



**Board of Zoning Appeals  
Public Hearing Minutes  
May 28, 2019**

Call to Order:

Barry Frey served as Chair and called the hearing to order at 6:30 p.m.

Pledge of Allegiance

New Business

A variance application has been received from John C. & Kathleen A. Piscitello, P.O. Box 169 Westfield Center, Ohio 44251.

The applicant is requesting an area variance to be able to construct a duplex on an R-3 lot. The code requires 150 feet of frontage and minimum lot size of 18,000 sq. ft. to construct a duplex on an R-3 lot. The two lots have only 100 feet of frontage and 17,000 sq. ft. each requiring a 50 foot frontage variance and 1,000 sq. ft. variance for minimum lot area for the parcel number 012-21A-07-244, Village Lot 1357 and parcel number 012-21A-07-245, Village lot 1358 located at 120 W. Greenwich Road.

Privilege of the Floor

Tiffany Bryant, 176 Blue Spruce Ct., spoke that she and at least 15 other residents object to the variance request. See the attached document.

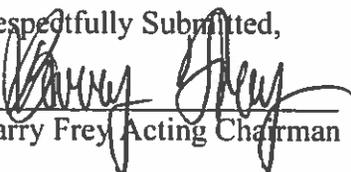
Mr. Piscitello spoke and said he had a buyer interested if he were to be able to get the variance. Mr. Steele asked Mr. Piscitello if he knew the size of the potential duplex. Mr. Piscitello said he did not, but understood it would need to comply with the zoning codes.

Kristi Lutz, 170 Blue Spruce Court, expressed concerns about the area variance and didn't feel it was necessary considering they just rezoned the property last year.

Kathy Stugmyer of 8704 Northstar Circle expressed her concern that the change was unnecessary and felt the codes are there for a reason. She would be more understanding if this was an older established residence.

Ed Steele motioned to adjourn the public hearing. Ron Spittler seconded the motion. All were in favor. The hearing was adjourned at 6:39 p.m.

Respectfully Submitted,

  
Barry Frey Acting Chairman

May 24, 2019

Seville Village Board of Zoning Appeals  
120 Royal Crest Drive  
Seville, Ohio 44273

Regarding: Variance Applications V19-03 & V19-04

Dear Mr. Chairman, Mr. Bittaker, and Members of the Board of Zoning Appeals,

This letter is to state our opposition to the proposed zoning variances for lots 012-21A-07-244 and 012-21A-07-245. As adjoining and nearby property owners, we are concerned about these proposed variances. We have accessed the variance applications by public records request and have reviewed the property owners' reasons for the request. We have also examined the factors for consideration of an Area Variance as listed in Section 1406.02 "Findings by the Board" A. "Area Variance" of The Village of Seville Zoning Ordinance. The following is our position on those factors:

1. "Whether the property in question will yield a reasonable return or whether there can be a beneficial use of the property without the variance."

Referencing section 604.03 "Area and Height Regulation" of The Village of Seville Zoning Ordinance, the lots have sufficient area for one-family dwellings. Several other properties are near or adjacent to the carwash and fire station. They have yielded reasonable return and are of beneficial use as single-family dwellings. We believe the lots in question should yield a reasonable return and are of beneficial use without the variances.

2. "Whether the variance is substantial."

The area requirements for two-family dwellings in the R-3 district are explicitly stated in section 604.03. We feel that the requested variances are substantial given the lot sizes and intended use.

3. "Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties will suffer a substantial detriment to their proper future development and rights as a result of the variance."

The neighborhood is comprised of single-family residential dwellings on appropriate-sized lots. We believe that duplexes on lots that are too small would detract from the desired density for the R-3 district and would be detrimental the general character of this neighborhood and to the value of adjoining and nearby R-3 properties.

4. "Whether the variance will adversely affect the delivery of governmental services."

Given that the area requirements are explicitly stated, and there are no circumstances that necessitate variances for beneficial use of the lots, these variances would set a precedent that would adversely affect future application and enforcement of the Village of Seville Zoning Ordinance.

5. "Whether the property owner purchased the property with knowledge of the zoning restriction(s)."

The property owner requested for the property to be rezoned from Local Commercial to R-3 and for the lots to be split to their current form in July of 2018. We believe that it is a reasonable expectation that the property owners were knowledgeable of the current zoning restrictions.

6. "Whether the property owner's need for the variance can be solved through some method other than a variance."

There is simply insufficient area and insufficient width for two-family dwellings on the lots per the Zoning Ordinance. There is no need for a variance. We emphasize that the current owners requested for the lots to be split and rezoned to their current form. It is reasonable to expect that they will either sell these lots to someone who will build appropriate-sized dwellings or the current owners can build single-family dwellings pursuant to the zoning regulation. Landscaping buffers could be utilized to for the developers' stated concerns regarding the car wash and fire station.

7. "Whether the spirit and intent of the Ordinance will be observed and substantial justice done by granting the variance."

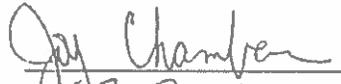
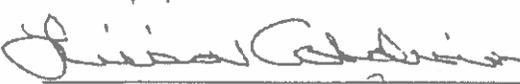
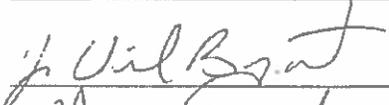
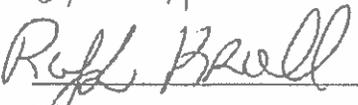
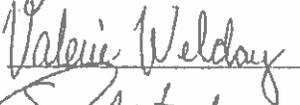
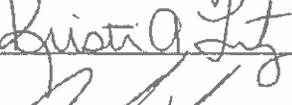
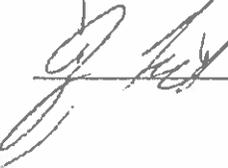
Section 604.01 of The Village of Seville Zoning Ordinance describes the purpose of the R-3 district. It states, "The overall density permitted in an R-3 district shall not exceed 4.0 dwelling units per (net) acre." The proposed development would detract from the desired density for the R-3 district. We feel this is not in observance of the spirit and intent of the R-3 district.

8. "Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district."

Those of us who oppose these variances adjoin or live near the car wash and fire station. Our properties have been occupied as single-family dwellings for more than two decades. Also, our properties have changed hands over the years, which indicates people are willing to buy single-family homes near a car wash and fire station. The vacant lots in question have been for sale for less than one year since their conversion to two separate R-3 lots. We do not believe that this is a unique or exceptional circumstance that necessitates the proposed zoning variances.

We respectfully urge you to deny approval of Applications V19-03 & V19-04.

Sincerely,

Sign	Print	Address
	Amelia Cianciola	184 Blue Spruce Ct
	Joy Chambers	130 W. Greenwich Rd.
	Jeff Taylor	200 Blue Spruce Ct
	MIKE HOWMAN	172 BLUE SPRUCE CT.
	Liisa Coldiron	192 Blue Spruce Ct Seattle, WA
	URIAH BRYANT	176 BLUE SPRUCE CT
	CLINT DAVIDS	140 W. GREENWICH CT
	Carl M. Hout	209 Blue Spruce Ct.
	DAVID A. KURB	210 BLUE SPRUCE CT.
	LORETTA KURASZ	185 Blue Spruce Ct
	RALPH KROLL	173 BLUE SPRUCE CT
	Valerie Weldon	218 Blue Spruce Ct.
	David A. Kenestly	197 Blue Spruce Ct
	Kristi A. Lutz	170 Blue Spruce Ct
	JACK FISK	179 BLUE SPRUCE CT