

STATE OF OHIO

COUNTY OF TRUMBULL

LORDSTOWN VILLAGE BOARD OF ZONING APPEALS

PUBLIC HEARING

MONDAY, MAY 12, 2025, AT 5:30 P.M.

IN RE: CASE NO. 2025-01

APPEARANCES:

Lordstown Village Board of Zoning Appeals
Mayor Jackie Woodward
Larry Tura
Thomas Czoka
Michelle Knox
Councilman Lamar Liming
Solicitor Matt Ries
Planning & Zoning Administrator Kellie Bordner
Assistant Planning & Zoning Administrator Dustin
Hajnosz

On behalf of Appellant:

Jonathan and Rachel Dotson

Robert W. Cregar

OTHERS PRESENT: Laurie Czoka
Jamie Moseley
Cathy Bounds
Mark McGrail

PLACE: Lordstown Administration Building

1455 Salt Springs Rd.

Lordstown, Ohio 44481

COURT REPORTER: Sharon K. Vigorito

PROCEEDINGS

**Lordstown Village Board of Zoning Appeals Public Hearing
(WHEREAS, the Lordstown Village Board of Zoning Appeals public
hearing commenced on Monday, May 12, 2025, at 5:30 p.m. and
proceedings were as follows:)**

MR. TURA: Attention. Welcome to the Village of Lordstown Board of Zoning Appeals. We will open with the Pledge of Allegiance. Please join us.

(Pledge of Allegiance to the Flag.)

MR. TURA: Can we have roll call, please?

MR. HAJNOSZ: Yes, sir. Mr. Tura?

MR. TURA: Present.

MR. HAJNOSZ: Mr. Czoka?

MR. CZOKA: Present.

MR. HAJNOSZ: Mrs. Knox?

MS. KNOX: Present.

MR. HAJNOSZ: Mayor Woodward?

MAYOR WOODWARD: Here.

MR. HAJNOSZ: Mr. Liming?

MR. LIMING: Here.

MR. HAJNOSZ: Solicitor Ries?

SOLICITOR RIES: Here.

MR. HAJNOSZ: Miss Bordner?

MS. BORDNER: Present.

MR. HAJNOSZ: Dustin Hajnosz, present.

MR. TURA: I'd like to make a motion to approve the agenda.

MAYOR WOODWARD: I'll second that.

MR. TURA: Motion by Larry Tura; seconded by Mayor Woodward. All in favor?

THE BOARD: Aye.

MR. TURA: Any opposed? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. TURA: Hearing none, the motion passes.

I'd like to ask for a motion to approve tonight the meeting minutes of April 14, 2025.

MR. LIMING: I'll make that motion.

MR. CZOKA: I'll second it.

MR. TURA: Motion by Lamar; second by Tom. All in favor?

THE BOARD: Aye.

MR. TURA: Any opposed? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. TURA: Hearing none, the motion passes.

Dustin, do you have any correspondence tonight?

MR. HAJNOSZ: I do. I have one item. It is from a Nianna Gustovich.

She lives over on Lyntz, and I'm going to read what she sent to me for the record. "Dear Mr. Hajnosz, My name is Nianna E. Gustovich.

I am a property owner on Lyntz Road facing the property belonging to John Dotson and Robert Cregar. Due to the fact that I live out of state, I'm writing you to discuss my thoughts on the issues concerning the zoning violations with the property located at 1969 Lyntz Road. I'm concerned about the vision of our neighborhood. As I plan to develop my property in the near future, I personally went to the zoning commission and asked pertinent questions as to what was permitted on the property, building sizes, variances, rights of way, and the distances for permitted structures. I feel that this is what every person should do to make sure that structures fall within code and provide a safe place to live, as well as an aesthetically pleasing environment for the community. Having said this, I find that placing a garage in front of the house will detract from the look of the neighborhood. Houses are required to have an attached garage as part of the aesthetics of our community and adding one as a separate building, especially towards the front of the property, will result in being an eyesore and perhaps diminish property values. Please take into consideration how our neighborhood is going to be developed and how it will be seen by people who are looking to move there. Sincerely, Nianna E. Gustovich."

MR. TURA: Are there any other correspondence?

MR. HAJNOSZ: No, sir.

MR. TURA: Okay. This is a continuance from April 14, 2025. Case, 2025-01. Jonathan Dotson and Robert Cregar are appealing a zoning

violation and requested a variance from the Lordstown Codified Ordinance which require an attached garage to a single-family dwelling and for such garage not to be closer to the street than the principal structure, which is located at 1969 Lyntz Road, Lordstown Ohio, situated in an R-1 zone district.

At this point, the Scope and Jurisdiction of this Board pursuant to the Lordstown Codified Ordinance 1127.04 is as follows:

1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Department in enforcement of the Lordstown Codified Ordinances.

2) To authorize, upon appeal, in specific cases, a variance from the terms of the Lordstown Codified Ordinances if it will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Lordstown Codified Ordinances will result in practical difficulties, and so that the spirit of the Lordstown Codified Ordinances shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety and morals and in furtherance of the purpose and intent of the Lordstown Codified Ordinances.

3) To issue Special Use Permits upon sufficient cause shown.

4) To render an opinion where the Planning & Zoning Administrator has determined that she or he needs a second opinion or clarification

of a portion of the code.

Statements at this public hearing are not the only basis for the determination in this case. The Board represents not only the vocal group at a public hearing, but those many citizens who do not attend or speak at hearings. The decision of the Board shall not become final until the expiration of five working days from the date of the Board's approval or denial.

At this time, I need to swear in anyone who is going to be speaking at this meeting. So, I'd like you both to stand, raise your right hand and repeat after me. I, state your name, solemnly swear that the testimony I'm about to give is true and accurate so help me God.

MR. DOTSON: I, Jonathan Dotson, swear that the testimony I give is accurately true so help me God.

MR. TURA: Thank you.

MS. DOTSON: I, Rachel Dotson, swear that the testimony I give is accurate —

MR. TURA: And true.

MS. DOTSON: — and true.

MR. TURA: Thank you.

MS. DOTSON: Mr. Cregar is coming, too. He'll be here in a minute.

