

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

Wednesday, September 14, 2016– media notified

The meeting was called to order by Chairman James Virost at 7:00 p.m.

Mr. Virost asked everyone in attendance to please silence all cell phones or pagers so that the meeting could be conducted without interruption, and 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: Drago-present; Virost-present; DiGirolamo-present; Lewis-present.

Mr. Virost commented that Mr. Gambosi was on his way to the meeting and asked Mrs. Taylor to please log him in when he arrived.

Mr. Virost stated the functions of the Board of Zoning Appeals, and the topics for the evening.

There were two matters to be addressed. The first was an application requesting an area variance applied for by David and Janet Marchant of 8174 North Boyden Road for a home renovation.

The variance requested is as follows:

1. Section 3.3E of the Sagamore Hills Township Zoning Resolution states that “the minimum front yard depth must be 100 feet from any dedicated highway center line”.
 - a. The existing house is 50 feet from the road center line. After the proposed renovation, the house would be 50 feet from road centerline.
 - b. The existing breezeway is 77 feet from the road center line. After the proposed renovation, the breezeway would be 71 feet from road centerline.
 - c. The existing garage is 72 feet from the road centerline. After the proposed renovation the garage would be 68 feet from the road centerline.

The requested variance from the road centerline is 32 feet.

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

Mr. Virost administered the Oath for Participation. “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. Virost asked whether notices were sent out. Mrs. Taylor replied that notices were sent out.

Mr. Virost asked whether there was correspondence received. Mrs. Taylor responded that no correspondence was received.

Mr. Virost gave the floor to Mr. & Mrs. Marchant.

Mr. and Mrs. Marchant reiterated what was in their letter dated July 28, 2016 to the members of the board.

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Mr. Virost asked whether anyone had any comments regarding the Marchant's request for an area variance.

Dwight Chasar, 163 Sandy Hill, stated this is a non-conforming lot and house, and the request is to make it more non-conforming.

Mr. Virost agreed with the statement made by Mr. Chasar.

Mrs. Marchant stated when they purchased the home five years ago, being from England, they did not know what non-conforming lot meant, and were not informed by the owners or realtor at the time of purchase of the non-conforming nature of the residence. They would not have purchased the home if they had known what non-conforming meant because it has caused them problems.

Mr. Chasar stated Section 9.3 of the zoning resolution suggests that you can't take a non-conforming use and make it more non-conforming.

Mr. Virost asked whether anyone else had any comments regarding this property. There were no further comments.

Mr. Virost closed the public discussion.

Mr. Virost made a motion to approve the variance as requested by Mr. & Mrs. Marchant.

Motion seconded by Ms. Lewis.

Mr. Virost asked whether there were any comments by the board.

Ms. Lewis expressed a safety concern in regard to the side of the garage going into the yard because of erosion.

The Marchants agreed and understood that proper footers would have to be installed to support the new structure. Because of the safety concern, the Marchants have not parked their vehicles in the garage.

Mr. DiGirolamo asked for clarification from the Marchants as to what was indicated on their drawing in regard to garage size. The Marchants clarified the information on their drawing.

Mr. Virost asked whether Mr. DiGirolamo had any more questions. He responded not at this time.

Mr. Virost stated the property behind the Marchants was a hardship because of the extreme slope behind the garage and felt the only reasonable option was to go forward. This is a non-conforming lot and if we do nothing it is still non-conforming. Any construction on a non-conforming lot needs to be approved.

Mr. Drago confirmed the expansion would not exceed the allotted square footage of the garage. Mr. Drago commented on what Mr. Chasar referred to earlier in Section 9.3.

There was a brief discussion on Section 9.3 and 9.4.

Mr. Virost asked Mrs. Taylor to please note that Frank Gambosi was in attendance.

Mr. Virost asked Mr. Gambosi whether he was familiar with the Marchant's request. He replied yes.

Mr. Virost stated there had been a motion made and seconded to approve this request as proposed. Mr. Chasar indicated that the property is non-conforming now, and if this was approved it would be more non-conforming by about three feet.

Mr. Virost asked whether Mr. Gambosi had any comments.

Mr. Gambosi replied wouldn't this be grandfathered.

Mr. Chasar commented the fact that it is there, it is grandfathered.

There was a brief discussion.

Mr. Gambosi said he was okay with the proposed request because after the renovation the house would still be 50 feet from the road centerline, it would enhance the building and not do any harm.

Mr. DiGirolamo commented as an attorney he did not see Section 9.3 applying because we are not talking repair and maintenance, but an alteration. Section 9.4 speaks about changes in a non-conforming use, and this is not changing the use. Mr. DiGirolamo stated he did not believe Section 9.3 or Section 9.4 applied to this situation.

