives additional information on the height of the proposed addition.

Roll Call Voting:	Dean Moore	No
	Gilda McQuoid	No
	Greg Strnisa	No
	Paul Findlay	No

#2 Gilda McQuoid moved resolution, seconded by Dean Moore to go into Executive Session for deliberation at approximately 3:25 pm.

Roll Call Voting:	Dean Moore	Yes
	Gilda McQuoid	Yes
	Greg Strnisa	Yes
	Paul Findlay	Yes

#3 Greg Strnisa moved resolution, seconded by Gilda McQuoid to return to Regular Session at approximately 3:40 pm.

Roll Call Voting:	Dean Moore	Yes
	Gilda McQuoid	Yes
	Greg Strnisa	Yes
	Paul Findlay	Yes

Gilda McQuoid read the Duncan v. Middlefield, 23 Ohio St. 3d 83 as follows:

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; 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
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

# RECORD OF PROCEEDINGS

DAYTON LEGAL BANK, INC., FORM NO. 10148

Held

JUNE 5, 2012

20

#4 Dean Moore moved resolution, seconded Gilda McQuoid to approve the Variance with the restriction that the height of the addition to be no higher than 16 feet or the height of the current roof line, whichever is higher. This condition is due to lack of information on the height of the addition on the application and the applicant did not attend this Hearing.

Roll Call Voting:	Dean Moore	Yes
	Gilda McQuoid	Yes
	Greg Strmisa	Yes
	Paul Findlay	Yes

# 5 Gilda McQuoid moved, seconded by Dean Moore to adjourn the meeting at approximately 3:45 pm.

Voting:	Dean Moore	Yes
	Gilda McQuoid	Yes
	Greg Strmisa	Yes
	Paul Findlay	Yes

The meeting was adjourned.



Paul Findlay, Vice Chairperson

Lori Punkar, Township Secretary