

Held at 6:30 p.m. at the Waterville Township Hall on November 20, 2006

ROLL CALL:

Chairman Paul Accettola
 Vice-Chairman James E. Fischer
 Member Jack A. Trail
 Member Stephen Tosh
 Member Judith Overmyer

OFFICIALS:

Zoning Inspector Eric H. Gay
 Fiscal Officer Kay Ann Robertson

GUESTS:

Timothy Berry, 9065 South River Road, Waterville, Ohio
 George Cole, 5926 Winslow Road, Whitehouse, Ohio
 Anton J. Urbas, 5845 Berkey-Southern Road, Whitehouse, Ohio

MINUTES:

The minutes had been prepared by Fiscal Officer Kay Ann Robertson and sent to each appeals board member prior to the meeting.

Jack A. Trail made a motion to dispense with the reading of the minutes of the January 16, 2006, Organizational Meeting and to approve these minutes with no additions or corrections. Seconded by **Paul Accettola**. Motion Carried.

PUBLIC HEARING:

Chairman Paul Accettola opened the public hearing which had been advertised for this date and time. The purpose of the hearing was to consider an appeal by Timothy D. Berry, 9065 South River Road, Waterville, Ohio, to build a 28' x 40' garage in his front yard. Mr. Berry's application for a building permit to build the garage was denied under Waterville Township Zoning Resolution Section 9.2.3 Yard Requirement: Accessory buildings shall not be located in any front yard.

Property owner, Tim Berry, had brought letters from the following neighbors who were not opposed to his building the garage in his front yard:

- Bessie D. and Floyd J. Cogen, 9102 South River Road, Waterville, Ohio
- Terri and Hal Wilson, 9101 South River Road, Waterville, Ohio
- Skip and Karen Dress, 9067 South River Road, Waterville, Ohio
- Mary C. Flaggert, 9058 South River Road, Waterville, Ohio
- Marc and Laurel McCullough, 9047 South River Road, Waterville, Ohio

COMMENTS:

Eric Gay: Mr. Berry is asking to build his garage in his front yard. He is 200' from US 24 and the proposed garage will be 55' from the side of his house and 15' behind his adjoining neighbor's residence. Mr. Berry meets conditions on one side of his house but not on the other. All of the parcels on this river side of US 24 are long and narrow. They also have very little back yards as the houses are built on the edge of the river bank and the MetroParks Tow Path. He has a septic system and no public sewers are anticipated for this area. His well is located in his front yard. Inspector Gay felt his request was reasonable.

Tim Berry: Directly across the street from his residence is a three-car garage located in their front yard. Many of the properties in his area have sheds in the front yards.

Paul Accettola: We (appeals board) are here to enforce the zoning resolution. We need a statement of your hardship. Actually what stands between you and your building the garage behind your front building line is two (2) trees and whether this board determines if removing the trees is a hardship.

Jack Trail: How long have you lived here? **Mr. Berry:** Two years.

Judy Overmyer: Are the trees too big to move? **Mr. Berry:** Yes.

Tim Berry: I also placed it in the front yard to avoid being under the power lines.

Paul Accettola: I am just one vote but I do not think removing two trees is a hardship. However, I could relax my stance because several of the neighbors have accessory buildings in their front yards. Mr. Berry does work for Blanchard Tree Service so he is in a good position to remove the trees however costly that may be.

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Continued:

Jim Fischer: Our challenge is to determine that there is no other way before we grant a variance.

Tim Berry: This is the most level spot to put the garage.

James E. Fischer made a motion that the request for a variance to build a garage in the front yard of Timothy Berry, 9065 South River Road, Waterville, Ohio, be denied. Seconded by Judith Overmyer.

James E. Fischer,	Aye.
Jack A. Trail,	Aye.
Judith Overmyer,	Aye.
Stephen Tosh,	Aye.
Paul Accettola,	Aye.

There being no further business, James E. Fischer made a motion to adjourn.

Seconded by Judith Overmyer.

Motion Carried.

Adjourned at 7:04 p.m.

Attest: Kay Ann Robertson

Board

James E. Fischer

Judith Overmyer

Paul Accettola