

The regular meeting of the March 15, 2006 Board of Zoning Appeals meeting was called to order at 7:04 p.m. Present were Chairman Charles Cvitkovich, Brian McElroy and Gregory Engelking. Also present were secretary Nicole Rosiu and Building Commissioner Keith Foulkes.

Mr. Cvitkovich asked the audience to stand for the Pledge of Allegiance.

There was no quorum to approve the minutes of October 19, 2005, November 21, 2005 and January 18, 2006.

New Business

Meder Variance

The secretary read the public notice for Application #20060235.

Curtis and Kristin Meder were sworn in representing this variance. Mr. Meder stated that he would like to build a house and the code says that the depth of the house has to be the average of the adjacent houses. Mr. Meder said that he has to build the house further back due to the creek. Mr. Cvitkovich stated that Mr. Meder is asking for 2 variances, one for the setback of the house and the other is for the driveway being less than 5 feet from the property line. Mr. Meder said that the property has a culvert so he has to swing the driveway closer to the property line to clear the culvert. Mr. Cvitkovich asked what the culvert is. Mr. Meder said it is a 3-foot CPU steel pipe with gravel on top of it.

Mr. Cvitkovich asked if Mr. Meder talked to anyone to see if the culvert is adequate. Mr. Meder said that it has been there a long time and Ruth Langsner has no problem with it. Mr. Cvitkovich confirmed that Ruth Langsner had no problem with it. Mr. Meder stated that Mrs. Langsner approved the topographical map and now there is just zoning issues on the property. Mr. Cvitkovich asked what the cost would be to move the culvert. Mr. Meder said probably expensive. Mr. Meder stated that if he paid to have the culvert moved, he wouldn't have enough money to build his house. Mr. Engelking asked if the house is going to have a basement. Mr. Meder said yes.

Mr. Cvitkovich asked Mr. Foulkes if Ruth Langsner made any comments to him. Mr. Foulkes stated that he had discussions with Ruth and she indicated that Mackay surveyed the property and the integrity of the pipe is still there. Mr. Foulkes said that if the culvert were going to be modified, Mr. Meder would have to go through the Army Corp of Engineers. Mr. Cvitkovich said that if Mr. Meder looks into replacing the culvert, he would have to go through the Corp. process. Mr. Foulkes said yes. Mr. Cvitkovich asked how far off the property line the driveway would be. Mr. Meder said about 2 ½ feet or so. Mr. McElroy asked how far the driveway would be lengthwise to the property line. Mr. Meder said he wasn't sure, maybe 20 feet. Mr. McElroy asked if the same person owns the property next door. Mr. Meder said he does not know.

Mr. Engelking asked how far back the house would sit from the road. Mr. Meder said about 150 feet to the garage. Mr. McElroy asked Mr. Foulkes if he knows how close the adjacent houses are to the road. Mr. Foulkes said he did not know. Mr. Cvitkovich measured and stated that the house to the South is 75 feet from the road and the house to the North is 110 feet from the road. Mr. Cvitkovich asked Mr. Meder if he looked into extending the culvert rather than moving it. Mr. Meder said that he would like to do that in the future with more of a budget. Mr. Cvitkovich asked Mr. Foulkes if a permit is required to extend the culvert. Mr. Foulkes said that a permit would only be required to widen the drive. In order to extend the culvert, Mr. Meder would go through the county and the Army Corp. Mr. McElroy asked if Mr. Meder would have to take down trees if he straightened the driveway out. Mr. Meder said yes.

Mr. Engelking said that on the drawing it says, "Unexcavated" where the garage is. Mr. Engelking asked what that meant. Mr. Meder stated that it means the garage slab will be at the same level as the driveway. Mr. Engelking asked what is to the North of the property. Mr. Meder said a newer house. Mr. Engelking

asked if the owners have a problem with the driveway being that close to their property. Glenn Pickens was sworn in. Mr. Pickens said he lives in the house to the North and he has no problem with the driveway being that close to the property line. Mr. Cvitkovich asked if Mr. Pickens has the same issue with the creek. Mr. Pickens said no. Mr. Cvitkovich asked why the house was built so close to the street. Mr. Pickens stated that that is just where they wanted the house to be built.

Mr. Engelking moved to approve Application #20060235 as submitted. Seconded by Mr. McElroy. Roll call, all approved.

Zeiger Variance

The secretary read the public notice for Application #20060268.

Scott Zeiger was sworn in representing this variance. Mr. Zeiger said he has 2 phases of the variance. Mr. Zeiger stated that the first is to add to the existing garage and the second is to build a pole barn 5 feet behind the garage. Mr. Cvitkovich stated that the dimensions of Mr. Zeiger's property are approximately 46,040 sq. ft. Mr. Cvitkovich asked Mr. Zeiger if he is changing the height of the garage. Mr. Zeiger said no. Mr. Zeiger said he has a trailer park behind his property and wants them and himself to have a better view. Mr. Engelking asked what Mr. Zeiger would be storing in the pole barn. Mr. Zeiger said he has a front-end loader, a couple 4-wheelers and trailers to haul the 4-wheelers. Mr. Cvitkovich stated that Mr. Zeiger is asking for 948 square feet over what is allowed on the pole barn and 93 square feet over what is allowed on the garage.

