

# BOARD OF ZONING APPEALS

## Minutes of Meeting

May 16, 2023

4:45 pm

**Attendance:** Members – Mike Aeling, Brent Barnes, Vice Chair, ~~Dave Lundgren, Chairman~~ (absent); Billy Ray; Eddie Williams; also present are Zoning Inspector Shane Howard, Assistant Law Director William Morris, Engineering Aide Kim Palmer. Engineering Clerk Holland Hite.

**Meeting held in person in the second-floor conference room of the City Administration Building:** The meeting was called to order by Brent Barnes at 4:46 p.m. Roll is called. All are present.

### 1. Minutes from the March 21, 2023 meeting:

Williams moves to approve minutes. Aeling seconds. Roll is called. All in favor; minutes approved.

\*\*\*Barnes reads the Board of Zoning Appeals procedures including appellant recourse\*\*\*

### 2. Phillip Mastroianni – 1410 Inwood Rd . – Appeal #23-003 Appeal for 9’1” side yard setback variance Sec.1124 Schedule of Regulations

Shane Howard is sworn in. Zoning Inspector: 504 E. Main St. Alliance, OH 44601. Howard explains this appeal is for an addition to a non-conforming house that does not meet the setback requirements of the property. The appellant is currently in the process of replatting but will need a variance before. The opposing side of the house in question is being added to and will meet the requirements when completed. After completion it would meet zoning requirements of combination 15’ setback.

Ray requests clarification on the measurements that they are from the overhang and not the side of the house.

Howard confirms measurements are from the overhang.

Phillip Mastroianni of 1410 Inwood Rd. is sworn in. Mastroianni states they are putting an addition on. House currently sits 11” off the property line on the South side of the property. Anticipates the start of construction at the beginning of the next month. In process of purchasing 9’6” from the neighbor to the South and once completed it will be replatted to one parcel. He states this has already been approved by the Planning Commission and City Council. This will be a temporary variance until the bank approves partial release of the mortgage.

Barnes confirms the size of the lot being purchased.

Mastroianni confirms plans to purchase the entire 9’6” property to the South.

No one else to speak in favor of the appeal. Barnes asks if anyone is in opposition.

With no others coming forward in opposition, the public portion of the meeting is declared closed.

### Board Members Begin Discussion

Williams moves to grant appeal. Aeling seconds. Roll is called, all in favor, motion passes.

**3. Lisa J. Ziemke – 971 Ridgefield Ave. – Appeal #23-004  
Use variance Duplex in a R-1 Sec.1122.03 Land Use Table**

Howard explains the multi-family (two family) in a single-family R-1. Auditors' website declares this as a single-family residency. There are two water bills being billed to this location. If approved in this meeting, there will be other requirements that will need to be met by other departments. It was built with a house, garage and an additional living space but never used as a two-family dwelling.

Aeling asks the year it was built. Howard is unsure and states the home was existing prior to the adoption of the residential code in 2010.

Williams asks if the addition was ever occupied as a residence. Howard explains the addition was made prior to the building codes requiring certificate of occupancy. States the location does not meet the zoning requirements as the location is not zoned for multi-family living also that a two-family dwelling may not have both entry doors on the face of the structure.

Barnes questions how many other houses are being used as a multi-family. Howard states he does not have those statistics.

Lisa Ziemke of 971 Ridgefield is sworn in. Ziemke states with the recent passing of her mother, herself and three of her siblings live in the home. One sibling requests to live in the addition as his residency.

Barnes asks if there is a plan to charge the brother rent. Zimke states no. Barnes asks why they do not split utilities. Zimke states the brother does not want to.

Ray reaffirms that they do not plan on renting it. Zimke states they do not plan on renting.

Williams directs a question to Shane Howard in regard to certificates of occupancy. If code requires a fire wall between the two participations it would need to be installed. Howard states yes but believes the zoning would already have been met at the time of building.

Howard questions if voting never to be used as a rental, how will it be policed in the future.

Zimke states future plans are that the nephews will take over the property. One living in the main house and one in the addition.

Discussion of previous appeals

With no others coming forward in opposition, the public portion of the meeting is declared closed.

**Board Members Begin Discussion**

Barnes does not feel the hardship of sharing or splitting utilities is enough to pass this and open property up to zoning.

Williams feels the money could be put into technology to help determine usage.

Ray moves to deny appeal. Aeling seconds. Roll called, all in favor, motion fails.

Zimke requests more information on the technology previously discussed.

**4. Tina Fox – 2096 Crestview Ave. – Appeal #23-005  
4' setback variance for accessory building Sec. 1130.08(c)**

Howard wants variance for shed to go over her lot line.

Ray asks if cement drive requires a variance. Shane states no.

Tina Fox of 2096 Crestview Ave is sworn in. Appellant states she owns all three of those lots will be stated in her will that the 25' strip must go with the house if sold.

Ray asks why does it have to be exactly there. Fox states it would assist in hiding an unkept pond on another property.

With no others coming forward in opposition, the public portion of the meeting is declared closed.

**Board Members Begin Discussion**

Ray states this is not a permanent structure and all agree.

Williams states if she states in the will that all lots must be sold together, wouldn't it require a replat?

All agree it is not necessary.

Barnes asks Morris about requirements to replat if the alley is vacated. Morris states no.

Aeling moves to approve appeal. Williams seconds. Roll called, all in favor, motion passes.

**5. Other Business**

Aeling moves to adjourn. Williams seconds. Roll call vote, all agree, motion passes.

Meeting adjourned at 5:23 p.m.

Respectfully Submitted by:  
Kim Palmer/Holland Hite  
Engineering Aide/Engineering Clerk