MR. TURA: Well, he'll have to be sworn in if he plans on speaking. The procedure for this public comment aspect of our hearing is as follows:

All speakers must step up to the microphone and state their name and

address for the record.

All persons speak in order, one by one, no open discussion and no cross examination.

The Appellant makes the first statement.

Those in favor speak after the Appellant.

Those against speak next.

Rebuttal by the Appellant is then usually permitted.

The members of the Board then ask for clarification or additional information.

A last call for new or additional information that has not been previously stated.

I'm asking that the Assistant Planning & Zoning Administrator will now read the zoning information for the case.

MR. HAJNOSZ: Okay. This Case Number is 2025-01. It was prepared on February 19, 2025. The applicants are Jonathan and Rachel Dotson, as Vendees under a Land Contract with property owner and Vendor, Robert W. Cregar, Trustee of the Robert W. Cregar Living Trust. Their address is 1969 Lyntz Road, SW, Warren, Ohio 44481, Parcel No. 45-018575. The property owner is Robert W. Cregar, Trustee of the Robert W. Cregar Living Trust. His address is 144 North Park Avenue, Warren, Ohio 44481. His other address is 3459 Hallock-Young Road, Newton Falls, Ohio 44444.

The purpose of this hearing is to appeal a formal zoning violation issued on February 20, 2025; to obtain a variance from Lordstown

Codified Ordinance 1137.04(a), which requires that all residential dwellings must have an enclosed four-sided attached garage, as a result of the fact that the Vendees converted the existing attached garage into living space; and, to obtain a variance from Lordstown Codified Ordinance 1141.04(a)(4), which requires that no accessory structure be located closer to the street than the principal building, as a result of the fact that the Vendees now wish to construct a detached garage which will be located in front of and slightly towards the east side of the single-family dwelling. The address affected by the hearing is 1969 Lyntz Road, SW, Warren, Ohio 44481.

The size of the parcel being affected is 2.12 acres.

Existing land use is Residential, Single-Family Dwelling.

Presently Zoned as Residential (R-1).

Surrounding zoning and land usage, Residential (R-1).

What will be the future use of this land? It will also be Residential (R-1).

Public utilities available: Water, sewer, gas, electric.

Physical environment of surrounding land: Flat area with a fence, enclosed in-ground swimming pool, scattered trees in the rear area of the property, and a drainage ditch which straddles the east property line and cuts through the rear yard with a wide foot bridge to cross.

Past zoning history: In 1971, a zoning permit was issued to

construct a single-family dwelling with attached two-car garage; in 1976, a zoning permit was issued to construct an in-ground pool with surrounding fence; and, on October 24, 2024, a zoning permit was issued to construct a 12' x 40' storage shed after it was learned by the Lordstown Planning & Zoning Office that a new shed had recently been placed on the property. There has been no change of zoning designation throughout the history of the parcel.

History of the case: On October 23, 2024, the office received an anonymous telephone complaint regarding the placement of a new shed at 1969 Lyntz and what appeared to be an additional construction regarding the attached garage on site. The address file was checked and it was confirmed that no zoning permit had recently been issued for a shed. I, as the Assistant Planning & Zoning Administrator, went to 1969 Lyntz to inspect the construction and discuss these issues with the residents; however, upon doing so, the conversation became confrontational.

Mr. Dotson was informed that the shed zoning permit would need to be secured and that the process was straightforward. He was also advised that the zoning permit fee would be doubled because of commencing construction or placement without prior approval.

Furthermore, I clarified that the removal of the garage to create living quarters was not permissible, as it would compromise the code compliance of the dwelling. I outlined the procedures involved in appealing the violation through the Board of Zoning Appeals and the

steps necessary to request a variance for the construction of a new garage in front of the house, separate from the main dwelling. Unfortunately, these explanations were met with further hostility, necessitating the involvement of the Planning & Zoning Administrator, Kellie, who arrived to assist in the de-escalation of the situation, as Mr. Dotson and I were unable to come to a mutual understanding.

On October 24, 2024, Mr. & Mrs. Dotson came in to the Planning and Zoning Office to complete a zoning permit application for this shed, which was processed that same day. During the visit, we also explored the potential solutions to the attached garage de-construction violation in order to restore compliance with zoning regulations. We agreed on a plan for the Dotsons to attach a new full-size, two-car garage to the dwelling via a breezeway. We instructed him to devise plans for this new garage and submit for a zoning permit, along with obtaining necessary permission from Trumbull County Building Department for the living quarters to be constructed in the existing garage area, underscoring the urgency of resolving this matter to avoid the issuance of a formal zoning violation.

On November 4, 2024, I made a telephone inquiry to Mr. Dotson to assess the progress, as we had not yet received any updates. He assured me that he would return by the end of the week, specifically, on November 8, 2024. On November 6, Mr. Dotson visited the Planning

& Zoning Office to retrieve a copy of the plot plan filed when the zoning permit for the shed was secured, and I suggested utilizing this plot plan to facilitate the zoning permit submission process for the breezeway and new garage connecting to the existing garage area. By November 8, Mr. Dotson provided us documentation from the Trumbull County Building Department indicating that the existing garage had been converted into additional living space and indicated that he was still finalizing the plans for the new garage and breezeway.

On November 13, 2024, I telephoned Mr. Dotson to follow up on his plans. During this conversation, he stated that he would no longer pursue the connection of the new garage to the dwelling via a breezeway, citing design concerns, and expressing his reluctance to further modify the garage, now designated as additional living space. I reiterated that, should he pursue this direction, he would need to appeal the violation and seek a variance for the detached garage in front of the house.

On November 14, 2024, Mr. Dotson returned to the Planning & Zoning Office to obtain a variance application. I reiterated the necessity for him to submit this paperwork in a timely manner and offered assistance should he require it. I also indicated that once received, I would reach out towards the end of the year to inform him of the 2025 Board of Zoning Appeals hearing date.

Following this office visit, communication from Mr. Dotson ceased.

Despite our efforts to provide him with additional time to resolve the situation, it became evident that we were not successful at urging him to comply with the necessary procedures. Consequently, on February 10, 2025, we sent the formal zoning violation to the current property owner via certified mail.

