

RECORD OF PROCEEDINGS
BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MARCH 21, 2013

Held

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Case #130304A

David C. Chah

#6 Kaleva Park Dr.

Ashtabula, OH 44004

Case #130304B

Gerard Bellitt

6254 Lake Road West

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, Kathleen Kennedy, 1st Alternate Jeff Freeman, seated on the Board, Zoning Inspector Robert Vaughn representing the Trustees, Township Secretary Lori Punkar, Court Reporter Terri Bloom Tisch, Applicant David Chah and Public: Shirley Allio, Attorney Jason Fairchild, Richard Peura, Dolores Peura, Deborah Woodring, Dave Fortney, John Jyurovat and A. R. Decato present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Raymond Thomas, Dean Moore and 2nd Alternate Gloria Baum 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 (jobs #174, 175 & 176). 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: Kathleen Kennedy, Jeff Freeman, Greg Strnisa 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.

#1 Greg Strnisa moved resolution, seconded by Kathleen Kennedy to dispense with reading of the following Minutes:

January 24, 2013, Reorganizational Meeting

January 24, 2013, Public Hearing for Linda Peters, 6303 Lake Road West

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

#2 Greg Strnisa moved resolution, seconded by Jeff Freeman to approve the following minutes:

January 24, 2013, Reorganizational Meeting

January 24, 2013, Public Hearing for Linda Peters, 6303 Lake Road West

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

Chairperson McQuoid 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

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Resolution.

Chairperson McQuoid stated that the first hearing before the Board upon a request for an Area Variance filed by David C. Chah, 425 Woodside Avenue, Jefferson, Ohio for property located at #6 Kaleva Park Drive, Saybrook, Township.

Chairperson McQuoid stated that the second hearing before the Board upon a request for an Area Variance filed by Gerald Bellitt, 3816 Rothrock Place, Fairlawn, Ohio for property located at 6254 Lake Road West, Saybrook, Township.

Chairperson McQuoid read both Legal Notices which were published in the Star Beacon on March 8, 2013. The first notice stated:

The Zoning Board of Appeals of Saybrook Township, Ashtabula, Ohio, gives notice that a Public Hearing will be held on the 21st day of March, 2013, at 5:30 pm at the Township Administration Building located at 7247 Center Road, Saybrook Township on the Appeal for a variance on the following property:

Owner: David C. Chah
Property Address: #6 Kaleva Park Drive
Permanent Parcel No(s): 480121006000 & 480121006100
Description of Appeal: Area variance for proposed new structure, 30' x 50', one story cottage style home with basement and 12' garage located on two (2) contiguous lots. Total frontage 46' and 61' depth.

A copy of the Appeal is on file with the Zoning Board of 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 of Saybrook Township Gilda McQuoid, Chairperson.

The second notice read stated the following:

The Zoning Board of Appeals of Saybrook Township, Ashtabula, Ohio, gives notice that a Public Hearing will be held on the 21st day of March, 2013, at 6:15 pm at the Township Administration Building located at 7247 Center Road, Saybrook Township on the Appeal for a variance on the following property:

Owner: Haywood Beach Co.
Applicant: Gerald Bellitt
Property Address: 6254 Lake Road West, Permanent Parcel No: 480161004700,
Description of Appeal: A variance for proposed construction of an addition to existing principal structure.

A copy of the Appeal is on file with the Zoning Board of 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 of Saybrook Township Gilda McQuoid, Chairperson.

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. 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 applicant. The applicant will be sworn in and will present their testimony and evidence subject to questions of the Board

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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 Board and cross-examination.

Chairperson McQuoid swore in Zoning Inspector Robert Vaughn (representing the Township Trustees) and he gave testimony in regard to the application.

Chairperson McQuoid swore in Saybrook Township Fire Chief John Jyurovat and he gave testimony in regard to his concern about houses being built so close together that they cannot accommodate Safety Services if there were a fire.

Zoning Inspector Vaughn stated that all parties in interest listed in the Notice of Appeal were served with written notice of the public hearing by regular U.S. Mail.

Chairperson McQuoid swore in Applicant David Chah and he presented his testimony and submitted overhead pictures of his house (Exhibit A) and an expanded overhead picture of the entire neighborhood (Exhibit B) to the Board.

