

The regular meeting of the October 18, 2006 Board of Zoning Appeals meeting was called to order at 7:01 p.m. Present were Chairman Charles Cvitkovich, Genevieve Silveroli, Larry Maser and Brian McElroy. Also present were Building Commissioner Keith Foulkes and Secretary Nicole Rosiu. Mr. Cvitkovich asked the audience to stand for the Pledge of Allegiance.

Mr. Maser moved to approve the minutes of the July 19, 2006 Board of Zoning Appeals meeting. Seconded by Ms. Silveroli. Roll call, all approved. Mr. Cvitkovich abstained.

Mr. Maser moved to approve the minutes of the September 20, 2006 Board of Zoning Appeals meeting. Seconded by Mr. McElroy. Roll call, all approved. Ms. Silveroli abstained.

New Business

Shaker Variance

The secretary read the public notice for Application #20061376.

Todd Shaker was sworn in representing this variance. Mr. Shaker stated that he would like to keep the temporary sign up until the property is sold. Mr. Shaker stated that the sign is 16 feet from the road and it is concreted in the ground. Mr. Cvitkovich stated that the board needs to hear a hardship. Mr. Shaker said that the sign is on 4"x 4" posts that are cemented into the ground so the sign would be very difficult to move. Mr. Cvitkovich said that Mr. Shaker would have to take the sign down at some point. Mr. Shaker stated that he knows, but he would like to keep the sign up for at least 6 months or until the property is sold.

Mr. Cvitkovich asked Mr. Shaker what his hardship is for keeping the sign up longer than 30 days. Mr. Shaker said that the property will not sell in 30 days. Mr. Shaker asked what the difference is between his sign and the Howard Hanna Smythe Cramer signs. Mr. Cvitkovich said those signs are different, there is no definition for the smaller signs. Mr. Foulkes stated that if temporary signs are under 6 square feet, they are not regulated.

Mr. Shaker asked if he could get an extension on the time limitation for the sign. Mr. Cvitkovich said that is why Mr. Shaker is at the meeting. Mr. Cvitkovich asked Mr. Shaker what his hardship is. Mr. Shaker said it is a \$300.00 sign and it is difficult to sell the property without advertising. Mr. Shaker stated that he was not aware of the code when the sign was made. Mr. Cvitkovich said not knowing the code is not a hardship. Mr. Shaker stated that he would take it down if he had to.

Mr. Cvitkovich said that the board is looking for a 3 square foot reduction of the sign. Mr. Cvitkovich asked Mr. Shaker if there is any possibility of reducing the size of the sign. Mr. Shaker said he could look into it. Mr. Shaker asked if he could have a 30-day extension to have the sign re-sized. Ms. Silveroli said that sounds reasonable. Mr. Shaker said that the sign is at least 16'- 18' off of Bagley Rd. and it is surrounded by trees. Mr. Shaker said the sign needs to be larger to attract potential buyers.

Ms. Silveroli moved to approve Application #20061376 with the verbal request that the sign be granted a 30-day extension so Mr. Shaker can order a sign that complies with Township Zoning Regulations. Seconded by Mr. Maser. Roll call, all approved.

Guildoo Variance

The secretary read the public notice for Application #20061468.

Sandra Guildoo was sworn in representing this variance. Ms. Guildoo stated that she had a fence installed at her house on the corner of Homestead Dr. and Skyline Dr. 19 years ago. Ms. Guildoo said that she applied for a new fence to replace the old fence and was approved. Ms. Guildoo said the fence company started installing the fence 2 months after it was approved and an inspector came out and the fence was too close to the road. Ms. Guildoo stated that they gave her permission to install the fence that close. Mr. Cvitkovich asked Ms. Guildoo who gave her permission. Ms. Guildoo said one of the inspectors.

Ms. Silveroli asked how tall the fence is. Ms. Guildoo said 42". Ms. Guildoo said that the Building Department waited until the entire fence was down to cite her. Ms. Guildoo stated that the Building Commissioner stamped her plans "approved." Mr. Foulkes said that he is not sure which inspector went to Ms. Guildoo's house but the code states that a fence can only be 2 ½ feet tall within 25 feet of the right-of-way. Mr. Foulkes stated that he visited the site and did not see any visual issues at the corner of Skyline Dr. and Homestead Dr.

Ms. Guildoo asked what a right-of-way is. Mr. Cvitkovich stated that it is owned by a municipality and it usually extends one foot past the sidewalk. Mr. Cvitkovich said that the right-of-way on Homestead Dr. and Skyline Dr. is 60-feet. Mr. Cvitkovich explained that Ms. Guildoo would measure 30-feet from the center of the road and an additional 25-feet to be out of the right-of-way. Ms. Guildoo said that would take up a lot of her yard. Ms. Guildoo said that the fence followed the code when it was built 19 years ago. Mr. Cvitkovich stated that if the fence is changed, it must comply with the current codes. Ms. Guildoo said that if Elyria Fence would have been notified when the fence was approved, she would have left the posts and the fence would have been grandfathered.

