

Board of Zoning Appeals Hearing

Thursday February 23rd, 2017

7 P.M.

Hearing called to order at 7pm by Don Schilling

Members in Attendance: Tom Tubalkain, Chuck Englehart, Don Schilling, Jon Harmon and Randy Usher

Others Present: Zoning Inspector Jason Gary, Village Solicitor Michele Stuck, Mayor Linda Clark, Board of Zoning Appeals Secretary Chelsea Gregor and James Haylett

Hearing is being recorded and copies are available at the Village Clerks office

Approval of Minutes

- ❖ Motion to approve the minutes from the November 17th, 2016 BZA hearing by Chuck Englehart, 2nd Tom Tubalkain—**All Ayes**

Michele Stuck swore in everyone who wanted to speak

Don Schilling read the public notice that was placed in the Record Courier:

NOTICE OF PUBLIC HEARING – VILLAGE OF MANTUA

The Mantua Village Board of Zoning Appeals will hold a public hearing on an application for a variance relating to the property located at 4697 Canada Road in the Village of Mantua on Thursday, February 23, 2017 at 7:00 PM at the Village Hall, 4650 W. High Street, Mantua, OH. This application #2017-4, submitted by James Haylett, requests a variance from the provisions of Mantua Village Zoning Code Section 410.01(B) 1 covering Accessory Uses and Structures, Minimum Yard Requirements, Detached accessory buildings. Copies of this application are available for review at the Mantua Village Clerk-Treasurer's Office during regular business hours. The opportunity to be heard will be afforded any person attending the hearing.

Donald Schilling, Chairman

Mantua Village Board of Zoning Appeals

Don Schilling asked James Haylett to explain the situation from his side.

James said that he submitted a letter to the BZA board and that it was pretty self-explanatory. When James came to the Village to handle the necessary procedures to build his detached accessory building, he found that the Zoning inspector Jason Garey was away on vacation and he didn't want to "bug" him. James explained that it was the only time when the builders could build and he would have held off if he could have. In addition he mentioned that he didn't have the typical Village lot, or lot size, which explains the reason why he put the building where it is.

The Mayor made mention to James' letter in which he said "after asking around I thought a shed under 220 sq. ft. was except from a zoning permit." She inquired as to where he got his information. He stated that people told him he didn't need one since it was an agricultural building, but since he wasn't using it as one he didn't want to falsely state that. James did some research to make sure that there wouldn't be any extra tax due since the accessory building would be under 200 sq. ft. The Mayor then stated that when the zoning inspector is away, that she and Michele Stuck are the acting zoning inspectors.

Jason then encouraged James to inform everyone about his property to give them a better understanding as to why he choose to put his accessory building where he did. James said that he would have chosen a different area but he explained that there is a floodplain behind his house and that it would require extra soil and fill to be added in order to build. His property is 27 acres total and he noted that although it is technically located in his side yard, that it is 128 ft. from the house and is situated further back than his house. There is also a 15 ft. drop off in his backyard. The accessory building is built on top of a concrete pad with the same siding, shingles and gutters that James has on his house. He does not believe it is an eye sore, which he also nestled within six mature trees. His neighbors, which include asking Ellie Stamm, do not seem to have any issue with the structure. It was stated that he has an additional small free standing storage structure that has been on his property for five years.

All the BZA members convened privately to discuss the two zoning issues at 7: 11pm and resumed back at 7:26pm. During that time the board voted Toomas Tubalkain as an assistant chairperson for BZA in case the chairperson is absent.

Therefore upon roll call vote those members present will resolve by at least a majority members of the board of zoning appeals in Mantua, Ohio that the application for a zoning variance permit for the attached accessory building in the side yard of 4697 Canada Rd. in the rural residential zoning district is here by:

- ❖ **Roll call vote to grant the variance- Chuck Englehart, Jon Harmon, Tom Tubalkain, Randy Usher, Don Schilling- All Aye**

The BZA Board granted the variance by a unanimous vote.

- ❖ **Motion to adjourn at 7:28 made by Tom Tubalkain, 2nd by Randy Usher- All Ayes**

Roll Call: Tom Tubalkain, Chuck Englehart, Don Schilling, Randy Usher, Jon Harmon

Tom Tubalkain-Acting BZA Chair

Chelsea Gregor-BZA Secretary