Was the zoning recently changed? No.

Lordstown Village Zoning Ordinance affected: 1137.04(a) and 1141.04(a)(4).

Lordstown Village Zoning Ordinances state, in relevant part:

1137.04 GARAGES AND FOUNDATIONS. Within any R-1, R-2 or R-3 District, no structure or land shall be used or designed to be used except for one or more of the following specified uses: (a) Residential dwellings shall have an enclosed four-sided attached garage together with a permanent frost-free perimeter foundation.

1141.04 ACCESSORY STRUCTURES. (a) Unattached Accessory Structures in Residential Districts. Accessory structures which are not attached to a principal structure may be erected in accordance with the following requirements: (4) No accessory building or structure shall be located closer to the street than the principal building, and in no event shall any accessory building or accessory structure be located closer to the street than the front yard setback required for the principal structure in the district in which such accessory building is to be located.

That is all I have.

MR. TURA: At this time, I'd like to have the Duncan Factors by Kellie read to us.

MS. BORDNER: The Duncan Factors to consider for the variance requested in Case No. 2025-01:

1) Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance. The property at 1969 Lyntz Road is zoned R-1 (Residential, Single-Family Dwelling). It was purchased on October 11, 2024 for \$290,000 by Robert W. Cregar, Trustee or his successors in Trust under the Robert W. Cregar Living Trust. A picture of the single-family dwelling as it was offered for sale on Zillow in October 2024 has been provided. On October 15, 2024, Mr. Cregar executed a Land Installment Contract in favor of Jonathan H. Dotson and Rachel L. Dotson (Vendees), and the Appellants in this case. The Land Installment Contract states at Item 4 that the subject property will be transferred to the Vendees upon full payment of the contract price of \$290,000. Item 14 of the Land Installment Contract further states in pertinent part that, "The Vendee agrees that Vendee shall, at own cost and expense, repair and maintain said property and the buildings and improvements thereon. Any improvements made to the property shall not be removed by Vendee for any reason * * *. The Vendee accepts the property AS IS, WHERE IS." Additionally, Item 16 of the Land Installment Contract states in pertinent part that, "Vendee will not renovate, remodel, or alter any building or improvement now or

hereafter situated on the property without giving written notice and submitting plans for such renovating, remodeling, or construction to Vendor and first obtaining Vendor's approval in writing of such plans." To the best of the Planning & Zoning Office's knowledge, the Vendee did not obtain the approval of the Vendor prior to renovating, remodeling and altering the existing attached garage on this property.

A beneficial use of the property, without granting a variance, is currently occurring as the single-family dwelling is occupied.

2) Whether the variance is substantial.

Lordstown Codified Ordinance 1137.01 requires that the front setback from the road right-of-way be 60 feet in an R-1 zone district. Lyntz Road has a 60 foot road right-of-way; therefore, any structure would need to be set back at least 90 feet from the center of the roadway. The single-family dwelling at 1969 Lyntz Road is structurally located on a diagonal from the curvature of the roadway such that the closest point of the west side of the dwelling is approximately 180 feet from the centerline and the closest point of the east side is approximately 200 feet. The proposed area for the detached full, two-car garage is approximately 160 feet from the centerline of Lyntz Road, so it would more than meet the front setback requirement.

Lordstown Codified Ordinance 1137.04(a), passed in 2006, requires that all residential dwellings have an attached garage. Lordstown Codified Ordinance 1141.04(a)(4), passed in 2002, further requires

that no accessory building or structure (such as a detached garage) be closer to the street than the principal building.

From the front line of the existing dwelling to the northeast area where such detached garage is proposed to be located is approximately 20 feet. If a minimum of 26 feet by 26 feet is assumed for the size of the garage, which appears to be the standard, average size of an attached garage for dwellings built in the Village over the last 20 years, then the variance request would equate to approximately 25–30 percent. The proposed structure must also meet a setback of 10 feet from the east side property line per Lordstown Codified Ordinance 1137.01.

Appellants are seeking a variance to be permitted to construct a free-standing, detached garage in front of their principal dwelling. They argue that the relevant code sections are applicable only to new construction and that the repurposing of the attached garage area to living quarters is not new construction of a dwelling. They state that such repurposing was necessary to have proper space for the children in the household. Appellants also offer that this is an update to the dwelling which will increase the property value and involved only the restructuring of the interior area which did not require a zoning permit from the Village of Lordstown. Appellants state that they obtained the appropriate approval from the Trumbull County Building Department for the creation of living quarters in the former attached garage space.

The research into the zoning permits issued for single-family dwellings since January 1, 2002 and the inception of Lordstown Codified Ordinance 1141.04 (which represents the earliest passage of the ordinances relevant to this matter), has revealed that 122 dwellings were built following the issuance of a zoning permit in the Village of Lordstown. Of the 122 dwellings that were built since 2002, all of them had garages attached. Although the single-family dwelling at 1969 Lyntz Road was built in 1971, it was built with an attached garage and was therefore in compliance with Lordstown Codified Ordinances 1137.04 and 1141.04, even before their existence. When offered for sale in September and October of 2024, the attached garage on this dwelling was still intact and remained so at the time of purchase by the current property owner. This dwelling did not fall out of compliance with the Lordstown Codified Ordinances until the attached garage was altered by Appellants as Vendees of the property.

Allowing a detached garage for a single-family dwelling without first having the benefit of an attached garage, could lead to potential complications in future zoning decisions, as it may be interpreted as precedent setting for similar requests. This could open the door for other property owners to seek variances for structures that typically adhere to existing regulations.

3) Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial

detriment."

Appellants have claimed that there are other dwellings on Lyntz Road that do not have attached garages, as well as throughout the Village. The area in which the subject property is located is an R-1 (Residential, Single-Family Dwelling) zone district. Some of the dwellings in this area were built prior to the requirement that residential dwellings have an attached garage, which was established under Lordstown Codified Ordinance 1137.04(a) in April of 2006. Lordstown Codified Ordinance 1141.04(a)(4) which prohibits an accessory building or structure (such as a detached garage) being located closer to the street than the principal structure, was established in April of 2002.

