

## BOARD of ZONING APPEALS MEETING

July 18, 2018 7:00 P.M.

Meeting called to order. Roll call taken. Members present: Dorothy Kerr, Phil Gardner, Jim Spurrier, Bruce Denton and Sandy Disantis.

Motion made by Bruce to approve June 20, 2018 meeting minutes, and the motion was seconded by Jim. Vote to approve was unanimous.

People present who intend to speak to all issues tonight were duly sworn in by the court reporter.

Business for the meeting:

- 1.) Application #18-071 by Trent Lundberg, 9087 Dustin Road, Galena, OH 43021 for property at the same address owned by Trent and Melodee Lundberg. Parcel # 41743005050000, 5.06 acres. Applicant is requesting Conditional Use under Article 7 (A-1) Section 7.03. Property is zoned A-1 and is currently used as residential.

Dave Weade announced that the above application was being cancelled tonight due to an incomplete list of nearby residents to be notified (the list was provided incorrectly by the applicant.) This application will be continued at the August 15, 2018 meeting at 7:00 p.m. at the Berkshire Township Hall, 1454 Rome Corners Rd., Galena, OH 43021. Dave Weade explained how the property owner misunderstood which property owners needed to be notified due to the fact he has a flag lot off a common access drive.

- 2.) Application #18-060 by Michael A. Kerksmar, 7508 Broxton Lane, Galena, OH 43021, Parcel # 41731010007000, 0.31 acres, zoned PRD. Applicant is requesting a variance to extend the building line to allow for an in-ground pool and patio to be built. Sections 5.054, 24.04 of the Berkshire township Zoning Resolution.

Mr. Kerksmar presented his request for the variance, pointing out that there are 4 other pools in his neighborhood, two of which are on his street, which were built in the "no-build" zone set by the development. He answered multiple questions from the Board regarding the design, layout, setbacks, landscaping, etc. and explained that the HOA wanted a final design, but the pool designer would not give a final design until a variance was granted, so he is asking for a variance based on preliminary design concepts.

There was also discussion about the distance from the pool and any concrete to the 10' utility easement and Dave Weade explained that the township cannot authorize any building of any kind in the easement.

Dorothy addressed the seven questions asked of the Applicant in the Township Zoning Resolution regarding Request for Variance. The representative was told that the answers to those seven questions was not provided with the application. He was asked to reply verbally respond to the seven questions and did so. The Board was satisfied with the Applicant's answers to the questions.

Ellen Ebe, Hollywoods Drive questioned if the pool company who did the neighbor's pool was the company being used. She questioned the applicant as to how he knew the pool company he selected was a reputable company. He stated his reasons.

Dave Weade stated that there were no objections received from any of the neighbors notified of the variance request.

A motion was made by Sandy to approve Application 18-060 for a variance to allow the Applicant to install an in-ground pool and a patio within the no-build zone. The motion was seconded by Bruce. A vote was held and the motion passed unanimously.

Revised pages from Sections 16 and 17 for Zoning Resolution books were distributed by Dave Weade to all commission members to put in their books.

Dave Weade announced that Alicia Robson has been appointed as the alternate for the Board of Zoning Appeals, effective July 9, 2018. She is fulfilling the remainder of Damita Peery's term.

Phil motioned to adjourn the meeting, Jim seconded, vote was unanimous to adjourn.

Respectfully submitted by,

Shawna Burkham

Secretary