

SUFFIELD TOWNSHIP
BOARD OF ZONING APPEALS
8:00 P.M., APRIL 5, 2012
PUBLIC HEARING

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Held at Suffield Administration Building
1273 State Route 43, Suffield, Ohio 44260

Board members:

Mark Frisone, Chairman
Donald Monroe
Victoria Vincent
Andrew Grow

Present:

Lori Calcei, fiscal officer
Jocelyn S. Harhay, court reporter

P R O C E E D I N G S

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3 MR. FRISONE: I'd like to go ahead and call
4 the Suffield Township Board of Zoning Appeals to
5 order. Good evening, everybody. My name is Mark
6 Frisone. I serve as the chairperson for this
7 evening's meeting. Joining on the Board tonight is
8 Mr. Monroe, Ms. Vincent, and Mr. Grow. And our
9 recording secretary. And her name escapes me.

10 THE REPORTER: Jocelyn.

11 MR. FRISONE: Thank you, Jocelyn. That's
12 right. Jocelyn, for the Record, would you read the
13 request in front of us this evening?

14 MS. CALCEI: Adam said I had to do that
15 because she is typing.

16 MR. FRISONE: You do that then.

17 MS. CALCEI: The Board of Zoning Appeals
18 will hear a request from Howard and Mary --

19 Is it Coomer?

20 MR. COOMER: Yes.

21 MS. CALCEI: -- Coomer to build a pole
22 building 5 feet from the side line with the
23 dimensions of 30 feet wide, 40 feet deep, and 19
24 feet 3 inches high. The request is in an R-1 zoning
25 district at 390 Waterloo Road, Suffield, Ohio. The

1 request is in violation of 301.1 subtitle K of the
2 zoning resolution.

3 MR. FRISONE: Thank you very much. Since
4 these are legal proceedings, I ask that everybody
5 rise. I will swear everybody in at one time, even
6 if you think you might give testimony or not. Raise
7 your right hand.

8 (The oath was administered.)

9 MR. FRISONE: Very well. Please remain
10 standing to the Pledge of Allegiance.

11 (A pause was taken.)

12 MR. FRISONE: Thank you. At this point, we
13 will turn the floor over to our applicant. Tell us
14 what it is you want to do, why you want to do it,
15 and why the Board should consider your request.
16 Name and address for the Record, please.

17 MR. COOMER: Howard Coomer, 391 Waterloo
18 Road. And the reason for my request as far as the
19 5-foot offset is the fact that I want to keep it
20 mainly in line with the house. And also there is a,
21 a leach well that would -- if I would move it to
22 the, what the regulation is, it would be over the
23 leach well.

24 My other thing is that I have an existing
25 building which was put on the property before I

1 owned it. And it is presently 4 foot over the line
2 on Mr. Sapp's property. That building will come
3 down whenever I get the other building up to put the
4 stuff in.

5 MR. FRISONE: Okay. Why don't you tell us
6 about the building that you're erecting. Tell us a
7 little bit about the building that you are putting
8 up. What size, dimensions?

9 MR. COOMER: 30 by 40. It will have
10 asphalt roofing and vinyl siding, identical to the
11 house and identical to the surrounding homes. And
12 also the eaves on my house at the driveway level is
13 15 feet high which would make the 14-foot eaves, you
14 know, equivalent and, and not be sticking up above
15 the house and making it look like an eye sore or
16 something.

17 MR. FRISONE: Okay. Great. Well, I'm sure
18 you have plenty of opportunity to answer some
19 questions here from the Board.

20 MR. COOMER: Okay.

21 MR. FRISONE: Mr. Monroe, we will start at
22 your end of the table. Any questions for our
23 applicant?

24 MR. MONROE: My, my question would be --
25 and I wish the zoning inspector was here -- was

1 there a variance on the original building built
2 within 5 feet of the property line when Mr. Coomer
3 didn't own that property? And if there was, then
4 that variance goes with the property; our meeting
5 would be moot.

