

RECORD OF PROCEEDINGS
BOARD OF ZONING APPEALS - SAYBROOK TOWNSHIP

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

MAY 13, 2013

Held

20

Case #1305013A

Lora J. Morris
6 Lakehurst Drive West
Ashtabula, OH 44004

Case #1305013B

Jerry Helsel-Cicogna Sign
2400 West Prospect
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, Dean Moore, 1st Alternate Jeff Freeman seated on the Board, Zoning Inspector Robert Vaughn, Township Secretary Lori Punkar, Court Reporter Terri Bloom Tisch, Applicants Lora J. Morris and Jerry Helsel and Public: Joe Chiacchiero present at Saybrook Township Administrative Offices, 7247 Center Road, Ashtabula, Ohio 44004. Board Member Ray 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 (jobs #184, 185, & 186). 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, Dean Moore and Gilda McQuoid.

Board Member Kathleen Kennedy recused herself and sat in the audience. Second Alternate Gloria Baum was then seated on the Board.

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

#1 Gloria Baum moved resolution, seconded by Greg Strnisa to dispense with the reading of the March 21, 2013 Board of Zoning Appeals Open Public Hearing Minutes.

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

#2 Greg Strnisa moved resolution, seconded by Gloria Baum to approve the March 21, 2013 Board of Zoning Appeals Open Public Hearing Minutes.

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

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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. Notice of Appeal Case - the matter is before the Board upon a request for an Appeal for Variance filed by Lora J. Morris for property located at 6 Lakehurst Drive West, Saybrook Township.

Chairperson McQuoid read the legal notice that ran one time only, on May 2, 2013 in The Star Beacon as follows:

The Board of Zoning Appeals of Saybrook Township, Ashtabula County, Ohio, gives notice that Public Hearings will be held on the 13th day of May, 2013, commencing at 5:30 pm at the Township Administration Building located 7247 Center Road, Ashtabula, OH, for Appeal for Variance in referenced to the following properties:

Owner: Lora J. Morris

Applicant: Lora J. Morris

Property Address: 6 Lakehurst, Ashtabula, OH 44004

Permanent Parcel No: 480381001400

Description of Application: Variance (Area) change front yard setback from 30' to 18'

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, OH, between the hours of 8:00 a.m. to 4:30 p.m., 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 of Appeals by Gilda McQuoid, Chairperson

Zoning Inspector Vaughn stated 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 read the Notice of Appeal of Decision as follows:

Property Owner/Leaseholder: Lora J. Morris

Property Address: 6 Lakehurst Drive West

Auditor's Parcel ID #48-038-10-014-00

Current Use Classification Zoning District: R-3

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

Chairperson McQuoid also read Attachments B and C, copies of which can be found in the Addendum.

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 testimony of the Zoning Inspector, then 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

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Board and cross-examination.

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

Applicant Lora Morris was sworn in and gave testimony.

Chairperson McQuoid stated that we received two notarized letters from residents, William Booth and Jane Burkhart, both of Lakehurst Drive, and neither one objected to the variance.

No one else stated that they wanted to testify in support or opposition to the variance.

#3 Jeff Freeman moved resolution, seconded by Dean Moore to go into Executive Session at 6:00 pm for deliberation and consideration of the evidence.

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

#4 Greg Strmisa moved resolution, seconded by Gloria Baum to return to Regular Session at approximately 6:10 pm.

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

Greg Strmisa read the Duncan vs. Middlefield 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; **Yes**
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**

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#5 Dean Moore moved resolution, seconded by Jeff Freeman to approve the variance for front yard setback of thirty (30) feet to eighteen feet eight inches (18'18") for all of the above reasons.

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

Lora Morris thanked the Board and Robert Vaughn for all their help.

Chairperson McQuoid stated that the Board will take a short recess at 6:15 pm.

Gloria Baum left the meeting and Kathleen Kennedy was seated on the Board.

The Public Hearing reconvened at 6:19 pm.

