

RECORD OF PROCEEDINGS
BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

MAY 6, 2013

Held

20

Case No. 130506A
Mark Millberg
3929 Center Road
Ashtabula, OH 44004

Case No. 130506B
David C. Chah
#6 Kaleva Park Drive
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 Strmisa, Kathleen Kennedy, 1st Alternate Jeff Freeman, 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, Applicants Mark Millberg and David C. Chah and Public: Karen Millberg and Richard Peura present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Members Ray Thomas and Dean Moore 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 #183). 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".

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 read the Legal Notice that ran one time only, on April 25, 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 6th day of May, 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: Mark R. & Karen Millberg

Applicant: Mark Millberg

Property Address: 3929 Center Road, Ashtabula, OH 44004

Permanent Parcel No: 480030005200

Description of Appeal: Application for Conditional Use Permit to conduct a Home Occupation (Clock Repair) in a single-family unit

Immediately followed by a Public Hearing in reference to:

Owner: David C. Chah

Applicant: David C. Chah

Property Address: #6 Kaleva Park Drive, Ashtabula, OH 44004

Permanent Parcel No(s): 480121006000 & 480121006100

Description of Application: Area Variance for proposed new structure to be 24.5' x 41.66' cottage style home with basement.

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, OH, 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

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give testimony. By Order of Board of Zoning Appeals of Saybrook Township Gilda McQuoid, Chairperson

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.

The Notice of Appeal states the following, a copy of which can be found in the Addendum.

Property Owner: Mark Millberg
Property Address: 3929 Center Road
Auditor's Parcel ID #: 48-003-00-052-00
Current Use Classification Zoning District: R-2
Applying for a Conditional Use Permit

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 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 party 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 Mark Millberg and he gave a statement in regard to operating a clock repair shop out of his home.

Chairperson McQuoid swore in Zoning Inspector Robert Vaughn and he gave testimony in regard to the application. Vaughn also submitted a report to the Board from Loveland & Brosius, LLC regarding the Conditional Use Permit Application – 3929 Center Road, a copy of which can be found in the Addendum. The report stated that the applicant failed to provide the information required under STZR Section 562, items six (6) through eight (8). Without a complete application, the BZA cannot make a determination as to whether Mr. Millberg's request shall be approved, approved with modifications, or denied.

Applicant Mark Millberg gave a statement in regard to the application and stated he felt he was in compliance.

Chairperson McQuoid asked if there was anyone who wished to testify in opposition to the appeal, there was no one.

#1 Jeff Freeman moved resolution, seconded by Greg Strnisa to go into Executive Session for deliberation and consideration of the evidence at 5:51 pm.

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

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#2 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to return to Regular Session at 6:10 pm.

Roll Call Voting:	Gloria Baum	Yes
	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strmisa	Yes
	Gilda McQuoid	Yes

#3 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to table the Conditional Use Permit for 60 days so the application can be filled out completely. The information must be returned to the Zoning Inspector within 30 days so the Board can have time to review it.

Roll Call Voting:	Gloria Baum	Yes
	Kathleen Kennedy	Yes
	Jeff Freeman	Yes
	Greg Strmisa	Yes
	Gilda McQuoid	Yes

Karen and Mark Millberg asked questions regarding the information needed and the Board addressed those questions.

The second Application for a Variance in this Public Hearing started at 6:19 pm for #6 Kaleva Park Drive, Applicant David Chah.

Chairperson McQuoid stated the second matter before the Board is upon a request for an Area Variance filed by David C. Chah for property located at #6 Kaleva Park Drive, Saybrook Township.

Chairperson McQuoid read the legal notice in reference to #6 Kaleva Park Drive as stated in the above legal notice.

The Notice of Appeal states the following, a copy of which can be found in the Addendum:

Property Owner: David C. Chah
Property Address: #6 Kaleva Park Drive, Saybrook Township
Auditor's Parcel ID #: 480121006000 and 480121006100
Current Use Classification Zoning District: R-1
Appeal for a Variance for lot area, width, size, height, set back or buffer requirements

Chairperson McQuoid swore in Applicant David Chah of 425 Woodside Avenue, Jefferson, Ohio and he gave a statement in regard for an Area Variance for property located at #6 Kaleva Park Drive.

