

**Board of Zoning Appeals Meeting**  
**November 30, 2017**  
**ZA-10-17**

Members/Attendance:	X	Hank Grover
	N/A	Jim Burgham
	X	Michael Johnston
	X	Ricky Morrison
	X	Albert Sciulli
	X	Robert Durick
Also in attendance:	X	Bob Monus, Zoning Inspector
	X	Michele Richards, Recording Secretary

Mike Johnston called the meeting to order at 7:00 p.m.

**1st Order of Business:**

Mike Johnston stated that the first order of business is to approve the minutes of the October 26, 2017 meeting. Ricky Morrison made a motion to approve the minutes from the October 26, 2017 meeting. Al Sciulli seconded the motion.

Voting:

Yes	Ricky Morrison
Yes	Al Sciulli
Yes	Hank Grover
Yes	Bob Durick
Yes	Mike Johnston

Minutes approved.

**2<sup>nd</sup> Order of Business:**

*Case #ZA-10-17 – Is a variance request by Michael and Cristin Balale to obtain relief from fence regulations for height of fence between the street right-of-way line and the minimum building setback line, and also for location (distance) from the street right-of-way line. The property is located at 6707 Shawbutte Street, known as parcel #35-022-0-100.00-0, lot number 276 and is located in Poland Township, Poland, Ohio, in a (R-1) Residential-1 zoned district.*

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Property Screen Print
5. Property Description (Auditor)
6. County GIS Plate Map
7. Zoning District Map
8. Proposed Site Plan
9. Warranty Deed
10. Dutko letter (email) opposing the variance

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**Michael Balale**  
**6707 Shawbutte Street**

Balale stated they moved into the house a year ago and have done a lot of work to improve the property. They have two young children that play outside quite a bit, as well as two dogs. He stated he would not request a fence if it would impair traffic views or deter the neighborhood in any way.

Mike Johnston asked if anyone would like to speak in favor of this request.

**Mackenzie Klim**  
**6742 Katahdin**

Mackenzie Klim stated she is in favor of the request. She feels it is a safety issue for the children and pets of the family.

**Maureen Klim**  
**6742 Katahdin**

Maureen Klim stated she is in favor of the request. She stated that the Balale's have done a lot of work at their home and have improved the neighborhood. She does not know the appellant personally but is in favor of the request for the fence.

Mike Johnston asked if anyone would like to speak against this request.

**Mark Wigley**  
**6789 Katahdin**

Mark Wigley stated the Balale's are wonderful people and have improved their property. He has three friends in Poland that live on corner lots that have tried to put up a fence and have been rejected. He stated it is not a personal issue but he is not in favor of the request.

**Catherine Wigley**  
**6789 Katahdin**

Catherine Wigley stated she is not in favor of the fence. She feels rules are rules and others in the same situation have been rejected.

Mike Johnston read an email received by the Zoning Office from Ronald and Sue Dutko, 6662 Katahdin Drive, opposing the variance request.

Johnston stated that a follow up was made to the Dutko's statement "no variances were granted for two corner lots on Katahdin and Whittier". It was found that since 1998 (as far back as the database goes) there has not been anyone that applied for a variance for a fence.

Mike Johnston asked if anyone else would like to speak.

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**Cristin Balale  
6707 Shawbutte**

Cristin Balale stated to clarify that they are permitted to construct a six (6) foot fence per zoning requirements; they are just requesting an extension of the setback. The fence will be a white vinyl fence.

**Michael Balale  
6707 Shawbutte**

Michael Balale stated in regard to the Dutko complaint, they are against the request for a six (6) foot fence. Balale stated the variance request is for the location of the fence, not the height of the fence.

Mike Johnston explained to Balale that he is permitted to build a six (6) foot fence as long as it is line with the structure. Since they are requesting to move it, it does require a variance.

Hank Grover stated that moving the fence in line with the garage to five feet from the right of way line will create no safety hazards. Utilities will have enough room for digging if needed. The appellant is making improvements to the property. He then proceeded to make the following motion:

***Motion***

*Hank Grover made a motion in Case ZA-10-17 to approve the variance requests as submitted, (per Section 7.14 Fences and Walls, Item 3.) Appellant requests a fence height of six (6) feet. Item 4: the request is amended to the following: Appellant requests setback to be reduced to five (5) feet inside secondary property line (original request was eleven and one half (11 1/2) feet). Bob Durick seconded the motion.*

Voting:

- Yes Hank Grover
- Yes Bob Durick
- Yes Ricky Morrison
- Yes Al Sciulli
- Yes Mike Johnston

Motion carried.

Meeting adjourned at 7:50 p.m.

Submitted by:  
Michele Richards/Recording Secretary

- cc: Trustees (3)  
Board of Zoning Appeals (6)  
Zoning Commission (6)  
P. Canter, Fiscal Officer (1)  
File (1)