Chairperson McQuoid stated that this matter is before the Board upon a request for an Area Variance filed by Jerry Helsel, Cicogna Sign Co., representative of E & L Investors Partnership for property located at 2400 West Prospect, Saybrook Township.

Chairperson McQuoid read the legal notice that ran one time only, on May 2, 2013 in The Star Beacon as follows:

The Board of Zoning Appeals of Saybrook Township, Ashtabula County, Ohio, gives notice that Public Hearings will be held on the 13th day of May, 2013, commencing at 5:30 pm at the Township Administration Building located 7247 Center Road, Ashtabula, OH, for Appeal for Variance in referenced to the following properties:

Owner: E & L Investors Partnership
Applicant: Jerry Helsel, Cicogna Sign Co.
Property Address: 2400 West Prospect, Ashtabula, OH 44004
Permanent Parcel No: 480110000100

Description of Application: Area Variance for Construction of a proposed sign area of 303 square feet and height of 38' 7 1/2 "

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, OH, between the hours of 8:00 a.m. to 4:30 p.m., 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 of Appeals by Gilda McQuoid, Chairperson

Zoning Inspector Vaughn stated 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 read the Notice of Appeal of Decision as follows:
Property Owner/Leaseholder: E & L Investors Partnership/ c/o Kest Property Management Group, LLC
Property Address: (Saybrook Plaza) 2400 West Prospect (US Rt. 20)
Auditor's Parcel ID #48-011-00-001-00

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Current Use Classification Zoning District: Commercial Appeal for a Variance – lot area, width, size, height, set back or buffer requirements (sign area/size)

Chairperson McQuoid also read Attachments B and D, copies of which can be found in the Addendum.

Zoning Inspector Robert Vaughn gave testimony in regard to the application for variance for a new sign with LED message sign to be constructed at the Saybrook Plaza and stated that the application was missing some information.

Chairperson McQuoid swore in Applicant Jerry Helsel from Cicogna Sign Company and he proceeded to talk about the application.

The Board asked several questions regarding the sign at the Saybrook Plaza with LED message sign and stated some of their concerns, discussion followed.

Zoning Inspector Vaughn stated that he did not receive any letters of opposition or support of this sign. He gave the Board copies of the Loveland & Brosius, LLC report regarding the review of Variance Application at 2400 West Prospect Road.

#6 Dean Moore moved resolution, seconded by Kathleen Kennedy to go into Executive Session at 7:10 pm for deliberation and consideration of the evidence.

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

#7 Dean Moore moved resolution, seconded by Kathleen Kennedy to return to Regular Session at 7:34 pm.

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

#8 Kathleen Kennedy moved resolution, seconded by Dean Moore to accept the report from Loveland & Brosius, LLC for review of Variance Application for 2400 West Prospect Road.

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

Jeff Freeman read the Duncan vs. Middlefield as follows regarding the request for the sign height variance from a maximum of 30 feet to proposed 38 feet 7 ½ inches:

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1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance; **Yes**
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**

#9 Jeff Freeman moved resolution, seconded by Dean Moore to approve the sign height variance from a maximum height of 30 feet to 38 feet 7 1/2 inches for all of the reasons stated above.

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

Jeff Freeman read the Duncan vs. Middlefield as follows regarding the request for the sign area variance from a maximum of 100 square feet to the proposed 303 square feet for one side:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance; **Yes**
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

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and whether "substantial justice" could be done by granting the variance. **Yes**

#10 Jeff Freeman moved resolution, seconded by Dean Moore to approve the sign area variance from a maximum of 100 square feet to the proposed 303 square feet for one side.

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

#11 Jeff Freeman moved resolution, seconded by Dean Moore to allow the current set back to remain where it is at for the proposed new sign.

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

#12 Jeff Freeman moved resolution, seconded by Karen Keesler to approve the LED sign with static messaging only, not scrolling.

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

#13 Dean Moore moved, seconded by Greg Strnisa to adjourn the meeting at 7:40 pm.

Voting:	Kathleen Kennedy	Yes
	Jeff Freeman	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