

PARKMAN TOWNSHIP BOARD OF ZONING APPEALS
August 13, 2019

Members present: Kathy Preston, Rich Hill, Betty Jo Lengel, Bryan Mullins, Dennis Coz and Jan Helt, Secretary

Meeting called to order by Chairman **Kathy Preston**.

Ms. Preston acknowledged the publication of the notice for this appeal hearing.

Ms. Preston administered Oath of Truthfulness to all present. Ms. Preston stated anyone planning on speaking or asking questions is required to take of Oath of Truthfulness.

Ms. Preston explained the format of the meeting and then gave an overview of how the meeting would be run.

Motion was made by Ms. Lengel to waive the reading of the minutes until after the appeal, seconded by Mr. Mullins.

There is one appeal to be addressed by the Board at this meeting:

- 2019- 18312

This application submitted by Mario Mormile P.O. Box 231, Newbury Ohio 44065, is requesting a variance from the Parkman Township Zoning Resolution for property located at, 18312 Madison Road (Parkman Township) which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1X Section 903.0 Restoration and Section 908.0 Nonconforming lot of record.

Applicant Explanation for requesting variance to Parkman Township Zoning Resolution.

Mr. Mormile explained the request for variance as follows:

Mr. Mormile stated that the property has been a duplex for about 30 years. Right now the basement is a storage area. Mr. Mormile stated they felt that the downstairs area can be turned into a one bedroom apartment for either a couple or senior citizen. He felt there are not a lot of nice rentals in Geauga County. Mr. Mormile distributed some pictures on what he planned to do with the building to fix it up. He stated he has rental properties in Geauga County and Trumbull County. Mr. Mormile asked if there was anything else we would like to see or them at this time.

Ms. Preston asked if there was anything else. Ms. Preston closed that portion of the meeting and opened the meeting to the public.

Open Floor to Public. There were no questions to the applicant.

Ms. Preston asked if anyone else had anything to add. Ms. Preston closed that portion of the meeting.

Ms. Preston asked for a motion to grant the variance. Ms. Lengel moved to grant the variance and Mr. Hill seconded the motion.

Ms. Preston opened the meeting to the Board members for questions to the applicant/owner.

Ms. Lengel asked Mr. Mormile how long he has owned the building. He stated he has owned it for about 14 months

Ms. Lengel asked if the adjacent properties are single or a duplex. He stated he thought they were single family homes. Ms. Lengel asked if the county had it inspected it yet.

Mr. Spelich said that Mr. Mormile needed to get the variance before he can have the building inspected.

Ms. Lengel stated it really doesn't look like much right now did Mr. Mormile have plans to do anything with it.

Mr. Mormile said he would like to make it more attractive with maybe some stone on the outside and do something with the driveway, either gravel or something like that to make it more presentable

Ms. Lengel asked how many residents he has right now. He stated he has 2 residents right now a husband, wife and baby upstairs and a single man downstairs.

Mr. Spelich said he it is a non-conforming building to our zoning rules and regulations. It is a duplex and he wants to make it a triplex. It is grandfathered in as a duplex, there are a few other duplex in the area that are grandfathered in also. There are some that were a duplex but are no longer a duplex.

Mr. Spelich said there are a number of permits that have been issued over the years for different improvements.

Mr. Hill asked Mr. Mormile how this would be good for the community.

Mr. Mormile said that taxes would increase due to improvements that would be a plus. Right the property value is \$77,000 and he figures it would increase to about \$129,000.

Ms. Lengel asked if he will still do improvements on the home and driveway if he doesn't get the variance.

Mr. Mormile said he would still do improvements but maybe not as extensive as he originally planned.

Ms. Preston asked if there would be a hardship for him. Mr. Mormile stated no only financially. He said remodeling the property would look a lot nicer and that would benefit the community. We also do extensive background checks on all our residents. We don't rent to section 8 or people who don't have jobs, we want people who want to be here.

Ms. Lengel asked if there was anything unique to Mr. Mormile situation.