Zoning Inspector read an e-mail received from Karey Lunghofer of 3037 Lake Road West, Lot #4 which stated the following:

To whom it may concern,
I reside at #4 Kaleva Park Drive. I am not able to attend the hearing this evening. I am excited the run down home that is currently on lot #6, is going to be torn down. I am in favor of another home being built on this property. My concern is parking. If the proposed structure is as large as it seems, this appears to leave very little room for parking, especially if the resident has guests. This is a small narrow street. The association or commons area at the north end of the street is not set up for parking, nor is it meant for parking and parking in the road can create safety issues. Thank you. Karey Lunghofer

This letter was given to Chairperson McQuoid for the file.

Chairperson McQuoid asked if there was anyone else who wished to testify in favor of the variance, no one stated they did.

Chairperson McQuoid asked if there was anyone who wished to testify in opposition to the Appeal.

Attorney Jason Fairchild of Andrews & Pontius, LLC and representing Richard Peura who owns property on Kaleva Park Drive, presented his testimony against the variance. He stated that Richard Peura had calculated lot percentages of the homes on Kaleva and this information was presented to the Board (Exhibit C), a copy of which can be found in the Addendum.

At 6:15 pm Chairperson McQuoid announced that the 6:15 Public Hearing will be conducted immediately following this Public Hearing.

Attorney Jason Fairchild read a letter from Brad Johnson dated 3-20-13 who resides at #7 Kaleva Park Drive and opposes the variance. The letter was presented to the Board (Exhibit D), a copy of which can be found in the Addendum and states the following:

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To: Saybrook Township Zoning Board of Appeals
I am writing to you objecting the variance request and of the building a 1500 sq. foot house next to my cottage No. 7. I feel that it would be a problem for other cottage owners including myself with so little space as it is. Mine is only approximately 600 sq. feet. I would have to think about selling my cottage No. 7. Things are and have been great until the news of this variance. Please do not allow this to take place. Thank you, Brand Johnson (Cottage 7).

Chairperson McQuoid swore in Dr. Alfred DeCato, who resides at 3137 Lake Road West and lives behind #6 Kaleva Park Drive, and he gave his testimony in opposition of the variance.

Chairperson McQuoid swore in Deborah Woodring, who resides at 3037 Lake Road West, who then proceeded to read a letter opposing the variance written by herself to the Board.

Applicant David Chah took the stand again and spoke about maintaining the look of the neighborhood and was asked questions by the Board Members.

#3 Greg Strnisa moved resolution, seconded by Kathleen Kennedy to accept the Zoning Variance Report Review for #6 Kaleva Park Drive submitted by Loveland & Brosius, LLC., a copy of which can be found in the Addendum.

Roll Call Voting: Kathleen Kennedy Yes
Jeff Freeman Yes
Greg Strnisa Yes
Gilda McQuoid Yes

Chairperson McQuoid swore in Dave Fortney of 3717 Shadyside Drive and he presented his testimony that as a realtor would like to see some kind of plan to improve neighborhoods that have lots sizes similar to Kaleva Park Drive.

Chairperson McQuoid swore in Richard Peura, who owns property on Kaleva Park Drive, and he presented his testimony in opposition of the variance.

Dave Fortney took the stand again to present further testimony.

#4 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to go into Executive Session for deliberation and consideration of the evidence at approximately 7:00 pm, action may be taken after returning to regular session. The four Board Members went into Executive Session.

Roll Call Voting: Kathleen Kennedy Yes
Jeff Freeman Yes
Greg Strnisa Yes
Gilda McQuoid Yes

#5 Jeff Freeman moved resolution, seconded by Greg Strnisa to return to regular session at 7:36 pm.

Roll Call Voting: Kathleen Kennedy Yes
Jeff Freeman Yes
Greg Strnisa Yes
Gilda McQuoid Yes

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#6 Jeff Freeman moved resolution, seconded by Kathleen Kennedy that the Area Variance for lot coverage for #6 Kaleva Park Drive be denied based on the following Duncan rules:

1. The property will not yield a reasonable return and there will not be a beneficial use of the property without the variance.
2. The variance is substantial.
3. The essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment".
4. The variance would adversely affect the delivery of governmental services.
5. The property owner purchased the property with knowledge of the zoning restrictions.
6. The problem can be solved by some manner other than the granting of a variance.
7. The variance would not preserve the "spirit and intent" of the zoning requirement and provide "substantial justice".

