

**Board of Zoning Appeals Meeting**  
**June 6, 2013**  
**ZA-05-13, ZA-06-13**  
**(Corrected copy)**

Members/Attendance:	X	Hank Grover
	X	Jim Burgham
	X	Bill Custer
	X	Holly Grant
	X	Michael Johnston
Also in attendance:	X	Bob Monus, Zoning Inspector
	X	Michele Richards, Recording Secretary

Hank Grover called the meeting to order at 7:02 p.m.

**1st Order of Business:**

Hank Grover stated that the first order of business is to approve the minutes from the meeting held on April 4, 2013. Jim Burgham made a motion to approve the minutes from the April 4, 2013 meeting. All members were in favor. Minutes approved.

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

*Case #ZA-05-13 – Is a variance request by David DiLullo to obtain relief from accessory building regulations for square footage and height. The proposed accessory building will be twenty-eight feet wide by thirty-two feet deep by eighteen feet high (28W x 32D x 18H) and will be located at 5517 Walnut Grove Circle, known as parcel #39-017-0-017.00-0-0, Lot 27. Parcel is located in Poland Township, Poland, Ohio, in an Estate (E) zoned district.*

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Warranty Deed
5. County Map
6. Property Description
7. Site Plan

**David DiLullo**  
**5517 Walnut Grove Circle**

DiLullo stated he is requesting permission to build a twenty-eight by thirty-two (28 x 32) foot garage. Grover asked if there is any additional information or changes. DiLullo stated no.

Holly Grant asked DiLullo why he is requesting the size of garage. DiLullo stated he has a scaffold pick board, which is twenty-four (24) feet that he would like to store in the building. Grant asked DiLullo about the height. DiLullo stated the requested height is to match the height of the house.

Jim Burgham asked DiLullo what the distance will be between the house and the garage. DiLullo replied fifteen (15) feet. Grover stated that fifteen (15) feet is the township regulation.

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Hank Grover asked if anyone would like to speak in favor of this request. No one replies. Hank asked if anyone would like to speak against this request.

Jim Burgham stated that DiLullo has a lot of property and he agrees with the height of the proposed building since it will be the same as the house. He feels the proposed building is reasonable for the size of the lot.

After further discussion, the following motion was made:

***Motion***

*Jim Burgham made a motion in Case ZA-05-13 to grant the variance request to allow for the additional square footage of an accessory building of eight hundred ninety-six (896) square feet and additional height of eighteen (18) feet, provided all other zoning requirements are met. Holly Grant seconded the motion.*

Voting:

Yes Jim Burgham  
Yes Holly Grant  
Yes Bill Custer  
Yes Mike Johnston  
Yes Hank Grover

Motion carried.

**3<sup>rd</sup> Order of Business:**

*Case #ZA-06-13 – Is a variance request by Jim Mahoney of AES Surveying & Land Planning, Inc., and is representing Premier Development LTD, to obtain relief to reduce the front yard building setbacks to forty (40) feet and rear yard building setbacks to thirty (30) feet, for Park Place subdivision, plat number 3 for the following streets: Park Place Drive, St. James Way, Garden Place, and Virginia Place, for a total of 27 lots. All parcels are located in Poland Township, Poland, Ohio, in an Estate (E) zoned district.*

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Letter of Representation, James Mahoney, P.S.
5. Letter of Representation, Premier Development Carmen Shick, President, Premier Development
6. Letter, Michael Kurilla, Jr.
7. Warranty Deed
8. County Map
9. Property Description
10. Site Plan
11. Maps showing buildable area

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Hank Grover stated for the record that Jim Mahoney was Vice President and he was President of Western Reserve Land Consultants when this plat was prepared and approved in 2006. Grover stated that he and Mahoney did the platting because the engineers involved in the project did not have an Ohio surveyor license. Grover stated he was involved in this project, but not in the design of the lots or roadways.