Lordstown is an older village and the largest per square mile in Ohio. Zoning regulations were not established until 1976-77. As a result, it is not out of the realm of reason that many dwellings were constructed prior to 2002 and may have detached garages, some of which may be located in front of a dwelling, especially since zoning ordinances did not require attached garages prior to 2006.

Given this information, the essential character of the neighborhood would seemingly not be substantially altered should a variance be granted in this case. Adjoining, adjacent and neighboring property owners have been notified of Appellants' request for a variance and the current hearing. They are free to speak on any detriment they may feel they would suffer.

4) Whether the variance would adversely affect the delivery of governmental services.

This case does not present concerns relative to adequate delivery of governmental services.

5) Whether the property owner purchased the property with knowledge of the zoning restrictions.

Prior to the execution of the Land Installment Contract by Appellants/Vendees on October 15, 2024 for the parcel in question at 1969 Lyntz Road, they rented a dwelling and lived at 1280 Salt Springs Road. In August of 2020, they constructed a larger front porch without a zoning permit. The Planning & Zoning Office then had to contact the property owner, Aaron Frank, and address the issue with him. At that time, we were also contacted by Appellant, Jonathan Dotson, as the tenant, who had questions about the need for a zoning permit. We explained that any time a structure is to be constructed, or hauled/brought in to be placed on a parcel within the Village of Lordstown, or any particular use is changed on a parcel within the Village, it would be necessary to contact the Planning & Zoning Office to determine whether a zoning permit is needed and/or whether the particular type of use being requested or contemplated would be permissible. Therefore, Appellant was aware of the need to check with the Planning & Zoning Office before engaging in any type of construction, structure placement or alterations upon the property on which he lives here in the Village.

6) Whether the problem can be solved by some manner other than the granting of a variance.

Lordstown Codified Ordinance 1104.06(a)(2) states that, "Garages or accessory structures connected to the main dwelling unit by breezeways or other permanently constructed connection shall be construed to be a part of the main structure." The Planning & Zoning Office discussed the option of attaching a newly constructed garage to the dwelling via a breezeway which would have effectively addressed the zoning issues without needing to apply for a variance. Appellant responded that it would be too hard to attach a new garage to the dwelling by way of a breezeway because of the drainage ditch running along the east property line and because he did not want to cut into the new vinyl (which was placed on the east side of the former garage when he constructed the new living quarters), to attach a breezeway and then re-create a man door.

By connecting a garage to the dwelling with a breezeway, it would become a part of the main structure. This allows setback requirements to be met and since the garage would be attached to the dwelling by way of a breezeway, the closest point to the street would become the north side of the garage, thereby avoiding any zoning violation. The breezeway would provide an intermediary space which would alleviate any concern about visual impact or obstruction, while maintaining the aesthetic continuity between the house and the garage, which is a consideration where certain design standards are

expected.

Additionally, a breezeway connection would provide convenience in terms of access, allowing for easy movement between a new garage and the dwelling, particularly during inclement weather. It would also enhance the overall functionality of the property without altering the designated land use, thus eliminating the need for a variance. Overall, the breezeway would serve as a practical solution that complies with existing zoning codes while enhancing the property's usability and appearance.

7) Whether the property in question has some unique or exceptional circumstance or condition that does not apply to other properties in the vicinity within the same district.

Measuring back approximately 280 feet from the curved roadway south, the property in question does have the presence of a water drainage ditch running diagonally from the west property line across the rear yard, approximately 30 feet back from a fence enclosing the in-ground pool, to the east property line and straddling that property line to the street. While this may present a unique challenge for the use of the rear yard space making it less adaptable for various developments or modifications, it should be noted that the rear yard extends back an additional, approximately 500 feet, to the rear property line from the drainage ditch.

Additionally, historical information from the neighborhood established that the drainage ditch was created after the

single-family dwelling with the full, two-car garage was built in 1971 in order to capture water runoff as an answer to flooding and erosion issues which were plaguing several parcels in that area. Therefore, when the property was sold in 2024 to the current owner, the existence of the drainage ditch was open and obvious. Given that the drainage ditch straddles the east property line and a minimum setback of 10 feet from the side property lines is required, the construction of a breezeway and/or a new two-car garage, should be able to meet that requirement and avoid the bank of the drainage ditch.

8) Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

To determine whether the granting of a variance will preserve the spirit and intent of the zoning requirements, it is necessary to consider all concerns and information presented. Substantial justice will be served by considering all of the foregoing factors, along with any other relevant factors and testimony in determining whether a variance should be granted in this case.

MR. TURA: All right then. One thing I'd like to do — are you Mr. Cregar?

MR. CREGAR: Yes.

MR TURA: If you plan on speaking, I'd like to have you sworn in. So, if you wouldn't mind standing and raise your right hand.

MR. CREGAR: Stand up?

MR. TURA: Well, you could sit I suppose it doesn't matter.

MR. CREGAR: All right, I'm standing. I do this all the time.

MR. TURA: I, Mr. Cregar — I lost my place already. Hold on, sorry. Bear with me. I have the wrong piece of paper here. State after me, I, state your name, please.

MR. CREGAR: I, Robert Cregar —

MR. TURA: Solemnly swear that the testimony that you're about to give is true and accurate so help you God.

MR. CREGAR: Yes.

MR. TURA: I don't know if he needs to sign in or if that's good enough for how that part goes. Eventually, we need you to sign in.

MR. CREGAR: Thanks. My turn?

MR. TURA: Yes, actually, either your turn or —

MR. CREGAR: First of all, when I bought the house —

MR. TURA: I need you to stand up and speak into the microphone, please.

MR. CREGAR: First of all, when I bought the house, there was no deed restriction on the house, these are zoning violations. If it's not on the deed, how do we know what's going on?

Number two, as I tour the area, people aren't using their garages for cars no more. They're using them for sheds. Does this mean they're in violation of all they're doing? They're using them as sheds. How many of you people have a several car garage that don't

have stuff in them? All of you do, we do. We made a mistake. We should have checked.

