

MINUTES OF A MEETING OF THE
BOARD OF ZONING APPEALS
POLAND VILLAGE
October 18, 2018

Present: John Yerian (Chair), Martha Morgan, Rebecca Rudzik, Linda Srnec, Mark Thompson, and Zoning Administrator Tim Clavin. The meeting was called to order at 7:12 p.m.

The minutes of September 8, 2016 were adopted unanimously, with the following correction, upon motion by Mark Thompson, seconded by Becky Rudzik: the prefix of Ms. Rudzik's name was corrected from "Mrs." to "Ms." throughout.

Mr. Clavin presented an application for a variance from the Village's Zoning ordinance submitted by Robert Tinney regarding property at 88 Edgewater Dr., Poland, OH. Mr. Tinney seeks a variance from Village Ordinances 1279.03 (d), (e), and (j) regarding privacy fences and requiring such fencing to be placed 3' from the property line.

Ms. Rudzik made a motion, seconded by Mr. Thompson, to grant the variance allowing a 6' fence to be built on the property line. Ms. Rudzik noted that the neighbors have been notified of the request. She stated that she had viewed the property and that a 4' chain-link fence already exists on the property line. During discussion, Mr. Tinney noted that his proposed opaque fence would prevent disturbance created when the neighbor's dog sees him and barks. The fence would also provide relief from the mud nuisance created by the dog running along the existing fence (pictures provided). When asked, Mr. Clavin verified that he has checked with the Fire Chief that the proposed opaque fence would not interfere with police/fire access to the property.

There was discussion about height restrictions and proper placement of the fence. It was clarified that determining the property line, whether by survey or other method, would be the owner's responsibility. The owner agreed.

Based upon the requirements set forth in Section 1264.04 of the Code, the Board found grounds to grant the variance, and the motion passed unanimously.

Mr. Thompson made a motion to adjourn the meeting at 7:30, seconded by Mrs. Srnec. The motion passed unanimously.

Respectfully submitted,

Martha Morgan

VILLAGE OF POLAND
MAHONING COUNTY, OHIO

APPLICATION FOR VARIANCE

HOMESAVING
NAME LOUIS P. JOSEPH
ADDRESS 275 W. FEDERAL ST.
Yo. OH 44503

DATE 11-2-18
PHONE NUMBER 330.742.0684

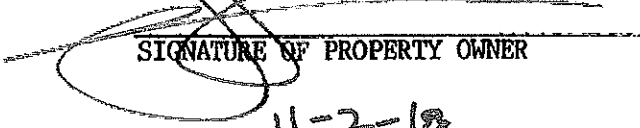
PLEASE NOTE THE VARIANCE REQUEST ON THE BACK OF THE APPLICATION.

1264.04 ZONING OR DESIGN VARIANCE.

(a) A variance from the terms of this Zoning Code shall not be granted by the Board of Zoning Appeals unless a written application for a variance is submitted to the Zoning Administrator and the Board of Appeals. The Board may grant variances where, because of physical circumstances such as exceptional narrowness, shallowness, shape, topographic conditions or extraordinary lot conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Code, and a variance is therefore necessary to enable the reasonable use of the property, provided that minimum relief can be granted without substantial detriment to the public good and does not substantially impair the intent of this Zoning Code. No variance shall be granted unless the Board finds that the requested variance will:

- (1) Permit only land uses approved for the zoning district in question.
- (2) Treat special conditions or circumstances peculiar to the lot or property in question, where strict enforcement of this Zoning Code will result in unnecessary hardship which has not been self imposed by previous actions in any way.
- (3) Grant the applicant enjoyment of his or her substantial property right and not merely serve as a convenience, profit or special privilege to the applicant.
- (4) Be in harmony with the general purpose and intent of this Zoning Code and not injurious to the neighborhood or otherwise detrimental to the public welfare.
- (5) Be of the least magnitude.

(b) If rezoning of the property in question may be proper and would make a variance unnecessary, the variance should be denied. No nonconforming use of neighboring lands, buildings or other structures in the same district, and no permitted or nonconforming use of lands, buildings or other structures in other districts, shall be considered grounds for issuance of a variance. The Board may attach any condition to the granting of a variance under this section which it may find necessary to insure that the intent of this Zoning Code and design review criteria are observed in all respects. It is incumbent upon the Board to make specific findings of fact for the granting or denial of a variance. Such findings shall become a part of the public record at the Village Hall and copies of the same shall be given to each Board member and Council member and to the applicant. (Ord. 710-78. Passed 9-19-78.) FEE: \$250.00


SIGNATURE OF PROPERTY OWNER

11-2-18
DATE