6 MS. CALCEI: How long ago was that?

7 MR. FRISONE: What age would you put that
8 shed back there, the current shed?

9 MR. COOMER: That shed was probably put
10 there in the '60s. And, and the property line is a
11 property line of an existing property that I own.

12 MR. FRISONE: You own 400 Waterloo Road?

13 MR. COOMER: I own 400 also.

14 MR. FRISONE: Okay. So your neighbor's
15 yourself. You're your own neighbor in this case;
16 correct? You're your own neighbor in this case.

17 MR. COOMER: Yeah. Thank you. I had a
18 sinus infection and it went into my ears and it --

19 MR. FRISONE: I'll try to speak up for you.

20 MR. COOMER: -- sounds like I'm talking in
21 a box.

22 MR. FRISONE: Well, I would have to assume
23 since it was 40, 50 years ago, that if there was a
24 variance granted, I'm not sure how we'll ever find
25 this out.

1 MR. MONROE: I'm not sure that the zoning
2 -- and I got all the zoning books -- I don't believe
3 that a variance has really changed in the zoning
4 book. And if the variance was needed then, my
5 concern would be there's still a variance there
6 allowing it to be built within 5 feet of the
7 property line. Now, we don't have the zoning
8 inspector here. So how do we know? Are we going to
9 fault the property owner since we can't have the
10 record or don't know what the record is? I don't
11 think so.

12 MR. FRISONE: Well, I'm not inclined to
13 fault the property owner either. But --

14 MR. MONROE: Anyway, I think --

15 MR. FRISONE: -- probably could do that and
16 decide whether -- we're going to decide on a
17 variance whether or not there was one in the past or
18 not.

19 MR. MONROE: Okay. I think what Mr. Coomer
20 was saying, that is down in back there. I go past
21 his property a lot. And it is, it's low back in
22 there. And it probably would be below his house.
23 So there's nothing that's going to stick up that
24 makes it look out of place, in other words. Plus
25 he's had a lot of problems with the zoning inspector

1 on parking his truck.

2 I assume you're going to park your truck in
3 that building?

4 MR. COOMER: No.

5 MR. MONROE: You're not.

6 MR. COOMER: I, I quit running the truck
7 the first of February. As soon as I get it in
8 shape, it's going to the auction.

9 MR. MONROE: You're retiring. Okay.

10 I -- you know, he owns both properties so
11 we don't have another property owner here objecting
12 or opposing this. That's the only question I had,
13 was about the variance really.

14 MR. FRISONE: Ms. Vincent.

15 MS. VINCENT: Also on this coverpage, it
16 says a variance for size requesting 12,000 [sic]
17 square feet, requirement is 653 square feet max.

18 MS. CALCEI: I was reading that. That
19 wasn't in this thing that I read off of Adams.' I
20 read Adams' thing and then I --

21 MS. VINCENT: Did the change in the zoning
22 book occur about the size of a building proportion
23 to the size of a lot yet?

24 MR. FRISONE: Have you --

25 MS. VINCENT: The book's not been printed?

1 That's a question, whether it's been printed or
2 whether it's legal. I mean it has been approved?

3 MR. FRISONE: It's been --

4 MS. CALCEI: Approved.

5 MR. FRISONE: I know it's been approved.

6 MS. CALCEI: Approved.

7 MS. VINCENT: There should be two variances
8 here.

9 MR. FRISONE: Two variances.

10 MS. CALCEI: I was wondering that when I
11 read off Adams' thing, because I was reading off the
12 legal notice.

13 MS. VINCENT: The problem, if we don't have
14 a book on it, how do we go by it? We have to go by
15 what we have.

16 MR. FRISONE: Well, we have Commission
17 members here. If they'd like to testify to the fact
18 that, that that is what the Zoning Commission has
19 changed in the book, that would be sufficient I
20 think for the Record.

