

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

**Wednesday, September 2, 2020– 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: Drago-present; DiGirolamo-present; Spangler-present; Gambosi-present.

Mr. Drago stated the first order of business was the election of officers for 2020 as there has not been a meeting since September 25, 2019.

Mr. Drago entertained a motion to appoint a Chairperson. Mr. Spangler made a motion that the current Chairperson remains the Chairperson. Seconded by Mr. Gambosi.

R/C Vote: all in favor, motion carried

Mr. Drago entertained a motion to appoint a Vice-Chairperson. Mr. Gambosi made a motion to nominate Mr. DiGirolamo as Vice-Chairperson. Seconded by Mr. Spangler.

R/C Vote: all in favor, motion carried

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

Topic one for the evening is an application requesting an area variance applied for by Dan and Monica Johnson of 538 Orchard Grove for a planned addition to their existing home. The planned addition adds an additional 16 ft. to the home, which currently rests 106 ft. from the center line of Orchard Grove, resulting in a proposed structure that will be 90 ft. from the center line of Orchard Grove.

The variance requested is as follows:

1. Section 3.3E of the Sagamore Hills Township Zoning Resolution states that “Minimum Front Yard Depth shall be one hundred (100) feet from any dedicated highway center line. If there is no established street right of way, said line shall be deemed to be one hundred (100) feet from the center of the road”.
2. The requested variance is a 10 ft. decrease from the allowed one hundred (100) feet from the center line of Orchard Grove.

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. Fantozzi replied yes.

Mr. Drago asked whether there was correspondence received. Mr. Fantozzi replied yes. A copy of the letter was in the packet provided to the board.

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Mr. Drago stated the floor was open for Ms. Johnson and asked her to state why she was requesting this variance.

Ms. Johnson thanked the board for allowing her to speak.

Ms. Johnson referenced our zoning resolution in regard to the purpose of a residential district was to accommodate residential development that will promote the residential character of this zone. Ms. Johnson said that is exactly what they are trying to do, and would like the board to consider granting their request for a 10 ft. variance for their front yard.

Ms. Johnson highlighted the fourteen points that she had conveyed to the Board of Zoning Appeals in her letter of July 24, 2020, attached with her application for a variance.

Ms. Johnson presented letters of support from her neighbors to the board. Ms. Johnson said she researched their neighborhood and there are at least 15 parcels that are greater than one acre that have less than 100-foot frontage. Ms. Johnson said granting them a variance would be consistent with their neighborhood. Ms. Johnson stated most of their acreage is in their backyards. Mr. Johnson added a few additional comments.

Mr. Snell appreciated what Ms. Johnson said and also confirmed she went to the GIS website to verify the acreage of neighboring properties. Mr. Snell said this is not the most accurate way to determine the acreage. He gave an explanation why.

There was a lengthy discussion regarding the center line of the road/street.

The board reviewed and discussed the drawing for the addition as provided by the Johnsons.

Mr. Drago entertained a motion. Mr. Gambosi made a motion that the board grant the 10 ft. variance. Seconded by Mr. DiGirolamo.

There was a discussion amongst the board members. The discussion was comprised of the feasibility of tweaking the drawing to allow the addition without granting the 10 ft. variance.

Mr. Drago closed the discussion. Roll call on the motion was taken by Mr. Fantozzi.

R/C Vote: Spangler-nay; DiGirolamo-aye; Gambosi-nay; Drago-aye.

Mr. Snell stated the motion failed because it didn't reach a majority. Mr. Snell stated the Johnsons have a couple of choices. They can try to comply and come back. Mr. Spangler interjected and commented that his opinion could be swayed if he were to see the location of the pool on the drawing.

Mr. Drago asked whether the appeal fee could be waived for the initial drawings or table this until the new drawings come in.

Mr. Snell replied the board had already voted on this and didn't know whether they could table this now. Mr. Drago asked whether they could waive the fee and have it as a new application; do they have the authority to do this. Mr. Snell replied it has to go back to the township to figure out what to do. A certified letter has to be sent to every resident with a new notice because it is a decision on the merit. It really is a variance. Mr. Snell suggested if the Johnson's reworked where their laundry was, they could probably make this work.

Mr. Snell believes this would have to come back as a whole new application and be advertised.

There was additional discussion.

Mr. Snell stated the Johnsons have a couple of choices. They can rework the plans and comply with the 100 ft. or rework the plan where it would still require a variance and come back to the board.

Mr. Johnson thanked the board for their time.

Mr. Drago stated it is now 7:50 p.m., September 2, 2020.

Mr. Drago stated the functions of the Board of Zoning Appeals and proceeded on to the second topic of the evening.