Tom Polen, President of Elyria Fence, was sworn in. Mr. Polen said that his company has run into zoning problems everywhere, but he always tries to work with the cities. Mr. Polen stated that his secretary talked to someone in the Building Department who told her the fence was too close to the road. Mr. Polen said a Building Inspector came out after that and said the fence was okay. Mr. Polen said the Building Department approved the permit saying the fence was okay. Mr. Cvitkovich said that unfortunately, the only way to have the fence permitted is through a variance. Mr. Polen said that the Building Department ruled that the fence was legal and then changed their minds. Mr. Polen stated that there may be a conflict within the Building Department. Mr. Polen said that the hardship is the safety of Ms. Guildoo's grandchildren and dog. Mr. Cvitkovich asked what kind of dog Ms. Guildoo has. Ms. Guildoo said the dog is a 70 lb. mutt and she has 2 grandchildren that are 4 and 2.

Mr. Cvitkovich asked Mr. Polen what the estimated cost would be to change the fence so it complies. Mr. Polen said he didn't know, possibly \$1,000.00. Ms. Guildoo said she has already spent \$9,000.00, another \$1,000.00 would be a financial hardship. Mr. Cvitkovich asked if the fence is 42" high all the way around the property. Ms. Guildoo said yes. Mr. Cvitkovich asked if the fence is in the same location as before. Ms. Guildoo said yes. Mr. Cvitkovich asked Ms. Guildoo why she replaced the fence. Ms. Guildoo said the fence was old.

Mr. McElroy moved to approve Application #20061468 as submitted. Seconded by Mr. Maser. Roll call, all approved.

Ms. Silveroli swore in Herbert McTaggart as a new member of the Board of Zoning Appeals.

Patay Variance

The secretary read the public notice for Application #20061492.

Mark Van Rooy was sworn in representing this variance. Mr. Van Rooy said that Mr. Patay built a patio on the back of his house. Mr. Van Rooy stated that Mr. Patay has an irregular shaped lot and wants to re-consolidate his lot and the lot located at 26858 Schady Rd. to avoid any encroachment issues if the property is ever sold. Mr. Van Rooy said that Mr. Patay's lot would not be deep enough to conform. Mr. Cvitkovich asked Mr. Foulkes what the Building Department's method is for measuring the depth of a lot. Mr. Foulkes said the depth is the line parallel to the street. Mr. Cvitkovich asked what point Mr. Foulkes measures from. Mr. Foulkes said from the front to the back of the property line.

Mr. Foulkes read Section 110.02 (62)(b) Rear Lot Line, "The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line." Mr. Foulkes said that if there was a ten

foot strip in the rear of the property, it would be used as the rear lot line. Mr. Cvitkovich read Section 110.02 (62)(a) Front Lot Line, "The line separating an interior lot from the street right-of-way on which the lot fronts, or the shortest line of a corner lot that abuts a street, except that when the lot lines abutting streets are of equal lengths, the front lot line shall be the lot line abutting the street having the longest block frontage." Ms. Silveroli stated that the shorter front lot line is along Schady Rd., so the rear lot line would be the lot line parallel to Schady Rd.

Mr. Foulkes asked Mr. Cvitkovich where he would measure from. Mr. Cvitkovich read Section 110.02(61) Lot Depth, "The distance between mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear." Mr. Cvitkovich said if he measured by that definition, the lot depth would be 220 feet.

Mr. McElroy asked Mr. Foulkes if he believes the lot would become bigger, smaller or stay about the same. Mr. Foulkes said he believes the lot would be slightly larger.

Mr. McTaggart asked how the taxes would be handled on increasing the lot size. Mr. Cvitkovich said that it would be recorded with the County.

Ms. Silveroli moved to approve Application #20061492 as submitted. Seconded by Mr. McElroy. Roll call, all approved.

Pulte Parking Spaces

The secretary read a letter submitted by Pulte requesting the Board of Appeals to table their application for a variance.

Mr. Maser moved to table the variance until the November meeting. Seconded by Ms. Silveroli. Roll call, all approved.

Christine Miller was sworn in. Ms. Miller stated that she was at the meeting to hear the Pulte variance. Ms. Miller asked if she should come to the November meeting if she has questions. Mr. Cvitkovich said yes.

Floor Discussion

Mr. Cvitkovich stated that he cannot attend the meeting on November 15, 2006 and that Ms. Silveroli may not be able to make it either.

Carol Andrews was sworn in. Ms. Andrews asked if the board was going to talk about Mr. Schroth's request. Mr. Andrews also added that the all of the board members seem very reasonable and they are willing to work with everyone and that they are doing a very good job. Mr. Cvitkovich said that Mr. Schroth's request will be heard shortly, he is on for the Board of Building Code Appeals meeting.

Mr. Cvitkovich suggested that the board meet around November 28. The Board members will follow up with Ms. Rosiu with their availability in November.

Mr. Maser moved to adjourn at 8:05 p.m. Seconded by Mr. McElroy. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, Secretary

Charles Cvitkovich, Chairman Date