Mr. Mormile stated the space is already there and could be used for something better.

Mr. Coz stated that there is nothing that stated exactly what Mr. Mormile intend to do.

Mr. Mormile said it would look more like a home, there would be more windows, new brick on the building it would look a lot nicer than it does now.

Ms. Lengel stated that if we grant the variance we would be breaking the law. A single family home is what is allowed in our zoning.

Mr. Mullins asked if there are any restrictions on parking one car per family or, how does that work

Mr. Mormile said it would be a car for every person two people upstairs would allow 2 cars. There is plenty of parking for everyone, you can fit at least 6 or more if need be. We have other rental properties and we have strict rental leases

Mr. Hill suggested that maybe Mr. Mormile could make one of the apartments bigger with the extra space. He could add a staircase to go up or down and just increase what he has.

Ms. Preston asked how many bedrooms there are in each apartment. Mr. Mormile said there are two bedrooms upstairs and two bedrooms downstairs.

Ms. Lengel read from Article 1V section 401.A:

Section 401.0 Prohibited Uses in All Zoning Districts

- A. Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or a variance has been granted in accordance with Article X.

Ms. Lengel stated those are the only things allowed, only single family homes in Parkman Township. Read the things that are allowed section 402.08 and 402.11. The BZA does not have the authority to grant a use variance without a hardship or a unique situation to the appellant.

Mr. Hill added that Mr. Mormile already has a property that is grandfathered in and he wants to add a 3rd apartment.

Ms. Lengel stated that if we allow this variance it will follow the land and continue to be allowed forever, as of now it reverts to a single family home if it has not been used as a duplex for 2 years.

Ms. Preston stated you cannot in large a non-conforming use.

Mr. Hill asked if there is a possibly Mr. Mormile could add to one of the existing apartments an extra room or so to increase his monthly income.

Mr. Spelich stated that the building department would probably go along with building a bigger apartment.

Board Members, Discussion/Deliberation.

Ms. Preston led the Board in considering the following issues:

Standards for a “USE” variance

- a. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district. **No, nothing unique**
- b. The hardship condition is not created by actions of the applicant. **No hardship of any kind.**
- c. The granting of the variance will not adversely affect the rights of adjacent owners. **No testimony that it would adversely affect the rights of adjacent owners.**
- d. The granting of the variance will not adversely affect the public health, safety or general welfare. **No, would not affect the health, safety or welfare of the public.**
- e. The variance will be consistent with the general spirit and intent of the zoning resolution. **It would not be within the spirit and intent of zoning. It is already non-conforming.**
- f. The variance sought is the minimum which will afford relief to the applicant. **Yes it is the minimum.**
- g. There is no other economically variable use which is permitted in the zoning district. **There is, it is a legal non-conforming duplex.**

h. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable. **Yes, it is equitable.**

Ms. Lengel stated it is against Ohio law for Board of Zoning Appeals to change zoning. A unique hardship has not been met.

Ms. Preston asked for any other questions or comments from the Board members, closed that portion of the meeting and asked for a roll call on the motion to grant the variance.

ROLL CALL:

Kathy Preston – NO
Rich Hill – NO
Jo lengel - NO
Bryan Mullins - NO
Dennis Coz - YES

Ms. Preston advised applicant Mr. Mormile that the variance has been **denied** and that he had 30 days to appeal the decision. Decision Forms would be mailed within the next ten days.

2019-18385 and 18385-2

The members completed the Decision Form and Fact Finding Sheet.

Roll call to accept the Fact Finding Sheet.

Kathy Preston - YES
Rich Hill - YES
Jo Lengel - YES
Bryan Mullins- YES
Dennis Coz - YES

Tyler Porter asked if that is the case “why did one of our board members vote yes for the variance.”

Ms. Preston said we all think differently so people vote according to their beliefs.

Ms. Preston asked for new business.

Mr. Duchscherer stated he is working with the prosecutor concerning a number of different issues in Parkman Township. He also stated they want to change a fine for building something without a permit for \$100 to \$500.