21 MR. MONROE: Yeah.

22 MR. FRISONE: Anyone in the audience want
23 to speak to that issue?

24 MR. AUDIENCE PERSON: I'm unsworn.

25 MR. FRISONE: We could take care of that,

1 as well as your partner in crime --

2 MR. COOMER: As far as the size is
3 concerned --

4 MS. VINCENT: Goes by the acreage.

5 MR. FRISONE: -- swear you in.

6 MR. AUDIENCE PERSON: I'm not interested.

7 MR. FRISONE: That doesn't help our
8 proceedings whatsoever.

9 MS. VINCENT: How many acres do you have?
10 How many acres do you have? You have 2 acres? You
11 have under 2? Or you have more than 2 acres?

12 MR. COOMER: No.

13 MS. VINCENT: Okay.

14 MR. MONROE: Both properties would probably
15 in my estimate be an acre and a half or maybe 2
16 acres at the max, both properties --

17 MS. VINCENT: Yeah.

18 MR. MONROE: -- that he has.

19 MS. VINCENT: What is the financial
20 hardship on this? I mean why do you have to have it
21 30 by 40 and within 5 feet of the line? I mean you
22 have -- if you tear that shed down, you have 26 more
23 feet going -- well, not 26 feet because you have to
24 be so many feet off the line. But the dimensions of
25 the building --

1 MR. COOMER: Beg pardon.

2 MS. VINCENT: -- your dimensions I mean --

3 MR. COOMER: Yeah.

4 MR. FRISONE: You mentioned, Mr. Coomer --
5 I can help with this.

6 You mentioned that the leach field is --
7 could you show us on this drawing where that leach
8 field on your current property is?

9 MR. COOMER: Where what is?

10 MR. FRISONE: The leach field, the leach
11 bed you mentioned.

12 MR. COOMER: Yeah. Oh. The leach well
13 would be right here (indicating) off the corner.

14 MR. FRISONE: So to pull it off the line
15 this (indicating) way, you'd be on top of your leach
16 well?

17 MR. COOMER: Right.

18 MR. MONROE: I'm sure he would be, more
19 than 5 feet away.

20 MR. COOMER: See, this shed here is 4 foot
21 over onto this (indicating) property.

22 MR. FRISONE: On the back property. Got
23 you.

24 MR. FRISONE: We will let the Record
25 reflect that the applicant stated --

1 MS. VINCENT: He has 10 feet from the back.

2 MR. MONROE: Ten feet.

3 MR. FRISONE: You're fine.

4 MS. VINCENT: I'm sorry. The applicant has
5 testified that the leach -- I mean the property --
6 the line in question is with his own property at 400
7 Waterloo Road. That's where he's running into the
8 issue. To move the building any -- to bring it into
9 compliance at 14 feet would bring, put it over the
10 current leach field. The leach field is right up to
11 the edge where that proposed building is at. So the
12 hardship here, the hardship is you can't build it
13 any further over in compliance with 14 foot.

14 Now the size issue is another issue
15 altogether but....

16 MR. FRISONE: He can't move it over --

17 MS. VINCENT: Yeah. I understand.

18 MR. FRISONE: -- to the other side.

19 MS. VINCENT: I understand that.

20 MR. FRISONE: Okay.

21 MS. VINCENT: But he could change the width
22 and make it longer, make it shorter with sides --
23 longer length sides.

24 MR. FRISONE: Make it more a rectangular
25 shape.

1 MS. VINCENT: He's not going to put a truck
2 in it. It's none of my business what he is going to
3 do inside there, but he could change the dimensions
4 to fit the situation a little bit better.