This is ridiculous in my opinion. We didn't buy the house; we didn't build the house. I paid cash for the house. We try to do the right things. We took a house that was undesirable and made it desirable. We put thousands and thousands of dollars into this house and are being punished for doing it.

I own a hundred and some properties in Trumbull County and this is ridiculous. I've never dealt with this before in my life. I mean, it has no value the way it was to us. If we knew the restrictions was there, we wouldn't have bought the place. It was an eyesore in the area. Go look at it now. Go look at it. See how it looks. The man put his life into this thing and we're getting messed with because of a violation of a shed. We'll build a garage right beside it if you okay it. We have no problem building a garage but we don't have the property left or right to build a garage onto it. We have a creek facing the house, left-hand side is a creek, back yard is a pool. The creek runs around the whole back of the house. Our hands are tied. We want to cooperate, but we're not going to be punished for making Lordstown a better place to live.

The house structure wasn't changed or nothing like that. They closed the garage in. The garage is still there. It's not being used as a garage like everybody else don't use theirs for garages. They use them for sheds. Like my house on Hallock-Young Road, I built four

buildings 40 x 60 — or 40 x 80 to put my junk in. They're full. I couldn't put my stuff in my garage. We have too much junk. That's all we use these for is junk right or wrong.

And just understand my deed does not — the house can't be changed structurally. We didn't change it structurally. We improved the inside of it. We have a family. Our kids go to school here. His kids do; my kids graduated. But we want just to be left alone. Let this work out. If you want us to build a garage, we'll build a garage. It's no big deal if the land to the left and right enables us to build a garage. That's it.

MR. TURA: Okay. I'd like to make a comment on that. We're not punishing you because you didn't follow the rules. We're punishing you — if you want to call it punishment — because you didn't comply with the rules. The rules were there. You could have read them any time —

MR. CREGAR: How many —

MR. TURA: So, don't put this on us how it's the Village's fault.

MR. CREGAR: How many times has anybody read through the rules of zoning.

MR. TURA: Well, you told me you own a hundred and some properties —

MR. CREGAR: Yes, I do and I've never had this problem.

MR. TURA: You should be very familiar with the process.

MR. CREGAR: I am.

MR. TURA: And I'm not here to argue with you.

MR. DOTSON: But you have to make them follow the right rules instead of new houses. It doesn't say old houses. And everybody in Lordstown would have to be in compliance to that rule.

MR. TURA: Well, I'm not exactly sure where you can show me it says a new house.

MR. DOTSON: That's what it said when I read it unless they changed it since then.

MR. CREGAR: What are yins looking at? What do you want us to do?

MR. TURA: First of all, I'm one person on this Board.

MS. BORDNER: Mr. Dotson has the right to speak.

MR. TURA: Absolutely. Why don't you come up here and speak.

MR. DOTSON: There's not really much that I have to say other than, I mean, we'll build a garage, but we're not going to cut into the side of the house and attach it unless everyone in Lordstown is made to do the same thing. That's pretty much all I've got to say.

We have no problem building a garage, but I'm not going to cut a hole into the side of my house that I just remodeled if everyone else isn't following that same exact rule. And I know for a hundred percent fact there's property in Lordstown that were done after 2002.

There's a shed over on Brunstetter Road at the house my brother used to own. It was just put there maybe two years ago that they're using for a garage and it isn't attached to the house. So, I mean, until everybody has to follow the same rules, they can't make us follow

that. We have no problem building a garage. We can build a garage tomorrow if that's what you guys want.

MR. TURA: Well —

MR. DOTSON: But we're not going to cut a hole into the side of the house and do that unless everyone is made to follow that same rule. If everyone is made to follow the same rule, I have no problem complying with everybody else. But everyone is not following that same rule.

I know for a fact that there's bias in zoning. I mean, there was people allowed to do stuff right next door to me that I wasn't allowed to do. And when I said something in your guy's facility, it was told to those people that same night. So that should have never happened, but it did. So there's a lot of biased things that go on here, but that is beyond the point. That's about all I have to say.

MS. KNOX: I have a question. Am I allowed to ask a question?

MR. TURA: You have a question of him?

MS. KNOX: Uh-huh, yeah. So, you're willing to build a garage?

MR. DOTSON: Uh-huh.

MS. KNOX: Your biggest issue is that you don't want to cut into your current home structure.

MR. DOTSON: Yes, ma'am.

MS. KNOX: Okay.

MR. DOTSON: Because we made that into a bedroom for our nephew that we got custody of, and he lives with us.

MS. KNOX: Right.

MR. DOTSON: We made that an extra bedroom.

MS. KNOX: Okay, so, would you be willing to not — do we have to have a man door coming out of the home through the breezeway? Would you be willing to not destroy what you've already changed with a man door, build your two-car garage and just roof it?

MR. DOTSON: I mean, I guess if you really want the roof to connect, I could do that, yeah, sure. I could put like a little roof that you walk underneath of, sure.

MR. TURA: The problem with the roof is the walkway without the actual breezeway, per se.

MR. DOTSON: The roofs would be connected.

MAYOR WOODWARD: Does the garage have to have an entrance from the house? Do you have to be able to walk out of the house and into the garage? Is that a requirement?

MS. KNOX: That's what I'm asking.

MR. DOTSON: Yeah, I mean, that would work. If that's what they want, we could build — I mean, you're saying to just build like a roof over where they could walk underneath and it would attach the two together.

MS. KNOX: And actually make a sitting area.

MR. DOTSON: Sure if that's really what they want.

MS. KNOX: I could show you one —

MR. DOTSON: I mean, I'm not trying to be rude but I kind of think

it's silly to make us attach a garage to the house. I really, really do. When it's going to do the same exact thing without being attached to the house. You understand what I'm saying? It's not going to change anything at all it being attached to the house. It's not going to change it.

MS. KNOX: I do understand.

MS. BORDNER: I'm going to read the relevant code section and then Solicitor Ries can interpret it for you. Lordstown Codified Ordinance 1104.06(A)(2) states that, "Garages or accessory buildings connected to the main dwelling unit by breezeways or other permanently constructed connection shall be construed to be a part of the main structure." That's what it says. So, I will let Solicitor Ries interpret that however he sees fit.