Chairperson McQuoid swore in Richard Peura and he stated that the proposed home is consistent with the other homes in the area and that he is not opposed to this home being built.

Zoning Inspector Robert Vaughn made a statement regarding the application for an Area Variance for property located at #6 Kaleva Park Drive. The application was for five (5) variances and Vaughn recommended that the Applicant add a sixth variance to the application for width frontage of 100 feet to 46 feet. Vaughn also submitted a report to the Board from Loveland & Brosius, LLC regarding the Variance Application - #6

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Kaleva Park Drive, a copy of which can be found in the Addendum.

David Chah requested to amend the application to add a sixth variance for width frontage from 100 feet to 46 feet.

#4 Kathleen Kennedy moved resolution, seconded by Jeff Freeman to go into Executive Session for deliberations and consideration of the evidence at 6:42 pm.

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

#5 Kathleen Kennedy moved resolution, seconded by Gloria Baum to return to Regular Session at approximately 6:50 pm.

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

Jeff Freeman read the Duncan Rules as follows:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance; **No**
2. Whether the variance is substantial; **Yes**
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 restrictions; **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" could be done by granting the variance. **Yes**

#6 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to approve the following variance to #6 Kaleva Park Drive based on the above Duncan Rules and responses:

For the Area Variance for Lot Coverage - from the required maximum of 20% to the proposed 36% of lot coverage.

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Roll Call Voting: Gloria Baum Yes
Kathleen Kennedy Yes
Jeff Freeman Yes
Greg Strmisa No
Gilda McQuoid Yes

#7 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to approve the following variance to #6 Kaleva Park Drive based on the above Duncan Rules and responses:

For the Area Variance for Front Yard Setback - from the required 40 feet to the proposed 14 feet front yard setback.

Roll Call Voting: Gloria Baum Yes
Kathleen Kennedy Yes
Jeff Freeman Yes
Greg Strmisa No
Gilda McQuoid Yes

#8 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to approve the following variance to #6 Kaleva Park Drive based on the above Duncan Rules and responses:

For the Area Variance for Rear Yard Setback - from the required 10 feet to the proposed 6 feet rear yard setback.

Roll Call Voting: Gloria Baum Yes
Kathleen Kennedy Yes
Jeff Freeman Yes
Greg Strmisa Yes
Gilda McQuoid Yes

#9 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to approve the following variance to #6 Kaleva Park Drive based on the above Duncan Rules and responses:

For the Area Variance for Side Yard Setback - from the required 10 feet to the proposed 3 feet side yard setback (on the southern lot line).

Roll Call Voting: Gloria Baum Yes
Kathleen Kennedy Yes
Jeff Freeman Yes
Greg Strmisa No
Gilda McQuoid Yes

#10 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to approve the following variance to #6 Kaleva Park Drive based on the above Duncan Rules and responses:

For the Area Variance for Minimum Lot Size - from the required 10,000 square feet to the proposed 2806 square feet minimum lot size.

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Roll Call Voting:

Gloria Baum	Yes
Kathleen Kennedy	Yes
Jeff Freeman	Yes
Greg Strnisa	No
Gilda McQuoid	Yes

#11 Jeff Freeman moved resolution, seconded by Kathleen Kennedy to approve the following variance to #6 Kaleva Park Drive based on the above Duncan Rules and responses:

For the Area Variance for Lot Width Frontage – from the required 100 feet to the proposed 46 feet lot width frontage.

Roll Call Voting:

Gloria Baum	Yes
Kathleen Kennedy	Yes
Jeff Freeman	Yes
Greg Strnisa	No
Gilda McQuoid	Yes

12 Jeff Freeman moved, seconded by Gloria Baum to adjourn at 6:59 pm.

Voting:

Gloria Baum	Yes
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