5 MR. FRISONE: Is that all for right now?

6 MS. VINCENT: All I have.

7 MR. FRISONE: Mr. Grow, your turn.

8 MR. GROW: How many acres is that? That
9 says 100 acres [sic] plus --

10 MR. COOMER: Peg pardon.

11 MR. GROW: How many acres is the lot?

12 MR. COOMER: It's 200 by 100 which is just
13 over half an acre.

14 MR. GROW: Okay. I think we are getting on
15 the, the accessory unless there is somewhere else in
16 the book -- I'm looking at lot coverage on Page 43.
17 It says allowed 40 percent lot coverage. We're not
18 there yet. I don't know where he got the, where he
19 got the 653 square foot max at in the book.

20 MR. FRISONE: That's not the new book
21 though; correct?

22 MS. VINCENT: It's not the new book.

23 MR. GROW: Oh.

24 MR. FRISONE: That's the issue we have.
25 It's been amended by the Commission.

1 MR. GROW: We can only go by what we have.

2 MR. FRISONE: Well, I mean the Commission
3 has voted. I think that we're stuck with what the
4 Commission voted. But I don't know since we don't
5 have anybody that can or is willing to testify to
6 what that change was. Then there's....

7 MR. GROW: Okay. Another thing I noticed
8 here is on one of the pages where it shows the
9 elevation you have 14 foot plus 5 feet 3 which is a
10 total of 19 foot 3.

11 MR. COOMER: Yes.

12 MR. GROW: And that's a height violation if
13 we have allowance for 18 and half.

14 MR. COOMER: The height is 20 feet; right?

15 MR. GROW: Eighteen and a half. Isn't it?
16 Or unless they changed it. They changed it?

17 MR. MONROE: It's been changed.

18 MR. GROW: Okay. Never mind.

19 MR. COOMER: That's what Jim told me.

20 MR. FRISONE: The height went up. You're
21 fine with that.

22 MS. VINCENT: It's 20. Okay.

23 MR. GROW: We're good with that. That's
24 all I got.

25 MR. FRISONE: At this point, I'll go ahead

1 and open it up for comment from the floor. Anybody
2 want to speak to this issue about whether you
3 support it, oppose it as it's proposed in front of
4 us right now?

5 MR. TEEPLE: Leroy Teeple, 380 Waterloo.
6 I'm his neighbor. And I see no problem with it, for
7 any of the neighbors around it. It would improve
8 the property actually.

9 MR. FRISONE: Anything else from anybody?

10 Okay. Maybe we can address -- Miss Vincent
11 was asking if you could sort of elongate it this
12 way, skinny it this way (indicating). Is that at
13 all possible, for you to build it with slightly
14 different dimensions?

15 MR. COOMER: Well, I, I tell -- until I
16 would take the shed down, I can't.

17 MR. FRISONE: Right. Shed would come down.
18 I got it. You --

19 MR. COOMER: Wouldn't want to bring it any
20 closer to the house, you know.

21 MR. FRISONE: But once you took that shed
22 down, you probably could do that I'm thinking.

23 MR. COOMER: Right.

24 MR. FRISONE: It's a suggestion that has
25 been made by a member of the Board. I don't know if

1 that's something that you would want to consider.
2 That could bring it more into compliance than what
3 it is now.

4 MR. COOMER: Yeah. You mean as far as the
5 5-foot dimension?

6 MR. FRISONE: Yeah. I guess I'm not as
7 concerned about that myself.

8 MS. VINCENT: Has to be 10 feet off the
9 back part of the property, so that would give him 16
10 feet lengthwise -- I didn't do the square footage --
11 changing the dimensions of the building.

12 MR. FRISONE: Right. Right. Which is an
13 issue for us.

14 MS. VINCENT: My concern is that he's not
15 going to always own the property next to him and the
16 house. So the, the new owner will have to deal with
17 this building 5 feet from the property line. And
18 unless you could prove that this last -- this old
19 building, like Don Monroe said, had a variance for
20 that, that set precedent for that, that property,
21 that lot.

