

**Board of Zoning Appeals Meeting**  
**October 20, 2016**  
**ZA-08-16, ZA-09-16**

Members/Attendance:	X	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.

**1<sup>st</sup> Order of Business:**

Jim Burgham stated that the first order of business is to approve the minutes from the September 29, 2016 meetings. Ricky Morrison made a motion to approve the minutes from the September 29, 2016 meeting. Mike Johnston seconded the motion. All members were in favor. Minutes approved.

**2nd Order of Business:**

*Case #ZA-08-16 – Is a variance request by Ingrid Lyras to obtain relief for reduction of minimum lot width from one hundred (100) feet to sixty (60) feet, for her parcel, which is located at 6800 List Lane, known as parcel #41-105-0-008.001-0, great lot #78. Parcel is located in Poland Township, Lowellville, Ohio, in an (AG) Agricultural 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 (County)
8. Property Screen Print
9. Site Plan

**Ingrid Lyras**  
**6600 List Lane**  
**Lowellville, Ohio**

Lyras stated she has owned the property since 1989. The home was built in 1994, and at that time she thought she was required to have one hundred and twenty five (125) feet of frontage. She stated that the area of approximately 1.7 acres is used for farming and she would like to incorporate that property under the farm, rather than this property being under her homeowner's residential insurance.

**Board of Zoning Appeals Meeting  
October 20, 2016  
ZA-08-16, ZA-09-16**

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.

Hank Grover stated that based on his calculations, there would be a financial gain to the appellant if the variance is granted. There is no practical difficulty in financial gain. Also, if there is another solution that does not require a variance, the Board cannot grant the variance. He suggested that the appellant re-plot the property as an alternate solution.

Jim Burgham stated the Board has to determine practical difficulty before a variance is granted. A variance cannot be granted for monetary reasons only.

Hank explained that the appellant will have to go before the Mahoning County Planning Commission because the property is less than five acres.

Al Sciulli asked if the appellant withdraws the variance, could she be reimbursed the fee of \$275 that she paid. Monus explained that the township incurs expenditures and in his experience the fees were never returned when an appellant withdrew a case.

Jim Burgham explained to the appellant that at this point the Board can either act on the variance or she can withdraw the variance, based on the suggestion to re-plot the property.

Ingrid Lyras stated she would withdraw the variance.

***Motion***

*Jim Burgham stated that the Board would accept the appellant's request to withdraw the variance request in case ZA-08-16.*

Voting:

Yes Jim Burgham  
Yes Hank Grover  
Yes Mike Johnston  
Yes Al Sciulli  
Yes Ricky Morrison

Motion carried.

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

*Case #ZA-09-16 – Is a variance request by Matthew Kukura to obtain relief from fence regulations for height of fence between the street right-of-way line and minimum building setback line, and also for location of fence from the street right-of-way line. Appellant is also requesting relief to construct a one thousand two hundred (1,200) square foot accessory building, which dimensions are thirty by forty by fifteen (30 x 40 x 15) feet. The square footage of building exceeds the allowable size permitted. The property is located at 4911 Miller Road, and is known as parcel #35-111.0.010.00-0, Lot #3. Parcel is located in Poland Township, Lowellville, Ohio, in an (AG) agricultural zoned district.*

**Board of Zoning Appeals Meeting**  
**October 20, 2016**  
**ZA-08-16, ZA-09-16**

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1. Application for Variance
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3. Letter of Intent
4. Warranty Deed
5. County Map
6. Zoning District Map
7. Property Description (County)
8. Property Screen Print (Zoning)
9. Site Plan
10. Building Specifications Quote
11. Photos of Fence

**Matt Kukura**  
**4911 Miller Road**  
**Lowellville, Ohio**

Kukura stated he purchased the home in January 2016. The home was unlivable; he has invested approximately \$80,000 into the home to make it livable. He would like to build a pole barn in the backyard for the horses. He is requesting the size of 30 x 40 to have more room for the horses, as well as utilizing it for storage for lawn equipment and horse supplies.

He has a permit for the fence to be behind the property setback line, but he is requesting it be moved up fifteen (15) feet. It will be in alignment with the other fence lines on the road.

He is requesting a four foot high fence because it will be in alignment with the other fences on the road, as well as being high enough that a horse will not jump over it.

Jim Burgham asked if anyone would like to speak in favor of the request.

**John Kulifay**  
**7569 Struthers Road**

Kulifay stated he is in favor of the variance request. Kulifay also stated that the zoning for agricultural is antiquated and the Board needs to revise the zoning.

Jim Burgham stated the Board of Zoning Appeals does not address those zoning issues. Hank Grover suggested that he contact the Zoning Commission board.

**Tom Slosser**  
**5202 Arrel Road**

Slosser stated he owns property adjacent to the appellant. He stated that the appellant has done an outstanding job with their property and he is in favor of the variance request.

**Board of Zoning Appeals Meeting**  
**October 20, 2016**  
**ZA-08-16, ZA-09-16**

**Heather Petrolla**  
**7860 Struthers Road**

Petrolla stated she is in agreement as to the placement of the fence and is in favor of the variance request.

**Lynne Grinham**  
**4899 Miller Road**

Grinham is the appellant's neighbor. She stated that they are responsible people and she is in favor of the variance request.

**Jake Bowmaster**  
**5291 Miller Road**

Bowmaster stated that the appellant temporarily housed their horses at his farm. He stated that they have done positive things with the property and he is in favor of the variance request.

**Jim Romack**  
**5110 Struthers Road**

Romack stated he is in favor of the variance request.

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

Burgham stated that he is not aware of where the right of way is on the appellant's road. He explained that the Board can only grant a variance up to the right of way.

Hank Grover stated that in his past experiences in surveying properties on that road, the established right of way is sixty (60) feet. If the appellant wishes to place his fence twenty-eight (28) feet from the center of the road, he would be inside the right of way by two (2) feet. As Burgham stated, this Board cannot grant a variance allowing the structure to be in the right of way. Grover stated he does not have an issue with placing the fence thirty (30) feet from the centerline of the road.

Burgham stated that the size of the proposed building fits in with the size of the property. He also does not have an issue with the additional height for the fence.

Kukura stated that when he purchased the property, there was a fence that was already there. He asked the Board if the existing fence will be grandfathered. Bob Monus stated that the property owner would be permitted to replace an existing fence and the Board could consider relief for the setback.

Al Sciulli stated he is in agreement.

After further discussion, the following motion was made.

**Board of Zoning Appeals Meeting**  
**October 20, 2016**  
**ZA-08-16, ZA-09-16**

***Motion***

*Al Sciulli made a motion in Case ZA-09-16 to grant the variance request for the construction of a one thousand two hundred (1,200) square foot (30 x 40) foot accessory building, to replace the existing fence, granting relief of the fifteen (15) foot setback requirement, and to grant the variance for a four (4) foot fence in height. Mike Johnston seconded the motion.*

**Voting:**

Yes Al Sciulli  
Yes Mike Johnston  
Yes Ricky Morrison  
Yes Hank Grover  
Yes Jim Burgham

Motion carried.

Meeting adjourned at 8:15 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)