

RECORD OF PROCEEDINGS

Minutes of

Meeting

BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

OCTOBER 28, 2013

20

Case #131028A
Edward Schier
5543 Lake Road
Ashtabula, OH 44004

Case #131028B
Gary L. Roberts
2012 Highland Ave.
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, 2nd Alternate Gloria Baum were seated on the Board, Zoning Inspector Robert Vaughn representing the Saybrook Township Trustees, Township Secretary Lori Punkar, Court Reporter Susan Goodell, Applicants Edward Schier and Gary Roberts and Public Charlotte Roberts and Christina Schier present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Raymond Thomas, Dean Moore and 1st Alternate Jeff Freeman 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 #211 and 212). 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, Greg Strnisa, Gloria Baum 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.

Chairperson McQuoid stated that this matter is before the Board upon a request for Area Variance filed by Edward Schier for property located at 5543 Lake Road, Ashtabula, Ohio, PP No. 480030011600.

Chairperson McQuoid read the legal ad that ran one time only, on Thursday, October 17, 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 28th day of October, 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 properties:

Owner:	Northern Beach Inc.
Applicant:	Edward Schier
Property Address:	5543 Lake Road, Ashtabula, Ohio 44004
Permanent Parcel No:	480030011600
Description of Application:	Appeal for Variance (Area) to construct an attached garage (24'x27') (Height 28') on Lots #1 and #4

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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.

The Notice of Appeal of Decision states the following:

Property Owner/Leaseholder: Northern Beach Inc.

Property Address: 5543 Lake Road

Auditor's Parcel ID#: 480030011600

Current Use Classification Zoning District: R-3

Appeal for Area Variance

List of Attachments: B and D

Dated: September 12, 2013

Signed by: Edward Schier

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 Edward Schier. 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 Christina Schier and she gave testimony in support of the application.

Greg Strnisa and Kathleen Kennedy asked Christina Schier questions regarding the application.

Chairperson McQuoid asked if there was anyone else that would like to give testimony in favor of or opposition to the application, no one responded.

#1 Greg Strnisa moved resolution, seconded by Gloria Baum to close the meeting to further testimony and go into Executive Session for deliberation and consideration of the evidence at 5:38 pm. The four Board Members went into Executive Session.

Roll Call Voting:	Kathleen Kennedy	Yes
	Greg Strnisa	Yes
	Gloria Baum	Yes
	Gilda McQuoid	Yes

#2 Greg Strnisa moved resolution, seconded by Kathleen Kennedy to return to

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BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

DAYTON LEGAL BLANK, INC., FORM NO. 10-48

Held

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Regular Session at 5:48 pm.

Roll Call Voting:	Kathleen Kennedy	Yes
	Greg Strnisa	Yes
	Gloria Baum	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 - No
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

#3 Greg Strnisa moved resolution, seconded by Kathleen Kennedy, for all of the above reasons, to APPROVE the variance requested for 5543 Lake Road, Ashtabula, Ohio 44004.

Roll Call Voting:	Kathleen Kennedy	Yes
	Greg Strnisa	Yes
	Gloria Baum	Yes
	Gilda McQuoid	Yes

The second Public Hearing started at 5:50 pm.

Chairperson McQuoid stated that this matter is before the Board upon a request for Area Variance filed by Gary L. Roberts for property located at 2012 Highland Avenue, Ashtabula, Ohio PP No: 480181019900.

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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A roll call of Members was taken, the following were present: Kathleen Kennedy, Greg Strmisa, Gloria Baum and Gilda McQuoid. Kathleen Kennedy stated that since she is the President of the Lakelands Community Association there is a conflict and that she will sit in the meeting but will not participate.

Chairperson McQuoid read the legal ad that ran one time only, on Thursday, October 17, 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 28th day of October, 2013 immediately following the 5:30 pm Public Hearing at the Township Administrative Building located at 7247 Center Road, Ashtabula, Ohio on the Appeal for Variance for the following property:

Owner :	Gary L. Roberts
Applicant:	Gary L. Roberts
Property Address:	2012 Highland Avenue, Ashtabula, Ohio 44004
Permanent Parcel No:	480181019900
Description of Application:	Appeal for Variance (Area) for reduction of side yard setback from 5 feet to 9 inches for the construction of a carport 10'x10'5" attached to principal structure.

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

The Notice of Appeal of Decision states the following:

Property Owner/Leaseholder: Gary L. Roberts
Property Address: 2012 Highland Avenue, Ashtabula, Ohio 44004
Auditor's Parcel ID#: 480181019900
Current Use Classification Zoning District: R-3A
Appeal for Area Variance
List Attachments: B and D
Signed by: Gary Roberts

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 Gary L. Roberts. 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 Applicant Gary Roberts and he gave testimony in favor of the application.

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Greg Strnisa asked Gary Roberts several questions regarding the construction of the carport.

#4 Greg Strnisa moved resolution, seconded by Gloria Baum to close the meeting to further testimony and go into Executive Session for deliberation and consideration of the evidence at 6:00 pm. Board Members Greg Strnisa, Gloria Baum and Gilda McQuoid went into Executive Session.

Roll Call Voting:	Kathleen Kennedy	Abstain
	Greg Strnisa	Yes
	Gloria Baum	Yes
	Gilda McQuoid	Yes

The recorder malfunctioned and could not be turned back on.

#5 Greg Strnisa moved resolution, seconded by Gilda McQuoid to return to Regular Session at 6:12 pm.

Roll Call Voting:	Kathleen Kennedy	Abstain
	Greg Strnisa	Yes
	Gloria Baum	Yes
	Gilda McQuoid	Yes

#6 Greg Strnisa moved resolution, seconded by Gloria Baum to receive two Zoning Reports from Hennig, Szeman, and Klammer for the properties located at 5543 Lake Road and 2012 Highland Avenue.

Roll Call Voting:	Kathleen Kennedy	Yes
	Greg Strnisa	Yes
	Gloria Baum	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 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

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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 -- No

#7 Greg Strnisa moved resolution, seconded by Gloria Baum, for all of the above reasons, to DENY the variance requested for 2012 Highland Avenue, Ashtabula, Ohio 44004.

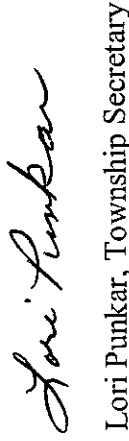
Roll Call Voting:	Kathleen Kennedy	Abstain
	Greg Strnisa	Yes
	Gloria Baum	Yes
	Gilda McQuoid	Yes

#8 Gloria Baum moved, seconded by Greg Strnisa to adjourn the meeting at 6:16 pm.

Voting:	Kathleen Kennedy	Yes
	Greg Strnisa	Yes
	Gloria Baum	Yes
	Gilda McQuoid	Yes

The meeting was adjourned.


Gilda McQuoid, Chairperson


Lori Punkar, Township Secretary