

Board of Zoning Appeals Meeting
June 10, 2016
ZA-05-16

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

Jim Burgham called the meeting to order at 7:00 p.m.

1st Order of Business:

Case #ZA-05-16 – Is a variance request by Erin Hall to obtain relief from Poland Township zoning requirements for her property located at 2972 Highland Avenue, Poland, Ohio, Poland Township. The request is for relief from fencing regulations for height of fence between the street right-of-way and the minimum building setback line, and also for fence location (distance) from the street right-of-way. This property is known as parcel #35-034-0-072.00-0, Lot number 38, and is located 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. Warranty Deed
5. County Map
6. Zoning District Map
7. Property Description
8. Site Plan #1 and #2

Warren and Erin Hall
2972 Highland Avenue

Warren Hall stated they have a very large side yard and would like to include more of their yard to be able to utilize it for their children and pets. Hall stated that it was brought to his attention that his calculations were incorrect on the street side of the fence. He re-measured and the total distance from the house to the street is forty-three (43) feet, which includes the twelve (12) foot right-of-way. The fence will be twenty-four (24) feet from the house, leaving an additional seven (7) feet plus twelve (12) feet, which is the nineteen (19) feet from the roadway to the fence.

Erin Hall stated they have a seven year old boy, as well as a two year old, and the fence will provide safety for them, as well as for their pet.

Burgham asked Warren Hall that the measurements that he stated pertains to the proposed Plan 1. Hall stated yes, and that Plan 1 is their preferred option.

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Jim Burgham asked if anyone would like to speak in favor of the request. No one replied. Jim Burgham asked if anyone would like to speak against the request. No one replied.

Mike Johnston asked the Hall's if they were going to use a wooden privacy type pre-fab fence. Warren Hall stated they are going to build it from scratch and will be a solid cedar material.

Burgham stated that the Board needs to address the fence height of six (6) feet, and a distance of nineteen (19) feet from the road.

Ricky Morrison stated he is in favor of the fence height of six (6) feet, but is unsure of the setback issue. Burgham stated it is not the actual setback that is required; it is the setback that the fence will be between the street line and the minimum setback of the house. The house has two fronts, one front on Highland and one front on Blue Ridge. The fence will be closer to Blue Ridge than the house, which is the set back they are considering. The fence will be closer to the set back line than the house.

After further discussion, the following motion was made.

Motion

Ricky Morrison made a motion in Case ZA-05-16 to grant the variance request to allow the height change from three (3) feet to six (6) feet, provided that it stays within fifteen (15) feet of any right-of-way..

Monus stated to hold the motion. The property line is twenty-seven (27) feet from the house to the actual front property line. The forty-three (43) feet is to the edge of the road, which is all right-of-way. According to code, this is considered a front lot line on a secondary street, so you cannot encroach within fifteen (15) feet of that line. If you are encroaching that area, you would need a second variance.

Mike Johnston stated he is in favor of the proposed Plan 1.

Burgham stated that the Board needs to address the variance for the fence height, as well as the reduction in minimum distance to the right-of-way.

The following motion was made after further discussion.

Motion

Ricky Morrison made a motion in Case ZA-05-16 to grant the variance to reduce the fifteen (15) foot right-of-way setback to seven (7) feet, and to grant the variance for the installation of a fence with a six (6) foot height, as per the plans submitted. Al Sciulli seconded the motion.

Voting:

- Yes Ricky Morrison
- Yes Al Sciulli
- Yes Mike Johnston
- Yes Jim Burgham

Motion carried.

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Meeting adjourned at 7:45 p.m.

Submitted by:
Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (7)
Zoning Commission (6)
P. Canter, Fiscal Officer (1)
File (1)