22 MR. GROW: I would think if -- you know, he
23 owns both lots now. And if he put the garage on
24 there and decided to sell the second lot, the guy
25 that bought the second lot would know that there's

1 going to be a building there because it's already
2 there. So someone wouldn't buy it or wouldn't -- it
3 would drive his property value down or whatever. He
4 would have to compensate for it when he sold that
5 lot. But whoever bought that lot would know about
6 it. It's not like we are pulling a fast one on a
7 future, future owner of the lot.

8 MS. VINCENT: But then also you'll have
9 other people come in and say, "I want to build 5
10 feet from their lot lines." What are you going to
11 do there? You're going to set precedence by
12 changing our zoning?

13 MR. MONROE: Each case is an individual
14 case within itself and not coupled with a previous
15 case.

16 MR. GROW: He could combine the lots and
17 just put the thing on there. He wouldn't have a
18 5-foot offset because there wouldn't be any property
19 line there anymore.

20 MR. MONROE: As I recall, there is a wall,
21 there is a wall there.

22 MR. COOMER: Yeah.

23 MR. MONROE: How far is that from the
24 property line? Or is that the property line?

25 MR. COOMER: It's set 5 feet from the

1 property line, the wall is.

2 MR. MONROE: The wall is 5 feet from the
3 property line.

4 MR. COOMER: Right.

5 MR. MONROE: Building there now is probably
6 a couple feet from that wall, as I recall. So the
7 wall is what makes it go down in. It was dug down
8 in and they built a wall there. Okay.

9 I still believe that, that shed probably
10 had to have a variance under our zoning regulations.
11 Because I don't believe the zoning regulations have
12 changed under the variance thing in all the books
13 that I have. And I probably have all of them. I
14 didn't go back and look.

15 MR. FRISONE: We don't know when the shed
16 was built.

17 MR. MONROE: That's why I would like to
18 have the zoning inspector here, you see. That would
19 have been nice. But since we don't, we have to make
20 that decision without that knowledge.

21 MS. CALCEI: If we know the previous
22 owner's name, the records -- I don't know how far
23 back they go. There are zoning records back in
24 there. I just don't know how far they go back, if
25 they date to the '60s.

1 MR. GROW: Does the shed have a foundation?

2 MR. COOMER: What?

3 MR. GROW: Does the shed have a foundation?

4 MR. COOMER: Yes, it does.

5 MR. GROW: Okay.

6 MR. COOMER: Concrete block building with
7 foundation.

8 MR. GROW: Okay.

9 MR. COOMER: And what one of my problems
10 that I would face is the fact that if something
11 should happen to me and my heirs would want, my son
12 or daughter would want to sell the property and
13 somebody come in and surveyed it and they had to go
14 to the expense then of tearing that building down,
15 you know, before they could actually enter into a
16 real estate contract.

17 MR. FRISONE: The current shed, the current
18 building you're referring to?

19 MR. COOMER: Yeah. Yeah. So that's what I
20 want to do. I want to replace that building and
21 tear it down.

22 MR. FRISONE: What's the pleasure of our
23 Board? We either can make a decision on this issue
24 tonight. We can --

25 Are you in a hurry? I never did ask that

1 question. Are you in a time crunch for this project
2 to happen?

3 MR. COOMER: Not really.

4 MR. FRISONE: Well, we could continue this
5 meeting, allowing us to check those records which
6 might make this a moot point in terms of the, at
7 least the side-line setback. I don't know if we are
8 going to find anything or not. But if we could at
9 least check and have some time to look into it.

10 And maybe the book will be printed by then
11 and we can actually see what the regulations are,
12 what the Commission passed, and try to apply those
13 as well on the, on the square footage issue.

14 MR. TEEPLE: Would it help you to tell you
15 that the original owner of the property moved in in
16 1968? The property -- the building would have been
17 built maybe within a year or two years, three years
18 after that.

