

RECORD OF PROCEEDINGS
BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

SEPTEMBER 9, 2013

Held

20

Case #130909
Arthur W. McGuinness
5 Stones Long Beach Road
Ashtabula, OH 44004

The Open Public Hearing of the Saybrook Township Board of Zoning Appeals was called to order at 5:30 pm by Chairperson Gilda McQuoid with Board Members: Greg Strnisa, Dean Moore, 1st Alternate Jeff Freeman (who arrived at 5:37pm), 2nd Alternate Gloria Baum seated on the Board, Zoning Inspector Robert Vaughn representing the Saybrook Township Trustees, Township Secretary Lori Punkar, Court Reporter Terri Bloom Tisch, Applicant Arthur W. McGuinness and public Mary Kettering and Charles Kettering present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Kathleen Kennedy and Ray Thomas 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 can be obtained by listening to it at our office (job #203). The Public Hearing was also being recorded by Court Reporter Terri Bloom Tisch who was hired by Saybrook Township and anyone wishing a full transcript may request one and pre-payment will be made based on the number of pages.

Chairperson McQuoid led the assembly in "The Pledge of Allegiance".

A roll call of Members was taken, the following were present: Gloria Baum, Greg Strnisa, Dean Moore and Gilda McQuoid.

Chairperson McQuoid stated that the hearing is being recorded for record purposes only, if anyone is recording, please so state for the records. No public stated they were recording.

Chairperson McQuoid 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.

#1 Greg Strnisa moved resolution, seconded by Dean Moore to dispense with the reading of the August 19, 2013, Board of Zoning Appeals Public Hearing for Joseph C. and Marsha L. Passerell Minutes.

Roll Call Voting:	Gloria Baum	Yes
	Greg Strnisa	Yes
	Dean Moore	Yes
	Gilda McQuoid	Yes

#2 Gilda McQuoid moved resolution, seconded by Dean Moore to approve the August 19, 2013, Board of Zoning Appeals Public Hearing for Joseph C. and Marsha L. Passerell Minutes.

Roll Call Voting:	Gloria Baum	Yes
	Greg Strnisa	Abstain
	Dean Moore	Yes
	Gilda McQuoid	Yes

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Chairperson McQuoid stated that the matter is before the Board upon a request for an Area Variance filed by Arthur W. McGuinness for property located at 5 Stones Long Beach Road, Saybrook Township.

Chairperson McQuoid read the legal ad that ran one time only, on August 29, 2013 in The Star Beacon as follows:

The Board of Zoning Appeals of Saybrook Township, Ashtabula County, Ohio gives notice that a Public Hearing will be held on the 9th day of September, 2013 at 5:30 pm at the Township Administrative Building located at 7247 Center Road, Ashtabula, Ohio on an Appeal for Variance in reference to the following property:

Owner: Arthur W. McGuinness

Applicant: Arthur W. McGuinness

Property Address: 5 Stones Long Beach Road, Ashtabula, OH 44004

Permanent Parcel No: 480311000500

Description of Application: Appeal for Variance (Area) to construct 8' x 8' addition

A copy of the Appeal is on file with the Board of Zoning Appeals and is available for inspection at the Township Administration Building located at 7247 Center Road, Ashtabula, Ohio between the hours of 8:00 am to 4:30 pm, Monday through Friday.

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 by Gilda McQuoid, Chairperson

Chairperson McQuoid asked Zoning Inspector 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 he stated they were.