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

#7 Jeff Freeman moved resolution, seconded by Kathleen Kennedy that the Area Variance for front yard setback for #6 Kaleva Park Drive be denied based on the following Duncan rules:

1. The property will not yield a reasonable return and there will not be a beneficial use of the property without the variance.
2. The variance is substantial.
3. The essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment".
4. The variance would adversely affect the delivery of governmental services.
5. The property owner purchased the property with knowledge of the zoning restrictions.
6. The problem can be solved by some manner other than the granting of a variance.
7. The variance would not preserve the "spirit and intent" of the zoning requirement and provide "substantial justice".

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

#8 Jeff Freeman moved resolution, seconded by Kathleen Kennedy that the Area Variance for rear yard setback for #6 Kaleva Park Drive be denied based on the following Duncan rules:

1. The property will not yield a reasonable return and there will not be a beneficial use of the property without the variance.
2. The variance is substantial.
3. The essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment".
4. The variance would adversely affect the delivery of governmental services.
5. The property owner purchased the property with knowledge of the zoning restrictions.
6. The problem can be solved by some manner other than the granting of a variance.
7. The variance would not preserve the "spirit and intent" of the zoning requirement

BOARD OF DIRECTORS MEMORANDUM

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and provide "substantial justice".

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

#9 Jeff Freeman moved resolution, seconded by Kathleen Kennedy that the Area Variance for side yard setback for #6 Kaleva Park Drive be denied based on the following Duncan rules:

1. The property will not yield a reasonable return and there will not be a beneficial use of the property without the variance.
2. The variance is substantial.
3. The essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment".
4. The variance would adversely affect the delivery of governmental services.
5. The property owner purchased the property with knowledge of the zoning restrictions.
6. The problem can be solved by some manner other than the granting of a variance.
7. The variance would not preserve the "spirit and intent" of the zoning requirement and provide "substantial justice".

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

#10 Jeff Freeman moved resolution, seconded by Kathleen Kennedy that the Area Variance for lot frontage for #6 Kaleva Park Drive be approved based on the following Duncan rules:

1. The property will yield a reasonable return and there can be a beneficial use of the property without the variance.
2. The variance is not substantial.
3. The essential character of the neighborhood will not be substantially altered or adjoining properties suffer a "substantial detriment".
4. The variance would not adversely affect the delivery of governmental services.
5. The property owner purchased the property with knowledge of the zoning restrictions.
6. The problem can be solved by some manner other than the granting of a variance.
7. The variance does preserve the "spirit and intent" of the zoning requirement and "substantial justice" would be done.

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

#11 Jeff Freeman moved resolution, seconded by Kathleen Kennedy that the Area Variance for minimum lot size for #6 Kaleva Park Drive be denied based on the following Duncan rules:

1. The property will not yield a reasonable return and there will not be a beneficial use of the property without the variance.
2. The variance is substantial.

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- 3. The essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment".
- 4. The variance would adversely affect the delivery of governmental services.
- 5. The property owner purchased the property with knowledge of the zoning restrictions.
- 6. The problem can be solved by some manner other than the granting of a variance.
- 7. The variance would not preserve the "spirit and intent" of the zoning requirement and provide "substantial justice".

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

Zoning Inspector Vaughn stated that this a quasi judicial proceeding and if the applicant wishes to appeal the decision of the Board of Zoning Appeals, he believes he has 20 days to do so in the Court of Common Pleas and that he would need to consult with his own legal representative.

David Chah inquired about getting a copy of tonight's meeting.

At 7:52 pm Chairperson McQuoid announced that the first Public Hearing is over and the start of the second Public Hearing for Bellitt of 6254 Lake Road West, Haywood Beech Association will begin.

Zoning Inspector Vaughn gave testimony in regard to the application. The Board asked him several questions.

The Applicant was not present at tonight's meeting nor any public.

#12 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to deny the Area Variance for a proposed addition to the dwelling located at 6254 Lake Road West due to insufficient data provided by applicant.

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

#13 Greg Strnisa moved, seconded by Kathleen Kennedy to adjourn the meeting at 8:15 pm.

Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Gilda McQuoid	Yes

The meeting was adjourned.

Gilda McQuoid

Gilda McQuoid, Chairperson

Lori Punkar

Lori Punkar, Township Secretary