19 MR. FRISONE: So be late '60s, early '70s.

20 MR. TEEPLE: Right.

21 MR. FRISONE: That would help us at the
22 very least.

23 MR. TEEPLE: I was there when he built it.

24 MS. VINCENT: Would you need proof of the
25 owner's name if he knows that?

1 MR. TEEPLE: His name is Ronald Pryor. But
2 he's deceased.

3 MS. CALCEI: But it was "Pryor." Because
4 it will go back, the name back there.

5 MR. GROW: Okay. I'm in agreement with
6 that.

7 MR. MONROE: I believe that we have enough
8 information to make that decision.

9 MR. FRISONE: Tonight.

10 MR. MONROE: Tonight.

11 MR. FRISONE: Pleasure of the Board?

12 MR. MONROE: I think that delaying it would
13 be not a good idea.

14 MR. FRISONE: Okay. Mr. Grow, what's your
15 thoughts?

16 MR. GROW: I got what I need. Looking for
17 a motion?

18 MR. FRISONE: If someone's prepared to make
19 one, yeah. I didn't know we were at that point of
20 the meeting. But if somebody is prepared to --

21 Do we have any other questions or anything
22 else from the Board?

23 MR. MONROE: I do not. I got a motion.

24 MR. FRISONE: Well, Jocelyn, we have a
25 motion.

1 MR. MONROE: I make the motion that we
2 approve the variance with the idea that Mr. Coomer
3 will tear that shed down and remove that from the
4 existing shed [sic] and be allowed to build his
5 building like he's requesting.

6 MR. FRISONE: Would you also -- you mean
7 variance for both the side line and the --

8 MR. MONROE: Yeah.

9 MR. FRISONE: -- size?

10 MR. MONROE: Yeah. Variance for the side
11 line to be within 5 feet and to make sure that they
12 tear down the shed.

13 MR. FRISONE: You want to stipulate the
14 size of the building?

15 It's being proposed 30 by 40; correct?

16 MR. COOMER: Yes, sir.

17 MR. MONROE: Size of the building as
18 proposed.

19 MR. FRISONE: Okay. We have a motion on
20 the floor to grant the variance for both the side
21 line setback and the square footage of the building
22 as well as the teardown of the old shed. Is there a
23 second to that motion?

24 MR. GROW: I'll second it.

25 MR. FRISONE: We have a motion and a

1 second. Any discussion on the motion?
2 Hearing none, can you call the role.

3 MS. CALCEI: Ms. Vincent.

4 MS. VINCENT: No.

5 MS. CALCEI: Mr. Grow.

6 MR. GROW: Yes.

7 MS. VINCENT: Mr. Monroe.

8 MR. MONROE: Yes.

9 MS. CALCEI: Mr. Frisone.

10 MR. FRISONE: Yes.

11 Three to one vote. It passed.

12 MR. COOMER: Thank you.

13 MR. FRISONE: We will be back with you
14 shortly with the information and the paperwork that
15 you need to proceed.

16 MR. COOMER: All right. I can get it under
17 contract then and go forward.

18 MR. FRISONE: I would wait until you got
19 that piece of paper from our zoning inspector. But,
20 yes.

21 MR. COOMER: Yes.

22 MR. FRISONE: Please wait for that before
23 you go and sign any contracts.

24 Go ahead and adjourn this meeting.

25 (The meeting concluded at 8:30 p.m.)

C E R T I F I C A T E

STATE OF OHIO

COUNTY OF STARK

I, Jocelyn S. Harhay, RPR, Notary Public in and for the State of Ohio, do hereby certify that the April 5, 2012, Suffield Board of Zoning Appeals meeting was to the best of my ability reduced to machine shorthand, afterwards transcribed under my direction by means of computer, and that to the best of my ability the foregoing is a true and correct transcript of the meeting.

I further certify that this meeting was taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative or employee of an attorney of any of the parties in the above-captioned action and that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Ohio Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand at Hartville, Ohio, on April 25, 2012.

/s/ Jocelyn S. Harhay

My Commission expires: June 15, 2013.