Chairperson McQuoid read the Notice of Appeal of Decision which stated the following:

Property Owner/Leaseholder: Arthur W. McGuinness

Property Address: 5 Stones Long Beach Road, Ashtabula, Ohio 44004

Auditor's Parcel ID#: 480311000500

Current Use Classification Zoning District: R3

Appeal for lot area, width, size, height, set back or buffer requirements

Attachment B was a letter addressed to the Board of Zoning Appeals and stated: I

hereby request a variance for my property located at 5 Stones Long Beach Road,

Ashtabula, Ohio 44004, PP No. 480311000500. I request a variance reducing the front

yard setback from 30 feet to 10 feet. Arthur W. McGuinness

Dated: 8-12-13

Signed by: Arthur McGuinness

Chairperson McQuoid stated: The Board will now take testimony and evidence in favor of or in opposition to the applicant's Appeal for an Area Variance for Arthur W. McGuinness. 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 Zoning Inspector and then the applicant. They 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 Appeal, subject to questions of the Board and cross-examination.
- Upon conclusion of the testimony in favor of the applicant, those parties wishing to testify and present evidence in opposition to the Appeal will testify.
- Each part wishing to testify shall raise their hand, be recognized by the Chairperson, stand, be sworn under oath or affirmation, state their name and resident address and then present their testimony, subject to questions of the

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Board and cross-examination.

Board Member Jeff Freeman arrived at 5:37 pm and was seated on the Board.

Chairperson McQuoid swore in Zoning Inspector Robert Vaughn and he gave testimony in regard to the application.

Chairperson McQuoid swore in Charles Kettering, the applicant's brother, and he gave testimony in regard to the application.

There was no one present to give testimony in opposition to the application.

#3 Dean Moore, moved resolution, seconded by Greg Strnisa to receive the Review of Variance Application for 5 Stones Long Beach Drive dated September 9, 2013 submitted by Loveland & Brosius, LLC.

Roll Call Voting:	Jeff Freeman	Yes
	Gloria Baum	Yes
	Greg Strnisa	Yes
	Dean Moore	Yes
	Gilda McQuoid	Yes

#4 Dean Moore moved resolution, seconded by Gloria Baum to go into Executive Session for deliberation and consideration of the evidence at 5:44 pm. The five Board Members went into Executive Session.

Roll Call Voting:	Jeff Freeman	Yes
	Gloria Baum	Yes
	Greg Strnisa	Yes
	Dean Moore	Yes
	Gilda McQuoid	Yes

#5 Jeff Freeman moved resolution, seconded by Gloria Baum to return to Regular Session at 5:49 pm.

Roll Call Voting:	Jeff Freeman	Yes
	Gloria Baum	Yes
	Greg Strnisa	Yes
	Dean Moore	Yes
	Gilda McQuoid	Yes

Greg Strnisa read the Duncan v. Middlefield, 23 Ohio St. 3rd 83 as follows:

Motion: "After reviewing the application, the hearing of evidence under oath, reviewing all documentary submissions of interested parties, and by taking into consideration the personal knowledge of the property in question, the Board finds and concludes 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; response - Yes
2. Whether the variance is substantial; response - Yes
3. Whether the essential character of the neighborhood would be substantially

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altered or adjoining properties suffer a "substantial detriment"; response - No

- 4. Whether the variance would adversely affect the delivery of governmental services; response - No
- 5. Whether the property owner purchased the property with knowledge of the zoning restrictions; response - Yes
- 6. Whether the problem can be solved by some manner other than the granting of a variance; response - No
- 7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" could be done by granting the variance; response - Yes

#6 Greg Strnisa moved resolution, seconded by Jeff Freeman, based on the Duncan above, to approve the area variance from front yard setback of 30 feet to 10 feet.

Roll Call Voting:

Jeff Freeman	Yes
Gloria Baum	Yes
Greg Strnisa	Yes
Dean Moore	Yes
Gilda McQuoid	Yes

#7 Gloria Baum moved, seconded by Greg Strnisa to adjourn at 5:57 pm.

Voting:

Jeff Freeman	Yes
Gloria Baum	Yes
Greg Strnisa	Yes
Dean Moore	Yes
Gilda McQuoid	Yes

The meeting was adjourned.

Gilda McQuoid

Gilda McQuoid, Chairperson

Lori Punkar

Lori Punkar, Township Secretary