Mr. Virost asked the board whether there were any further comments. There were no comments.

R/C Vote: Gambosi-aye; Drago-aye; Virost-aye; DiGirolamo-aye; Lewis-aye.

Motion approved.

Mr. Snell commented the Marchant house was built in 1930 and predates the zoning resolution.

The second matter pertained to the approval granted to GRNWD Development, LLC for a 17 ft. variance from the seventy-five (75) foot setback with the following condition:

Applicant shall install a three (3) foot earth mound over the entire rear of the property behind the new parking spaces at least three feet in height and paralleling the parking spaces and extending back no more than 24 feet. The mound shall extend from the Eastern property line to the driveway apron to the West. A six (6) foot board on board fence shall be installed with a dark vinyl color paralleling said parking spaces on the top of said earthen mounds bringing the total heights to nine (9) feet above grade. The fence shall extend one foot from the property line to the East to approximately two (2) feet from the driveway apron to the West. Two rows of evergreen trees of the type as outlined in the plan presented on July 21, 2016 shall be installed being six feet in height and six feet on center and shall be staggered along said fence line in two rows to shield the view of neighbors.

In regards to the subject approval, Emmco Realty Group, owner of Highpoint Plaza, reviewed the BZA approval with Dominion East Ohio. Dominion has reviewed the plan and informed Emmco that easement guidelines only allow fencing/plant material to be placed at a maximum height of three (3) feet over the easement. A mound is not permitted on the easement.

Mr. Virost stated the approval we granted back on July 21, 2016 cannot be executed because of easement requirements set by Dominion East Ohio.

Mr. Virost said there were two options. The board could accept a revised proposal that would be in conformance with Dominion East Ohio easement requirements or say the easement could not be done as it is and deny the request.

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Mr. Snell gave a brief summation of the background of this issue and provided recent photographs showing that the parking lot had been installed, the mounding had been installed but stopped at the point of the easement. Mr. Virost confirmed with Mr. Snell that the recent photographs were in conformance with Dominion East Ohio requirements.

Mr. Soclof shared his revised proposal with the board.

A lengthy discussion followed.

Ms. Lewis made a motion to modify the board's motion to grant applicant, GRNWD Development, LLC certain variances of July 21, 2016 with the following additional provisions that shall merely supplement the motion of July 21, 2016.

1. The three (3) foot earthen mound has now been installed to final grade and shall remain, but shall not be installed over the Dominion Easement on the northeastern corner of applicant's property as set forth in the attached revised drawing. The earthen mound shall extend to the west to the driveway as now installed and set forth in the attached drawing.
2. The six (6) foot fence to be installed above the earthen mound and across other portions of the applicant's property shall be a solid vinyl being Veranda Linden Cypress in color or equivalent. The fence shall begin in the east at the edge of the parking lot per the drawing and parallel to Dominion easement then turn west over the earthen mound to create a total height of nine (9) feet above grade. The fence shall follow the ridge of the earthen mound and then extend paralleling the driveway to its termination. The termination point shall parallel to frontage of the residence of 7701 Sagamore Hills Blvd.
3. The two rows of evergreen trees outlined in the original approval shall remain the same, but three (3) foot shrubs shall be installed behind only the western portion of the fencing along the Dominion easement as required by Dominion. In addition evergreen trees as outlined in the original plan shall extend along the additional western fence from the end of the earthen mound to the point of termination of the fence. Additional equivalent evergreen trees shall be installed along the driveway as appropriate, but in no case closer than twenty-five (25) feet to the road right-of-way.
4. All remaining provisions of the motion of July 21, 2016 not inconsistent with this motion shall remain binding upon the applicant.

Motion seconded by Mr. Drago.

R/C Vote: Gambosi-aye; Drago-aye; Virost-aye; DiGirolamo-aye; Lewis-aye.

Mr. Snell thanked Mr. Soclof for attending the meeting at the last minute, being cooperative with everyone and working through this.

Ms. Lewis made a motion to approve the minutes of the July 21, 2016 meeting. Seconded by Mr. Drago. R/C Vote: all in favor

Mr. Virost felt the board should make a motion that the alternate Board of Appeals member be compensated to attend all meetings whether they are participating or not, and be compensated at the same rate as the regular board members.

Mr. Snell suggested this be taken to the trustees, and didn't believe it would be an issue.

There was no further business.

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Mr. Gambosi made a motion to adjourn at 8:05 p.m. Seconded by Mr. Drago.
R/C Vote: all in favor