SOLICITOR RIES: So, the roof would be a permanent connection, as well, in addition to the breezeway. A breezeway is one option. A roof would be a permanent connection.

MS. BORDNER: Connecting it to the house, though.

SOLICITOR RIES: Right.

MS. BORDNER: How is he going to do that?

MAYOR WOODWARD: Tie into the roof line.

MR. DOTSON: Just basically a roof over and connect the two together that you could walk underneath, basically.

MS. BORDNER: So, that's a breezeway.

MR. DOTSON: A breezeway that isn't enclosed, basically, yes.

MR. TURA: Without walls.

MR. DOTSON: A breezeway without walls, correct.

MS. KNOX: You may want to enclose it.

MR. DOTSON: I mean, that could be but, you know, where the neighbor's house sits, that's the only way I have around to the back of my property. I mean, they're nice enough to let us go that way but that could not be forever, someone else could move in there. Then we would have no way to get around to the back of our property if we would enclose that completely. There would be no way for me to get around the back of my property at all. It literally goes — the fence goes right along the property up to the ditch.

MS. KNOX: So, you would want the space between —

MR. DOTSON: It would have to be big enough for us to drive a tractor — not a tractor but our lawn mowers and stuff through there.

MAYOR WOODWARD: I think the biggest issue is that the house was in compliance and then you took it out of compliance after the effective date of the zoning. You know, that's why we're here. It's not to punish anybody. It's that the house was in compliance and then you took it out of compliance. So —

MR. DOTSON: But we were only doing what we seen everyone else was allowed to do.

MR. TURA: I never interrupt but by trying to find some other fault with other people, that doesn't really serve your case well.

MR. DOTSON: It does because you have to make everyone follow the

same rules.

MR. TURA: Unfortunately, you're here in front of us today.

MR. DOTSON: Uh-huh.

MR. TURA: And we're going to render a decision for you today.

MR. DOTSON: That's great.

MR. TURA: You may like it; you may not like it.

MR. DOTSON: And if we don't, we'll go to court and fight it even more, that's great.

MR. TURA: That's your prerogative.

MR. DOTSON: Sir, that's why we're in the great country of America —

MR. CREGAR: Can you give us an illustration of what you're willing to do, what we have to do to end this?

MR. TURA: Well, I'm somewhat in agreement with what they're speaking of right now.

MR. CREGAR: Okay.

MR. TURA: And I don't even know how to visually see that right at this moment, so I would really like to see that sketched out so we know how this tie in is going to be.

MR. CREGAR: She said something about the garage could not be in front of the house.

MS. BORDNER: That's correct but the code section that I just read for you gives this solution, which is attaching it by way of a breezeway. The question —

MR. HAJNOSZ: That would be to the principal structure then.

MS. BORDNER: Correct. The question —

MR. CREGAR: If it comes off the main roof, straight out and come up toward the roof on the garage, we'll be in compliance?

MR. CZOKA: If it's attached.

MR. CREGAR: Come off the big —

MR. DOTSON: I mean, if that's what you really want us to do, sure.

MR. CREGAR: We can do that.

MR. DOTSON: Yep.

MR. CREGAR: That's not a problem.

MS. BORDNER: The question was whether or not that a man door was required so that you had to come —

MR. TURA: Access.

MS. BORDNER: — in and I read it for you. It doesn't say anything about a man door being required. But then I asked the Solicitor to interpret to make sure to make sure that I'm not reading it incorrectly.

MR. CREGAR: Want us to draw up a drawing?

MR. TURA: I would like to see a sketch. I'm not sure. Maybe we could table this or maybe we can make it, you know, contingent on the approval of a sketch.

MR. CREGAR: That's fair.

MR. TURA: So that we don't have to have another meeting and finalize it.

MR. CREGAR: We would like at least —

MR. DOTSON: I have no problem building a garage. That's not my issue at all.

MR. HAJNOSZ: He said from the day I stopped there —

MR. CREGAR: Like 120 days?

MS. BORDNER: We can't all talk at the same time. Let Dustin — he just wants —

MR. CREGAR: I'm sorry.

MS. BORDNER: — to back up Mr. Dotson, as would I, that Mr. Dotson has said from day one that he has no problem.

MR. HAJNOSZ: From day one he said he had no issues building a garage, putting it up.

MS. BORDNER: The issue was putting in the breezeway.

MR. DOTSON: The connection of the house.

MS. BORDNER: Correct.

MR. TURA: You can call it a breezeway, a walkway, a cover, a carport. I don't know what you'd call it but that's a hiccup there.

MS. BORDNER: I explained in the Duncan Factors, I believe, as did Dustin, his reasoning for not wanting to put up the breezeway was exactly what he's explaining to you today. He does not want to cut into the new part of the house, new living quarters, that has been created to include a man door where then you could walk out that man door, walk through the breezeway to go to the new garage, which would then be attached by the breezeway. So, the real issue is he doesn't

want to cut into that vinyl or into that newly created area with a man door. Do I have it correct?

MR. CREGAR: Correct.

MR. DOTSON: Yes, ma'am.

MR. LIMING: We're all right putting the garage there, putting some kind of breezeway so you can drive whatever through.

MR. DOTSON: Yes, sir.

MR. LIMING: I'm fine with that.

MR. TURA: Well, then I think that someone here should make a motion and have it contingent with an approved drawing and like he's asking, Mr. Cregar is asking for 120 days. I don't think that's asking for too much.

MS. BORDNER: One question that I would have then is who do you want to approve this drawing? We don't want Mr. Dotson or Mr. Cregar to be upset with the Lordstown Planning and Zoning Office any further because we don't make the rules. We only have to enforce them. So my question to this Board then would be who do you want to approve that drawing?

MR. CREGAR: You all can vote on it I don't care about that.

MR. DOTSON: So you want us to come back for another meeting next month? We can do that. I can have the drawing — not next month but in July I could have the drawing done by then. We're going on vacation in a couple weeks, so we can't do it sooner than that.

