

RECORD OF PROCEEDINGS

Minutes of

Meeting

BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

DAYTON LEGAL BLANK, INC., FORM NO. 701/48

Held _____

_____ OCTOBER 7, 2013 _____ 20 _____

Case #130916 (Continued)
Richard & Debra Trice
James & Judith Pearson
6427 Lake Road West
Ashtabula, OH 44004

Case #131007
Randall & Jill Serpico
6211 South Ridge Road East
Geneva, OH 44041

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, Dean Moore and 1st Alternate Jeff Freeman were seated on the Board, Zoning Inspector Robert Vaughn representing the Saybrook Township Trustees, Township Secretary Lori Punkar, Court Reporter Susan Goodell, Applicants Richard and Debra Trice, Jim and Judy Pearson, Jill and Randy Serpico, Attorney Gary Pasqualone and Public: Mike Hutchins, Bill Olin, David Payne, and Rosemarie Uthe present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Member Raymond Thomas was not present: therefore no vote will be reflected for him. Second Alternate Gloria Baum was seated in the audience.

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 #208). The Public Hearing was also being recorded by Court Reporter Susan Goodell 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, 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.

#1 Dean Moore moved resolution, seconded by Kathleen Kennedy to dispense with the reading of the September 9, 2013, Board of Zoning Appeals Public Hearing – 5 Stones Long Beach Road Minutes.

Roll Call Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Dean Moore	Yes
	Gilda McQuoid	No Vote

#2 Dean Moore moved resolution, seconded by Greg Strnisa to approve the September 9, 2013, Board of Zoning Appeals Public Hearing – 5 Stones Long Beach Road Minutes.

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

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The first Public Hearing is a continuation from September 16, 2013 Public Hearing for Richard and Debra Trice and James and Judith Pearson for an Area Variance for 6427 Lake Road West, Ashtabula, Ohio.

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.

Chairperson McQuoid stated that this matter is before the Board upon a request for an Area Variance filed by Gary L. Pasqualone, Attorney, for property located at 6427 Lake Road West, PP No(s): 480381000500, 480381000600, 480381000700, 480381001000, 48038100300, 480381000800, 480381001100, Saybrook Township.

#3 Greg Strnisa moved resolution, seconded by Kathleen Kennedy to close the meeting to further testimony and go into Executive Session for deliberation and consideration of the evidence at 5:34 pm. The five Board Members went into Executive Session.

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

#4 Jeff Freeman moved resolution, seconded by Dean Moore to return to Regular Session and 6:35 pm.

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

Greg Strnisa read the Duncan v. Middlefield, 23 Ohio St. 3rd 83 as follows:
“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 - no
2. Whether the variance is substantial; response - yes
3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment”; response - yes
4. Whether the variance would adversely affect the delivery of governmental services; response - yes
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

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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 - no

#5 Greg Strnisa moved resolution, seconded by Jeff Freeman, for all of the above reasons, to deny the variance requested for 6427 Lake Road West.

Roll Call Voting:	Kathleen Kennedy	No
	Jeff Freeman	Yes
	Greg Strnisa	Yes
	Dean Moore	No
	Gilda McQuoid	Abstain

Zoning Inspector Vaughn stated that he believes when the vote is split 2 - 2, the vote will be in favor of approving the variance.

Attorney Gary Pasqualone agreed with him.

Zoning Inspector Vaughn will look into this further and notify everyone when a final determination is made.

The second Public Hearing for 6211 South Ridge Road East, Geneva, Ohio 44004 started at 6:40 pm.

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.

Chairperson McQuoid stated that this matter is before the Board upon a request for Area Variance filed by Randall Serpico for property located at 6211 South Ridge Road East, Geneva, Ohio 44041.

Chairperson McQuoid read the legal ad that ran one time only, on Thursday, September 26, 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 7th day of October, 2013 at 5:30 pm, commencing immediately following a 5:30 pm Public Hearing at the Township Administrative Building located at 7247 Center Road, Ashtabula, Ohio on an Appeal for Variance in reference to the following property:

Owner/Applicant:	Randall and Jill Serpico
Property Address:	6211 South Ridge Road East, Geneva, OH 44041
Permanent Parcel No:	480190000105
Description of Application:	Area Variance to reduce 40 feet setback to 28 feet

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 Secretary Lori Punkar 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 she stated they were.

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The Notice of Appeal of Decision states the following:

Property Owner/Leaseholder: Randall and Jill Serpico

Property Address: 6211 South Ridge Road East, Geneva, Ohio 44041

Auditor's Parcel ID#: 48-019-00-001-05, Lot 61

Current Use Classification Zoning District: R-2

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

List Attachments: B and D

Dated: September 3, 2013

Signed by: Randall Serpico

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. 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 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 David Payne, Project Designer for the applicants and he gave testimony in regard to the application.

Greg Strnisa asked several questions in regard to the old and new driveways.

No one gave testimony in opposition to the Appeal.

#6 Dean Moore moved resolution, seconded by Kathleen Kennedy to receive the Review of Variance Application submitted by Loveland & Brosius, LLC for 6211 South Ridge Road East, dated October 4, 2013.

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

#7 Jeff Freeman moved resolution, seconded by Dean Moore to close the meeting to further testimony and go into Executive Session for deliberation and consideration of the evidence at 6:49 pm. The five Board Members went into Executive Session.

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

#8 Jeff Freeman moved resolution, seconded by Dean Moore to return to Regular Session at 6:58 pm.

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

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

“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 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

#9 Greg Strnisa moved resolution, seconded by Jeff Freeman for all of the above reasons, to approve the Area Variance requested for 6211 South Ridge Road East.

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

#10 Dean Moore moved to adjourn the meeting at 7:01 pm.

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

The meeting was adjourned.


Gilda McQuoid, Chairperson


Lori Punkar, Township Secretary