

**SAGAMORE HILLS TOWNSHIP  
ZONING BOARD OF APPEALS MEETING**

**Wednesday, December 15, 2021– media notified**

The meeting was called to order by Chair Mr. Christian Drago at 7:00 p.m.

Mr. Drago asked everyone in attendance to please silence all cell phones and other electronic devices so that the meeting could be conducted without interruption. Mr. Drago asked everyone to continue to wear their face masks during the meeting and remain at least six feet apart from others. Mr. Drago thanked everyone in attendance for their cooperation.

All present recited the Pledge of Allegiance to the flag of the United States of America.

R/C: Gambosi-present; Spangler-present; Drago-present; DiGirolamo-present; Black-present.

Mr. Drago stated the functions of the Board of Zoning Appeals.

Topic for the Evening:

A. An application requesting an area variance has been applied for by Casey Pristou on behalf of the Margaret J. Pristou Revocable Living Trust of 405 Meadowview Drive. Parcel 4501592, currently encompassing 405 Meadowview Drive, is being split into three parcels: Parcel A located to the West and having an access to South Boyden, Parcel B located to the East and having access to Brandywine Road, and Parcel C located in the center and containing the existing structure, having access to Meadowview Drive. Each parcel is intended to be single family plots with individual septic systems, the size of the residences to be built thereon dependent upon said septic system considerations. Parcel A has street access to South Boyden Road of 56' 14" and Parcel B has street access to Brandywine Road of 82.41'. Parcel C has a grandfathered access right to Meadowview Drive.

The variance requested is as follows:

1. Section 3.3(D) of the Sagamore Hills Township Zoning Resolution states that "[m]inimum lot width at the street shall be one hundred (100) feet except sixty (60) feet on the cul-de-sac turn around and 130 feet on corner lots."
2. The requested variance for Parcel A is a variance of 42' 10" of the minimum lot width at the street.
3. The requested variance for Parcel B is a variance of 17.59' of the minimum lot width at the street.

Mr. Drago requested anyone planning to speak on this matter to please stand for the "Oath for Participation".

Mr. Drago administered the Oath for Participation as follows: "I do swear and affirm that the information and testimony given as part of this proceeding is true and accurate to the best of my knowledge and belief."

Mr. Drago asked whether notices were sent out. Mr. Snell replied yes. All notices were sent out by the zoning inspector and provided to the township.

Mr. Drago read the factors the Board of Zoning Appeals considers when the Board grants a variance. These were decided by the Ohio Supreme Court and some of them are issues we have to address when whether or not granting a variance is warranted.

The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include but not limited to:

1. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
4. Whether the variance will adversely affect the delivery of governmental services. For example; water, sewer or garbage.
5. Whether the property owner purchased the property with knowledge of the zoning restriction, or the property owner's predicament can be obviated through some method other than a variance.
6. Whether the spirit and intent of this zoning resolution will be observed and substantial justice done by granting the variance.

Mr. Drago asked Mr. Pristou to present his variance request.

Mr. Pristou gave a brief history of the property at 405 Meadowview Drive that his family has owned for the last fifty years. Mr. Pristou had a potential buyer for the property last summer, but the buyer only had an interest in the house and the pond, which is basically the central part of that property. Mr. Pristou thought if they could split the lot into three parcels there would be access to Brandywine and Boyden and the property could be buildable, with the existing structure having access to Meadowview Drive. At that time, they realized the width wasn't wide enough per the zoning resolution and a variance would be required. The intent is to build a single-family home on Boyden and a single-family home off Brandywine. Each parcel will have an individual septic system. Mr. Pristou believes they check off all of the boxes on the list of requirements that Mr. Drago mentioned at the beginning of the meeting.

Mr. Drago opened the floor for public discussion.

Kevin Snow, 263 Meadowview, asked what assurances did they have it would stay a single-family dwelling.

Mr. Snell gave a summary of the conditions that would keep the property a single-family dwelling.

There was a discussion and review of the drawings.

Mr. Frank Kopas, 7495 Boyden, shared some concerns regarding changing the code. Mr. Snell stated they were not talking about changing the code. This is a variance request. Mr. Snell gave an explanation. There was a discussion.

Mr. Drago asked whether anyone else from the public wished to speak.

Mr. Jerry Yedlick, 423 Meadowview, shared his concerns about trees being removed behind his house by allowing this variance. There was a discussion.

There were numerous residents that shared their concerns and objections regarding this variance. Their concerns were addressed.

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Mr. Drago closed public discussion.

Mr. Drago entertained a motion from the board as two separate variances.

Mr. DiGirolamo made a motion that we grant the variance for Parcel A of a variance of 43.86 feet of the minimum lot street width. Seconded by Mr. Spangler.

There was a discussion among the board members.

Mr. Gambosi brought up the subject of the driveways and there was a discussion.

Mr. DiGirolamo shared his concern about setting a precedent and also there is nothing on the application about undue hardship.

Mr. Spangler commented this request is not an easy decision.

The discussion continued among the board members.

Mr. Drago asked whether there was any further discussion among the board members.

Mr. Drago closed the discussion.

Mr. Drago asked for a vote on the motion before them to grant the variance for Parcel A of a variance of 43.86 feet of the minimum lot street width.

Mr. Snell called roll call.

R/C Vote: Gambosi-yes; Spangler-no; Drago-yes; DiGirolamo-no; Black-yes.

Motion passed three to two.

Mr. Drago entertained a motion for the variance for Parcel B.

Mr. Spangler made a motion that we grant the variance for Parcel B of a variance of 17.59 feet. Seconded by Mr. DiGirolamo.

There was a discussion among the board members.

Discussion closed.

Mr. Snell called roll call.

R/C Vote: Gambosi-yes; Spangler-yes; Drago-yes; DiGirolamo-yes; Black-yes.

Mr. Drago stated motion carries. Mr. Snell to report the decisions to Ray.

Mr. Gambosi made a motion to approve the minutes from the October 27, 2021 and November 9, 2021 meetings. Seconded by Mr. Spangler. R/C Vote: all in favor

Mr. Drago asked whether there was any further business.

Mr. Snell replied the board needed to set a date for a meeting on the Carter Road property. The submission was before the board. The board is to review the concept plan. The board agreed on January 19, 2022 at 7:00 p.m.

There was no further business.

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Mr. Gambosi made a motion to adjourn at 8:24 p.m. Seconded by Mr. Spangler.  
R/C Vote: all in favor