MS. BORDNER: I think that that's — to be honest with you, thank

you for that suggestion. I think that is putting him through a lot more, as well as Mr. Cregar, having to do that. Is this something that we can do by way of consensus by way of email, Matt?

SOLICITOR RIES: No, because that would still be an official vote, a substitute for a meeting, so that would still constitute a meeting.

MS. BORDNER: So we would have to reconvene.

MR. DOTSON: If you wanted to set it for the July meeting, I could have it ready by then if that's what you want to do.

MS. BORDNER: And, meanwhile, just so that I can be clear with everyone, we issued the zoning violation, which you all know carries \$150 a day fine. We suspended those fines and Mr. Dotson came in very quickly once he and Mr. Cregar got the zoning violations and made efforts to effect this appeal. We suspended those fines, and I would like to ask that that suspension of fines continues until the next meeting at least.

MR. CREGAR: Fair enough.

MR. LIMING: I'll make that motion. I don't know how you — are we tabling this then or what are we doing?

MS. BORDNER: So the motion that we're looking for is to continue this matter until the July Board of Zoning Appeals meeting, which I believe without looking —

MR. CREGAR: Can we go like August 1st? I'll be in Florida most of July.

MR. DOTSON: I mean, he doesn't have to be here if all I have to do is show the drawing.

MS. BORDNER: Do you feel that you would need to be here, Mr. Cregar, or do you feel that Mr. Dotson could adequately represent that?

MR. CREGAR: He can handle it quite well, but —

MS. BORDNER: Yes, I mean, Mr. Dotson is not —

MR. CREGAR: — angered very quick.

MS. BORDNER: He's being agreeable and going to show us how he's doing it.

MR. CREGAR: Set it when you want. If I can't make it, I can't make it.

MR. TURA: Let's just go with July.

MS. BORDNER: So, I believe that the meeting in July without looking. I don't have my calendar. Is when? The 14th? July 14th. So the motion would be to continue this matter until the July 14 meeting of the Board of Zoning Appeals, at which time Mr. Dotson will present a design showing a detached garage with some type of breezeway —

MR. TURA: Or roof.

MS. KNOX: I think that —

(Several attendees speaking at one time.)

MR. LIMING: As long as it's attached with a roof.

MAYOR WOODWARD: Wait. We can't all talk at once because Sharon can't catch everybody.

MS. BORDNER: So some type of breezeway and/or attached roof that attaches the new garage to the house that this Board can then approve. And during that time, the fines assessed at \$150 a day will not accrue and they will be suspended as they have been since you made your appeal.

MR. DOTSON: Yes, ma'am.

MR. CREGAR: Thank you very much.

MR. DOTSON: Appreciate it.

MS. BORDNER: So, that's the motion. Can somebody make that?

MAYOR WOODWARD: So moved.

MR. TURA: We have a motion.

MS. KNOX: I second.

MR. TURA: Let's see.

MR. CREGAR: Appreciate you all.

MR. TURA: All right we have a motion by —

MS. BORDNER: The Mayor.

MR. TURA: The Mayor, Jackie Woodward, and we have a second by Lamar Liming.

MR. LIMING: No, she seconded it.

MR. TURA: I'm sorry. Michelle Knox seconded it. Can I have a roll call for that, Dustin?

MR. HAJNOSZ: Yes. Mr. Czoka?

MR. CZOKA: Yes.

MR. HAJNOSZ: Mr. Tura?

MR. TURA: Yes.

MR. HAJNOSZ: Mrs. Knox?

MS. KNOX: Yes.

MR. HAJNOSZ: Mayor Woodward?

MAYOR WOODWARD: Yes.

MR. HAJNOSZ: Mr. Liming?

MR. LIMING: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. TURA: Okay. We're down here now. Do we have any other public comments? Do you want to say anything? Are you good? (NO RESPONSE.)

So, I'd like to make a motion — let's see where I'm at on this piece of paper. There's so many different colors.

MR. DOTSON: Can I just ask you one more question?

MR. TURA: Sure.

MR. DOTSON: So it just has to be like the same drawings that we did before? It doesn't have to be anything fancy or anything? Just like we did before, right?

MS. BORDNER: Correct.

MR. DOTSON: That's all I needed. Thank you, guys. Have a good day.

MR. TURA: Okay. Do I have a motion to adjourn this case?

MR. LIMING: So moved.

MR. TURA: So I have Lamar first.

MR. CZOKA: I'll second.

MR. TURA: And Tom second. All in favor, say aye.

THE BOARD: Aye.

MR. TURA: Any opposed? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. TURA: Hearing none, the motion carried. The case is adjourned.

Any public comments?

MS. BOUNDS: I live right next door to them.

COURT REPORTER: I need your name and address, please.

MAYOR WOODWARD: We adjourned.

MS. BORDNER: No, we didn't. We adjourned the case.

MR. TURA: We got one more to go so you're okay.

MS. BOUNDS: Are they wanting —

COURT REPORTER: I still need your name and address, though,
sorry.

MS. BOUNDS: Catherine Bounds.

COURT REPORTER: Spell that for me.

MS. BOUNDS: B-o-u-n-d-s.

COURT REPORTER: Thank you.

MS. BOUNDS: I live at 1959 Lyntz Townline. Are they wanting to
have a drive-thru next to the garage to get to the backyard? That's
what I was interpreting. Is that correct?

MR. TURA: To be honest with you, I'm not exactly sure. That's why
I asked for a drawing before we could approve it because I don't know
that answer.

MS. BOUNDS: Because I was just taking that as they want to drive through in there.

MR. LIMING: I think just a lawn mower.

MR. CZOKA: Well, he made the comment about a lawn mower or something like that.

MS. BOUNDS: But he said, "I can't get to the back yard and I have buildings back there." And I'm thinking he wants to drive through there.

MS. BORDNER: I don't know if that's something he typically does, Mrs. Bounds. I'm not sure about that if that is something that he typically does. I guess that could still be a question —

MR. TURA: That would have been a good question for him, and you may want to come back next time and ask that question.

MS. BOUNDS: Yes, I'm definitely coming back.

MR. TURA: But we passed that already.