The second topic for the evening is an application requesting an area variance applied for by Lisa Purcell of 7422 South Boyden Road for a planned second accessory building (garage) having 875 sq. ft. The property includes an existing 1200 sq. ft. accessory building, sitting on the 4.74-acre lot. The planned accessory building adds an additional 875 sq. ft. to the 1200 sq. ft. existing accessory building. The existing principal living structure on the lot totals 3546 sq. ft.

The variance requested is as follows:

1. Section 3.5B of the Sagamore Hills Township Resolution states that in no case shall the aggregate area of the buildings exceed one thousand two hundred (1200) square ft. of foundation or fifty percent (50%) of the living area of the principal building, whichever is less”.
2. The requested variance is an eight hundred seventy-five (875) sq. ft. increase from the allowed one thousand two hundred (1200) sq. ft. aggregate foundation for accessory buildings(s).

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. Fantozzi replied yes.

Mr. Drago asked whether there was correspondence received. Mr. Fantozzi responded no correspondence was received, but Mr. Fantozzi had a correction. During all of the conversations with the zoning board dealing with accessory buildings/structures, the thought process is that accessory buildings, patios, gazebos or any new construction that is being attached to the residence foundation is included in that allowable square footage for accessory building structures. The permit is entitled Accessory Building Structures.

Ms. Purcell has a planned three-car garage separated from the house with an attached patio that has a roof, and the square footage of the patio was not included. The square footage of the three-car garage is 875 sq. ft. The square footage of the patio is 806 sq. ft. (26x31). We have a garage with an attached patio, which makes the variance for the building 1681 sq. ft. not 875 sq. ft. Ms. Purcell responded she didn't realize a patio had to be included with the request in her letter. Mr. Fantozzi responded because it is covered, the patio has to be included in the square footage.

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Mr. Drago asked Ms. Purcell for a presentation of her variance request.

Ms. Purcell presented her reason for the variance request.

Ms. Purcell explained that the current accessory building is on the far side of the property and this creates a hazard in the winter to navigate to and from the residence to park cars. The garage would provide a more aesthetically pleasing view than to have multiple vehicles stored outside of a garage. The property is 4.47 acres, completely surrounded by woods on all sides and is not exposed to any neighbors or public roads. Some surrounding properties contain buildings with a total square footage in excess of 1,200 sq. ft.

There was a lengthy public discussion.

Mr. Drago stated “if the homeowner creates a condition by his acquisition of additional personal property for his own convenience or additional vehicles, and he has created a condition which was not contemplated in the zoning resolution, this is not the basis for a variance.”

Mr. Drago asked what undue hardship would they experience if they were not granted a variance.

Ms. Purcell said the hardship in this case would be more related to both the children aging to where there are additional cars, and the risk to travel down to the current accessory building, which is not safe to access the vehicles especially in the winter.

There was additional public discussion.

Mr. Drago closed the public discussion.

Mr. Drago entertained a motion from the board.

Mr. Gambosi made a motion to grant the variance to add a 1681 sq. ft. accessory building.

Seconded by Mr. Spangler.

There was a discussion among the board members.

Mr. Spangler asked Jeff and Ray whether there were other precedents that have already been set that could be considered similar from the standpoint of the number of acres.

Mr. Snell replied the history of this is that there was not a standard for accessory buildings. There were residents over the years that put in accessory buildings and used them to run businesses from their home. It was decided to base it on the size of your lot and top the size and height of the accessory building. That is the history why this rule exists.

There was additional public discussion.

Mr. Drago said the problem he is seeing is it is not the convenience of the homeowner or the desires or wishes of the homeowner, the phrase “undue hardship” refers to the condition that the homeowner could not avoid in connection with his conformity to the zoning resolution and where there is no other solution to the problem. Mr. Drago said granting a variance of this magnitude would be for Ms. Purcell’s convenience.

Mr. Snell commented the variance is the exception and not the rule.

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Mr. Drago asked Ray Fantozzi to call roll on the motion. Spangler-nay; DiGirolamo-nay; Gambosi-nay; Drago-nay. The request for variance was denied.

Mr. Snell explained the resident's option to this decision. They can file an appeal with the Common Pleas Court, they can come back and make a different appeal, and they can be heard by the zoning commission if they want to seek a change in the zoning resolution in regard to accessory buildings.

Mr. Spangler made a motion to approve the minutes from the September 25, 2019 meeting. Seconded by Mr. DiGirolamo. R/C Vote: all in favor

Mr. Snell said Ray had two maintenance code violations that have gone out. There will also be a third.

Mr. Drago asked whether there was any further business. There was no further business.

Meeting adjourned at 9:02 p.m.