

The regular meeting of the ROOTSTOWN ZONING BOARD OF APPEALS was held on Tuesday, October 16, 2012 at 7:00 P.M. at the Rootstown Town Hall.

Those present:

Troy Cutright  
Patricia Saillant

Rimer

James Manion  
Derek Ball  
Jennifer Milnes

Those absent:

Tom Giovagnoli

David

Also in attendance:

Zoning Inspector, Jim Mahood  
Assistant Zoning Inspector, Van Black  
ZBA Secretary, Mary Ann Greer

Mr. Cutright called the meeting order. Mr. Cutright introduced the Board members and explained the evenings' procedures.

The Board is rehearing an application for property located at 3200 Sandy Lake Road for a two family dwelling.

Mr. Cutright swore in the following people:

Glen Conley, 3200 Sandy Lake Road  
Marilyn Giesege, 3192 Sandy Lake Road  
Joni Stoll , 3192 Sandy Lake Road  
Karrie Paulus, 3223 Sandy Lake Road  
Chad Murdock, Atty., 228 West Main St.

Mr. Murdock said he was representing Mr. Conley. He was presenting evidence to support Mr. Conley's application. The first thing he noticed in the minutes and one of the reasons that the permit was denied was because of the potential bedroom in the basement. There is nothing in the zoning code that regulates bedrooms in houses. Mr. Conley agreed that there would be no bedrooms in the basement. Secondly there was a statement that there was a concern that converting this house into a two family dwelling would change the character of the neighborhood. Mr. Murdock found no evidence to that. In fact there is a two family one next door and one across the street. Mr. Conley told Mr. Murdock that when he moved in he did not know there was a duplex close by. Thirdly there was a comment in regards to health and welfare of the community. Mr. Murdock saw nothing in the minutes that reflected any health concerns. In fact the only health concerns that he could figure would be sanitary, sewer and water. Those are provided by the county and Rootstown Water. The welfare issue seems to relate to the value of the properties. Mr. Conley will present evidence that that is not an issue.

Mr. Conley stated that at the last meeting in August there was a question about whether or not Ms. Stoll went before the Board for a permit. She did go before the Board and was issued a permit for duplex and she is in support of his request. Mr. Conley showed the Board a map that showed the location of the duplexes. There have been no issues with the police. Mr. Conley showed the Board the tax forms that showed their values which actually raised property values. There is evidence that property values can increase with two family dwellings in the area. At the last meeting, he presented pictures of his home and the 2 duplexes. He presented them again. From the outside, you can't tell by looking at them that they are duplexes. He was not aware of them when he moved. There will be no bedroom in the basement. He would do whatever the code requires.

He went around the neighborhood to see how trash was handled. Some of it is put on

the corner, some is outside, and some is in the garage. If it is needed to be hidden, he will do it. There will be no additional lighting. He will comply with zoning code.

Mr. Murdock said there would be no change to outside of the house. Mr. Conley said that was right. Mr. Conley stated that since the last meeting, they put the house up for sale. Their initial plan was to stay in one side and rent the other out. They still plan on doing this if the Board approves the application. They liked Rootstown and would like to stay. The house is to be on the market for four months.

Mr. Cutright questioned the property values. With a duplex next door, the property value could go up or down. Zoning is supposed to protect the health and welfare of the community.

Mrs. Saillant had no questions.

Mr. Manion had no questions.

Mr. Ball had no questions

Ms. Milnes stated that she was assuming that the building meets the requirements of Section 310.07.

Mrs. Saillant questioned Mr. Conley's intentions since the property was up for sale still move. Mr. Conley said it will be up for sale but his intentions are to go ahead with the plans for a duplex. The reason he put the house up for sale was you can't sell a house in December. He really wants to stay in Rootstown.

Mr. Mahood stated that until Mr. Conley applies for a permit, the house is still a one family house. Mrs. Saillant questioned if the house was sold without Mr. Conley getting a permit, could the house be made into a duplex. Mr. Mahood said whoever bought it could apply for a permit if the Board approves the application.

Mr. Murdock said it doesn't matter who has the house, the Board should grant the request based on the zoning code. The Board could place conditions on it at that time.

Mr. Cutright asked the audience if there were any questions, comments, or concerns.

Ms. Giesige said her concern was not with the Conley's but with zoning. She would like to change the zoning code so that the owner had to reside in one side, it would be more acceptable to her. If the owner does not reside there, then it becomes an investment property. She lives within 12 feet of the property. She has invested thousands of dollars in her property because she is planning on staying there for my life.

Ms. Stoll said her concern was the property values. The property has dropped significantly due to the economy. The 2 duplexes where there before 1987 when I moved in. Mr. Murdock said somebody could move there that doesn't fight the neighborhood.

Ms. Giesige said the place was never designed to be a duplex. Mr. Conley said the home splits up perfectly into a duplex. There are 2 furnaces, 2 water heaters, and 3 entrances to each side.

Resolution ZBA 2012-011. Mr. Manion made a motion to grant the Conditional Use Permit (CUP) from Section 390.06 based on the additional information given tonight. Mr. Cutright seconded it. A vote was taken as follows: Manion - Yes

Milnes - No Ball - Yes Saillant - No Cutright - Yes. The motion carried by a vote of 3/2

Resolution ZBA 2012-012. Mrs. Saillant made a motion to accept the minutes of September 18, 2012 meeting with corrections . Ms. Milnes seconded it. The motion carried unanimously (5/0).

Mr. Mahood informed the Board about a workshop.

Mrs. Saillant made a motion to adjourn the meeting. Ms. Milnes seconded it. Mr. Cutright adjourned the meeting.

Troy Cutright, Vice Chairman  
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Mary Ann Greer, Secretary BZA  
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