MS. BOUNDS: That means that the structure is going to have to be way out to do a drive-thru and the garage, right?

MS. KNOX: It's more the space between the garage and the home, the dwelling, like, that's covered with the roof, the adjoining roof. And he's saying it needs to be wide enough to be able to get through there to get to the back yard.

MS. BOUNDS: But with what?

MAYOR WOODWARD: Like a portico.

MS. KNOX: Yeah. To cut the grass and things like that.

MAYOR WOODWARD: But he's not going to drive a car —

MS. KNOX: I never took it as a driveway.

MS. BOUNDS: Did you take it as that, ma'am?

MS. CZOKA: He did mention his lawn mower.

MR. CZOKA: He did say lawn mower.

MR. HAJNOSZ: I think you definitely need to come back to the next meeting to find that out.

MS. BOUNDS: Yeah, because he didn't specify and that's what I was taking it as. Because, like I said, I live next door to them and I think what he meant was he wanted to drive through.

MR. CZOKA: Does he drive around there now?

MS. BOUNDS: Well, they have buildings back there. So if they want to move them or whatever. They have a building right next to my property. It's right on the line. I don't know if you know that.

MR. HAJNOSZ: Is that a new shed?

MS. BOUNDS: One of them. There's two sheds back there.

MR. TURA: Well, you should have spoken up. That's the only thing I can say.

MS. BOUNDS: Well, I don't come to these meetings.

MR. HAJNOSZ: Off the top of your head, what do you think the size is of that shed?

MS. BOUNDS: That's right on the property line?

MR. HAJNOSZ: Yes.

MS. BOUNDS: Maybe 8 x 10, 10 x 12, something like that.

MS. BORDNER: With all due respect, I believe that shed was already there —

MS. BOUNDS: No.

MS. BORDNER: It was not?

MS. BOUNDS: No.

MS. BORDNER: The permit that he got for the shed last October —

MR. HAJNOSZ: It was a 12 x 40.

MS. BOUNDS: That's the one that's in the back back. This one is right next to my barn.

MS. BORDNER: So I don't even know when that was put up.

MS. BOUNDS: Not very long ago.

MR. TURA: You're back on another structure that doesn't belong there.

MS. BOUNDS: They just put it there not long ago. And then I'm like claustrophobic because when I'm cutting grass, it's like right there. I'm trying to go past it.

MR. HAJNOSZ: If it's under 100 square foot — if it's 100 or above, it requires a permit. If it's under that, it does not but it still has to abide by the property line setbacks, even being an unpermitted structure under that square footage, it still has to abide by that. So, if it's on her property line then it's —

MR. CZOKA: It's in violation.

MR. TURA: Well, that might be something you might want to figure out between now and then.

MS. BOUNDS: I don't want to start no trouble.

MR. TURA: Well, you already did because you're on the record.

(Laughter.)

MS. KNOX: But, if they would be here as you had spoke your concerns, it might have been an easy fix, too.

MS. BOUNDS: See, we're in kind of feuds right now anyway because their dog attacked my granddaughter. I mean, I'm talking a Great Dane and other dog. And, so, I'm not trying to feud with them but there's a lot of stuff going on there.

MR. TURA: Wow.

MR. HAJNOSZ: Is she okay?

MS. BOUNDS: She's okay, yeah, but she has to go see a —

MR. TURA: Therapist.

MS. BOUNDS: Yeah, because now she's scared of big dogs. And every time that dog barks, she like freezes.

MR. TURA: Well, that's sad to hear.

MS. BOUNDS: I know.

MR. TURA: Well, like we said, it would be a good idea to be here next meeting, maybe have a little bit of those facts down as far as where it's at exactly.

MS. BOUNDS: I'm just trying to get a picture of how this is going to be. Because, like I said, if he's talking driving through it. Well, he's got to give you the blueprints of it anyway, so you guys have to okay it anyway.

MR. TURA: But we'll know about that part, but we can't speak about the garage because that's not in front of us right now.

MS. BOUNDS: Right.

MR. TURA: It may be in the future.

MS. BOUNDS: My quiet life ended when they moved next door.

MR. TURA: Really?

MS. BOUNDS: Yes.

MR. TURA: That's unfortunate.

MS. BORDNER: We will make sure, Mrs. Bounds, that you're aware of when the next meeting is.

MS. BOUNDS: Okay. Thank you.

MS. BORDNER: You're welcome.

MS. KNOX: If it does help you at all, the addition that they would make per zoning, will add property value.

MS. BOUNDS: I hope so.

MS. KNOX: Well, I can tell you it will. I'm a realtor.

MS. BOUNDS: I used to be a realtor, okay.

MS. KNOX: So, I'm concentrating on the fact of are we depreciating or are we appreciating if they're willing to do what we said.

MS. BOUNDS: It's going to connect to the garage that they changed?

MS. KNOX: Yes.

MS. BOUNDS: But they have a window there. Is that going to cover his window?

MR. CZOKA: We won't know until we see the drawing.

MS. BOUNDS: Yeah, that's true. You won't know until you see it.
I feel for you. Good luck.

MR. TURA: Okay. Any other member comments? (NO RESPONSE FROM THE
BOARD.) Okay, I'd like to have a motion to adjourn then.

MR. CZOKA: I'll make that motion.

MR. TURA: We have a motion by Tom. Second by?

MAYOR WOODWARD: I'll second.

MR. TURA: Jackie. All in favor, say aye.

THE BOARD: Aye.

MR. TURA: Nay? (NO RESPONSE FROM THE BOARD.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. TURA: Hearing none, motion passes. Meeting adjourned.

(WHEREAS, THE PUBLIC HEARING BEFORE THE VILLAGE OF LORDSTOWN BOARD
OF ZONING APPEALS ADJOURNED AT 6:30 P.M.)

STATE OF OHIO)
)
COUNTY OF TRUMBULL)

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify that the foregoing public hearing before the Lordstown Village Board of Zoning Appeals was written in the presence of witnesses and by me transcribed. I further certify that the foregoing is a true and accurate transcript to the best of my abilities.

Sharon K. Vigorito, Notary Public
My commission Expires May 9, 2027