

# Violet Township Board of Zoning Appeals

February 21, 2008

Chairman Kluczynski called the meeting to order at 7:30 p.m. and roll was called.

Members present: Mr. Collins, Ms. Schirtzinger, Ms. Cole, Mr. Dellinger, Mr. Kluczynski. Also present was Kelly Sarko, Zoning Inspector. Stephanie Brobst arrived at 7:40 p.m.

Mr. Kluczynski swore in all those wishing to speak.

## **Case Number 01-VA-2008**

An application for variance filed by Robert Searls for property located at 7426 Lockville Road, Carroll, Ohio owned by Robert and Barbara Searls. Applicant requests variances from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(4) to allow the height of an accessory building to exceed the height of the principal structure's highest peak or ridge; and Section 3AA4-05(A)(5)(b) to allow an accessory building which is not part of the main building, to remain as constructed, closer to the main building than permitted.

Robert Searls, 7425 Lockville Road, Carroll, Ohio explained that he had a two car garage built. He said he understands now that the garage is higher than the home and indicated that the garage was built closer to the home, as it is 6'7" from the home and was placed at the end of their driveway.

Mr. Dellinger asked if the garage was complete at this time. Mr. Searls stated it was. There was nothing else that needed to be done to it.

Mr. Searls son, Bret Blair, was also present to address the Board.

Ms. Cole asked if the home was possibly a bit lower than the standard height for a home. Mr. Searls stated it was and it was a modular home.

Mr. Kluczynski asked how Mr. Searls got into this situation without getting the appropriate permits.

Mr. Searls explained he was living in Florida. He explained that they wanted to move from Florida as one of his sons had passed away and that he (Mr. Searls) also had a bout with cancer. He explained that he and his wife bought a home here without seeing it first. He mentioned to the realtor he wanted a two-car garage. The realtor mentioned the gentlemen that lived there built garages for a living. Two weeks before the closing the realtor called him and asked if he wanted the garage built. Mr. Searls contacted Bret and told him there were some things he wanted: concrete floor for two cars, and a permit. He explained that somewhere along the line no one got the permit. He said they thought everything had been done properly and it had not been and that is why they are here today. Mr. Blair stated that it was his fault that all of this transpired. He was not thorough.

Mr. Dellinger asked if Mr. Blair had checked to see if Mr. Holdren (the contractor) had a contractor's license. He did not ask him if he had a contractor's license. They have not been able to contact him at all.

Mr. Collins asked which way the building slopes. Mr. Blair stated it slopes from the road to the house. They have not seen any water in the garage as of yet.

Ms. Cole asked if Ms. Sarko had any communication from the neighbors. Ms. Sarko stated she had not.

## Violet Township Board of Zoning Appeals

February 21, 2008

Mr. Dellinger asked how long the garage had been up. Mr. Searls stated since October.

Mr. Dellinger stated it did not appear there were any gutters or downspouts and asked where the water went when it rained. Mr. Blair stated the roof has a one foot overhang and it does not run onto the neighbor's property.

Mr. Kluczynski asked what the hardship would be if they did not approve it. Mr. Searls stated he would have to tear it down. This would be about a \$17,000 loss. Mr. Holdren has been paid 100%.

Ms. Schirtzinger asked if everything else was up to code aside from those two issues. Ms. Sarko stated the height of a home in an R-1 district cannot be less than 14 feet but if the home is a permanently manufactured home, which this is, it needs to comply with the manufactured housing construction and safety standards act.

Mr. Dellinger moved to approve the variance as submitted for both the height and the setback from the home. Ms. Schirtzinger seconded the motion. Roll call vote: Mr. Dellinger, yes; Ms. Schirtzinger, yes; Mr. Collins, yes; Ms. Cole, yes; Mr. Kluczynski, yes. Motion carried. Variance approved.

Ms. Cole stated she would like to nominate Albert Kluczynski to serve as Chairman. Mr. Dellinger seconded the motion. Ms. Brobst moved to close the nominations. Ms. Cole seconded the motion. Roll call vote: Ms. Brobst, yes; Ms. Cole, yes; Ms. Schirtzinger, yes; Mr. Dellinger, yes; Mr. Kluczynski, abstained. A Majority vote with Mr. Kluczynski abstaining from voting determined that Mr. Kluczynski be Chairman for 2008.

Ms. Cole made a motion to nominate Mr. Dellinger for Vice-Chair. Ms. Brobst seconded the motion. Ms. Brobst moved to close the nominations. Ms. Schirtzinger seconded the motion. Roll call vote: Ms. Brobst, yes; Ms. Schirtzinger, yes; Ms. Cole, yes; Mr. Kluczynski, yes; Mr. Dellinger abstained. Motion carried. A Majority vote with Mr. Dellinger abstaining from voting determined that Mr. Dellinger be Vice-Chairman for 2008.

Mr. Dellinger moved to accept the minutes as written from the December 20, 2007 meeting. Ms. Schirtzinger seconded the motion. Roll call vote: Mr. Dellinger, yes; Ms. Schirtzinger, yes; Ms. Brobst, yes; Ms. Cole, yes; Mr. Kluczynski, yes. Motion carried.

Mr. Kluczynski congratulated Ms. Schirtzinger for becoming a regular board member. Mr. Kluczynski also congratulated Mr. Collins for coming on board as an alternate.

Mr. Dellinger stated he received mail from RPC regarding zoning violations. Ms. Sarko commented that court action for zoning violations is handled by Loveland and Brosius through civil action. Ms. Sarko will attend and will update the members.

Ms. Brobst moved to adjourn the meeting. Ms. Cole seconded the motion. Roll call vote: Mr. Brobst, yes; Ms. Cole, yes; Ms. Schirtzinger, yes; Mr. Dellinger, yes; Mr. Kluczynski, yes. Meeting adjourned at 8:00 p.m.

---

Joniann Goldberg, Zoning Secretary

---

Albert Kluczynski, Chairman

---

Date