Mr. McElroy asked how tall the existing shed is. Mr. Zeiger said it is about 6'-7' tall, it is an old chicken coupe. Mr. Engelking asked what is currently in that building. Mr. Zeiger said mostly pool equipment. Mr. Cvitkovich stated that the board's decision is based on practical difficulty and adding storage space is not a practical difficulty. Mr. McElroy asked how Mr. Zeiger's equipment is being stored currently. Mr. Zeiger said outside, some of it under tarps. Mr. Cvitkovich stated that if the garage addition is 6' x 28', it would be within the allowable square footage. Mr. Zeiger said that he could do that, but the 10-foot width gives him room for his table saw and woodworking materials. Mr. Cvitkovich stated that if Mr. Zeiger got rid of the existing shed and put in a 16' x 28' pole barn, it would remain within the square footage. Mr. Zeiger said that he thought the reason for the variance was to go beyond that.

Mr. Cvitkovich stated that a want is not a hardship. Mr. Zeiger said that he wants to have a good relationship with his neighbors. Mr. Cvitkovich stated that there are other ways to store things, like a storage facility. Mr. Zeiger said that would be impractical because he can't work on his 4-wheelers at a storage facility. Mr. Engelking asked what the plan is for the pole barn. Mr. Zeiger said he would like to make the pole barn a shop to do woodworking. Mr. Cvitkovich asked what the time frame is to build the pole barn. Mr. Zeiger stated that he would re-file if he can't build it in a year.

Mr. Cvitkovich asked if anyone had a comments or questions. Lou Uptegrove was sworn in. Mr. Uptegrove said that he lives 2 doors North of Mr. Zeiger and him and Mr. Zeiger's neighbor both have no problem with it. Mr. Zeiger stated that if it needs to be tabled to work out something, it would be okay. Mr. Cvitkovich said that in his opinion, the pole barn is too big, but the garage addition is reasonable. Mr. Zeiger asked what would be reasonable if he got rid of the existing shed. Mr. Cvitkovich stated that 20' x 24' or 20' x 28'. Mr. Cvitkovich stated that a 24' x 28' would be about 1 ½%. Mr. Engelking said he has no problem with 1 ½%. Mr. Engelking asked if the driveway is currently paved. Mr. Zeiger said yes. Mr. Zeiger amended his application to construct a 24' x 28'. Mr. McElroy asked if it would be a steel frame building or wood. Mr. Zeiger stated that it would be a stick frame with footers and siding to match existing. Mr. Engelking moved to approve application #20060268 as amended, to remove the existing 10' x 20' shed and construct the proposed pole barn no bigger than 24' x 28'. Seconded by Mr. McElroy. Roll call, all approved.

Kurtz Bros. Conditional Use

The secretary read the public notice for Application #20060245.

Greg Boehmer was sworn in representing this variance. Mr. Boehmer stated that there is an existing sign on the property at 27005 Cook Rd. left over by Western Reserve and Kurtz Bros. would like to keep the new sign in the same spot but make it shorter. Mr. Cvitkovich asked why they are changing the sign. Mr. Boehmer said Kurtz Bros. took over the lease on the building from Dugan's Partners. Mr. Cvitkovich asked Mr. Boehmer if he is aware that he needs a Conditional Use Certificate for operation of a business. Mr. Boehmer stated that he was not aware of that. Mr. Cvitkovich asked Mr. Foulkes if that is correct. Mr. Foulkes said yes, any change or modification requires a conditional use certificate and it is non-transferable from the previous owners.

Mr. Cvitkovich asked if Kurtz Bros. is the same type of business as Western Reserve. Mr. Boehmer said yes, same material, landscape supply. Mr. Engelking stated that the photos taken by the Building Dept. show the materials located under the high-tension wires. Mr. Boehmer said the materials are close and may cross under. Mr. Engelking said that Kurtz Bros. might be in violation of the Illuminating Company. Mr. Engelking suggested getting clarification from the electric company stating that it's okay to load and unload with a truck, that close to the lines. Mr. Boehmer said that they did talk about that before getting the property and the trucks can go at an angle, but Mr. Boehmer stated that he understands the board's concerns with that.

Mr. Foulkes stated that the Building Department requires an occupancy inspection and zoning certificate to operate. Mr. Foulkes said he might need to go to the prosecutor to get a legal opinion. Mr. McElroy asked if the house on the property is occupied. Mr. Boehmer said that Dugan's Partners owns it and rents it out. Mr. McElroy asked where the property lines are. Mr. Boehmer said he is not sure exactly where the property lines are. Mr. Cvitkovich stated that the drawing submitted is incomplete. Mr. Engelking said the drawing should show property lines and utilities.

Mr. Engelking suggested tabling this application. Mr. Cvitkovich said he would like to table it also, for further information, including: An accurate site plan with dimensions and property lines, the C.E.I. easement, underground and overhead utilities, the adjoining properties and distances, and where the storage areas will be located. Mr. McElroy mentioned that there were 2 complaint letters received.

Mr. Engelking moved to table Application #20060268 for further information. Seconded by Mr. McElroy. Roll call, all approved.

Floor Discussion

Mr. McElroy moved to adjourn at 8:33 p.m. Seconded by Mr. Engelking. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, Secretary

Charles Cvitkovich, Chairman

Date