**Michael P. Kurilla, Jr.**  
**1103 Polly Drive**  
**Youngstown, Ohio 44515**

Kurilla stated he is speaking for Jim Mahoney, who is currently attending another meeting. Kurilla stated that the variance request is for 27 lots within the interior of Park Place plat number 3 subdivision, which has frontage on the three dedicated streets named Garden Place, St. James Way, and Virginia Place. Kurilla stated for the record that Brian King, General Manager of Premier Development, is in attendance at tonight's meeting.

Kurilla stated that in the spring the property owner had approximately four requests for development of these interior cul-de-sac lots. The individuals wanting to construct their homes on these lots have a problem with the foundation footprint not being able to fit within the buildable area, as the Zoning Ordinance requires presently a fifty (50) foot front setback and a forty (40) foot rear setback. Cul-de-sac lot setbacks are not lineal, they are staggered.

Kurilla referred to the following case exhibits: the Park Place Subdivision current buildable area map, the Park Place Subdivision proposed buildable area map, and a letter explaining the appellant's practical difficulty.

Hank Grover asked the board members if there were any questions. Jim Burgham asks what are the current setbacks required under deed restrictions for the development and what is the minimum square footage required under deed restrictions. Kurilla stated that Brian King would be able to answer those questions.

**Brian King**  
**General Manager**  
**Premier Development**  
**2859 Benjamin Franklin Highway**  
**Edinburg, PA 16116**

Burgham asked King if the existing homes have a fifty (50) foot setback. King replied yes. Burgham asked what the minimum square footage is for existing homes. King replied two thousand (2,000) square feet for a ranch home or a two story with a two thousand (2,000) square footprint. King stated that the most recent inquiry was for a three thousand four hundred (3,400) square foot floor plan, which could not be accommodated by the fifty-five (55) foot depth footprint of the current zoning regulations.

Hank Grover asked if anyone would like to speak in favor of the request. No one responds. Grover asked if anyone would like to speak against the request or has questions.

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**Steve Massarelli**  
**3616 Park Place Drive**

Massarelli stated that the current bylaw restrictions allow for a sixty (60) foot setback. His house is at sixty, if it gets changed to forty (40), that would be a twenty (20) foot difference. He is concerned that the neighbor across the street will be twenty (20) feet closer, he has twenty (20) feet invested in concrete and piping, and it will shorten his backyard.

Holly Grant asked Massarelli if his home faces Park Place Drive. Massarelli replied yes. Grant stated that what Premier is requesting will not change what he has now. Massarelli stated that they followed the rules of the bylaws. The neighbor across the street will be twenty (20) feet closer and they will have a nicer size backyard.

Grant asked if the bylaws have been changed. Grover stated he was told there was a deed restriction of sixty (60) feet from the right-of-way.

**Brian King**  
**General Manager**  
**Premier Development**  
**2859 Benjamin Franklin Highway**  
**Edinburg, PA 16116**

King stated it is sixty (60) feet from the curb, fifty (50) feet from the pin. Grover stated that sixty (60) feet would not meet the zoning requirements. The curb is thirteen (13) feet from the right-of-way line.

**Jim Mahoney**  
**AES Surveying**  
**730 Bev Road**  
**Boardman, Ohio 44512**

Grover stated he was told there is a sixty (60) foot setback from the curb, which would make it forty-seven (47) feet from the right-of-way line. Mahoney stated the only setback he was aware of was the zoning setback of fifty (50) feet from the pins, which would be sixty-two and a half (62 ½) feet from the curb. He is not aware of deed restrictions. He has always staked the houses at fifty (50) feet plus. Grover stated that the houses that are set at fifty (50) feet back meet the zoning requirement as well as the deed requirement.

Jim Burgham asked if there is a deed requirement for setback. Brian King stated that the deed restrictions do not mention front setback, just the side and rear. Burgham stated that the minimum rear yard setback is forty (40) feet. Brian King concurred. King stated they are requesting the thirty (30) foot rear yard setback, and if approved will change the agreement. Holly Grant asked King if the deed restriction applies to all of the lots in the area, including the ones that are not being changed (the residents that are present at tonight's meeting). King stated yes. Grant suggested that the Board put the issue on hold until the deed restriction issue is solved. After further discussion, the Board agreed to hear the rest of the case.

