

CITY OF CANAL FULTON
BOARD OF ZONING APPEALS
MINUTES OF RECORD OF PROCEEDINGS

Held at Council Chambers at City Hall
October 7, 2004 – 6:30 PM

CALLING OF THE ROLL

Present: Garnet Thomas, Sean McKiernan, Dennis Mayberry, Joseph Charlton, Jeff Doak
Guests in Attendance: Nellie Cihon, Bob Wagner, residents.

APPROVAL OF MINUTES

Mr. Mayberry made a motion to approve the minutes of the May 20, 2004 Board of Zoning Appeals Meeting Minutes; seconded by Mr. Doak. Minutes approved.

Mr. Mayberry made a motion to approve the minutes of the June 14, 2004 Board of Zoning Appeals Meeting Minutes; seconded by Mr. Charlton. Minutes approved.

It was decided that the minutes of the Board of Zoning Appeals could be placed on the City of Canal Fulton web site as 'Unapproved,' since the meetings are so far apart at times. The web site address is www.cityofcanalfulton.org, and the verbiage on the web site will be changed to "Approved" after the Board does meet next and approves.

BOB WAGNER – APPLICATION FOR ZONING VARIANCE, PROPERTY LOCATION: 2050 ELLSWORTH DR., CANAL FULTON

Read: Notice of Public Hearing – Body read: "Application for a Zoning Variance has been filed by Robert and Jean Wagner, 799 Beverly Ave., Canal Fulton, Ohio. The Zoning Variance is for property located at 2050 Ellsworth Dr., Canal Fulton, Ohio. The request is per Chapter 1157, Section 1157.04 (b) Yard Requirements. Permitted minimum rear yard depth is forty (40) feet. They are requesting thirty-two (32) feet, six (6) inches."

Swearing In Witness: Bob Wagner, 799 Beverly Ave., North, Canal Fulton, Ohio 44614

Statement of Bob Wagner: Mr. Wagner stated his wife and he had moved back into their own house, after not liking condo living. He wants to add an enclosed porch but that would not be allowable due to the 40-foot backyard setback requirement. He spoke with John Belford (Canal Fulton's Zoning Inspector), who said there was some opposition, and neighbors are concerned about the space. However, now new grading has been done. Mr. Wagner checked with his two neighbors directly behind his property, explained everything, and they have no opposition to his request. Their only request was "don't move the trees." The two neighbors signed letters to that effect. What the Wagners are requesting is 71-square-foot variance that would allow them to add a porch. Mr. Wagner said it was only one corner of the porch that's going to be over the line, which amounts to about 87-inches total. Mr. Wagner said he couldn't give the Board "any complete hardship, other than the fact that it's a great thing for my wife because of her situation." The porch was in the original plan. It was stated that it sounded like it was an architectural layout flaw. Mr. Wagner said that they thought they could shift it a little bit, but then everything had been dug; they'd have to go back and re-dig. Mr. Mayberry questioned steps that might go "straight out into the backyard, making this even a farther set-back," and Mr. Wagner said that would not be a problem. It would be a porch extension only.

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Mrs. Thomas stated that long after the current Board members are gone, there will be other people who will have to abide by the guidelines the Board establishes now, and the primary objective of this Board should always be the welfare of the City of Canal Fulton and its citizens. She said that when these developments go to our engineer from the builder and go to Planning and are ultimately approved, they are approved based upon the Codes that have been determined to be in the best interest of not only present but future citizens. She said they have allowed for green space and for decent yards, and for the Board to even consider giving a variance of 18-1/2% would be doing an injustice to Canal Fulton's future citizens and the Board. She said that the Board has to handle the future of the City in a way that is best for it. She also said she believes the reason the people who stated they don't want the trees removed is their way of saying they don't want to look at the porch extension, but what about the future homes and people on the sides. Mr. Wagner said the neighbors have lived there with those trees and didn't want to see them removed; but the trees were not there as a barrier. The trees enhance their backyards, patios and decks.

Swearing In Witness: Nellie Cihon, 1655 Reed St., Canal Fulton, Ohio 44614

Statement of Nellie Cihon: Mrs. Cihon stated that the two letters that were signed by the neighbors, Mr. Wagner wrote. She asked Mr. Wagner if he couldn't "take and build his porch, even with his lot." Mrs. Cihon said when she bought her lot, she had to do some changing around it because her house wouldn't fit on it. Mrs. Cihon said, "And Mrs. Weber doesn't want your porch in her back yard, and she was in a hurry when you brought that around to sign it, and she's asking me what did she sign. So, she doesn't want it back there." Mr. Wagner said Mrs. Weber was the only one home and asked when Mrs. Weber's husband would be home. Mr. Wagner returned, explained the problem to Mr. Weber while they were both home and both agreed to it. Mrs. Cihon continued to challenge why Mr. Wagner wrote the letters signed by the Webers and Bosos, and she asked why Mr. Wagner can't put his porch even with what's on his property instead of asking for a variance. Mr. Wagner said they couldn't do that, as the hole was already dug. It was stated that the problem rests with the builder (Schalmo).

Mr. Mayberry made a motion to approve Mr. Wagner's request for a variance as presented; seconded by Mr. McKiernan.

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| Roll Call on Motion: | Garnet Thomas - No | Sean McKiernan - No |
| | Dennis Mayberry - No | Joseph Charlton - No |
| | Jeff Doak - No | Aye: 0 Nays: 5 |

Request is denied for the Variance.

Mrs. Thomas asks if there is any further business. There is no response.

Mr. Mayberry made a motion to adjourn made and was seconded. **ROLL CALL: Aye - ALL**
Meeting adjourned.

Garnet R. Thomas, Chair