Hank Grover asked if there is anyone else that would like to speak against the case or has questions.

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**Tammy Starling**  
**3624 Park Place Drive (Lot 140)**

Starling stated she is against the variance. She feels (like Mr. Massarelli does) that the game is being changed halfway through. When she built in Park Place, she abided by the rules. She stated she wanted a larger home but that was not possible. She stated they do have a homeowners association but it is not in force right now. She asked if the homeowners covenant can be changed now. King replied yes. Starling reiterated that she feels they are changing things mid-stream and she is against the variance.

**Duane Lloyd**  
**3612 Park Place Drive (Lot 148)**

Lloyd stated he has been in Park Place about four years. His home is approximately two thousand four hundred ninety (2,490) square feet. He did not want the lot that he has now, he wanted a lot in the cul-de-sac but he was told his home would not fit there. He stated the quality in Park Place is not there. There is a retention pond that has an average of seven feet of water and Premier Development is not taking care of it. There are undeveloped areas with street culverts with no grading. He asks that the Board deny the variance.

**Nancy Lloyd**  
**3612 Park Place Drive (Lot 148)**

Lloyd reiterated (as her husband did) that the lot that they have is not the one they wanted as they originally wanted a lot in the cul-de-sac. Luteran Lane is in her backyard. Lloyd suggested that the lots be rezoned into larger lots, putting two lots together into one lot.

**Melody Dennick**  
**3632 Park Place Drive (Lot 131)**

Dennick stated she has the same concerns as the other homeowners. She stated she also wanted a larger backyard and a three and a half car garage, but was told there was not enough space for the garage. She is concerned if the variance is denied, they will build homes one thousand five hundred (1,500) square feet or smaller, and this will lower the value of their homes. Her home is three thousand two hundred (3,200) square feet.

Hank Grover asked if anyone else would like to speak.

**Michael P. Kurilla**  
**1103 Polly Drive**  
**Youngstown, Ohio 44515**

Kurilla stated he would like to address some of the concerns that were mentioned. As far as Mrs. Lloyd's suggestion of combining the lots, widening the lots does not address the issue of depth. The property owner at lot 140 (Mrs. Starling) who was concerned about looking across the street and there being a reduction of setback, is looking at lot 139 which is directly opposite of her. The side yard setback cannot be altered due to the zoning ordinance. He feels that the argument to oppose the variance is counter intuitive. If you analyze what happens if the variance is approved, the setbacks are altered to accommodate a larger square footage house, which generates a larger valuation. He feels it is a positive

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for the developer, the prospective home builders, and the township in general. He is requesting that the Board approve the variance.

**Jim Mahoney**  
**AES Surveying**  
**730 Bev Road**  
**Boardman, Ohio 44512**

Mahoney stated in regard to the issue of people wanting to build on the cul-de-sacs, due to the nature of these properties you might be able to fit the house but the driveway would not be lined up with the house. If you try to make the lots deeper, there are undeveloped lots behind them. With these undeveloped lots having sewer and utilities in them you would have to shrink these lots, so the issue of replatting is not feasible. He stated that there is no structure built on the interior lots so no one will have a house closer to them than what zoning allows right now. He feels it is a benefit to the community and the homeowners to have new homes built in the development.

After further discussion, the following motion was made:

***Motion***

*Holly Grant made a motion in Case ZA-06-13 to deny the variance request for the twenty-seven (27) lots in which it applies. Mike Johnston seconded the motion.*

Voting:

Yes Holly Grant  
Yes Mike Johnston  
Yes Jim Burgham  
Yes Bill Custer  
Yes Hank Grover

Motion carried.

Meeting adjourned at 8:55 p.m.

Submitted by:  
Michele Richards/Recording Secretary

cc: Trustees (3)  
Board of Zoning Appeals (5)  
Zoning Commission (5)  
J. Granitto (1)  
File (1)