

Canfield Township Board of Zoning Appeals

September 25, 2023

6:30 p.m.

Canfield Township Hall

Meeting called by Chairperson Knarr
Recite *Pledge of Allegiance*

Type of meeting BZA Public Hearing

Case Number #23-08-BA

Court Reporter Dena Crissman

Agency

In attendance: Mr. Knarr, Mr. Brooks,
Mr. Yosay, Mr. Schenker, Mrs. Levine

Absent: Mr. Porinchak

Others Present: Traci DeCapua

This meeting is a Public Hearing and was advertised in the *Vindicator, an edition of the Tribune Chronicle*, on September 12, 2023 and is being recorded by a court reporter.

At this time the room was sworn in by the court reporter.

The minutes of June 26, 2023. Motion made by Mr. Schenker and seconded by Mr. Yosay.

PUBLIC HEARING

Summary of Application & Public Notice: Mrs. DeCapua, Zoning Inspector

CASE #23-08-BA, 6:32 p.m.

The zoning Inspector summarized the variance application and case:

The applicant, Dr. Farooq Moonda of 4099 Fairway Dr, requested a three-part variance for an accessory structure (tennis court):

1. A six- foot rear setback variance,
2. An eight- foot variance from the back corner of the primary residence, and
3. A two- foot variance in fence height.

All packets were mailed to the board on September 12, 2023 and letters to neighbors on September 8, 2023.

The hearing was turned over to Chairman Knarr.

DISCUSSION

Dr. Moonda explained that he has been a resident of Canfield for fifteen years and has two sons ages 9 and 14 who are both in the Canfield school system. He further explained that both boys

are in a number of sports, including tennis. His oldest plays on the high school tennis team. He said that he wants to put in a single tennis court so that his sons have the opportunity to practice when they are with him (he is divorced). Dr. Moonda said that he spoke to his neighbor, John, and explained what he wanted to do and that John said he was "ok" with it. He also explained that noise would not be an issue.

Mr. Knarr asked if there was anyone in the room who would like to speak on behalf of the applicant. There was no one.

He then asked if there were those in the room who were opposed to the request. Comments are as follows:

John Ratliff, 6106 Southern Hills Ct., states that he lives directly behind Dr. Moonda. He made it very clear that he is NOT in agreement with Dr. Moonda. His primary concern was water run-off from such a large surface area and the affect it would have on his yard and home since he was the lowest spot in the area. He also was concerned with the court lighting and possible light pollution.

Tom Madej, 4131 Fairway Dr., explained that he has been "fighting water" for 23 years and is just now starting to have some luck with it. He further explained that he is an architect and has designed many sports courts for high schools during his professional career and has stated two concerns:

1. Water run-off. All screening between the houses has been removed and there is nothing to slow the water and no trench or drain, and
2. That the court in question will be used for a pickleball court and not a tennis court as requested and that there are many studies showing that pickleball noise is an extreme noise nuisance.

He concluded by saying that he cannot tolerate more flooding and that this court will be only a burden to him.

Dr. Moonda rebutted by saying that it is not a full- size court because of yard constraints. He also offered to put in French drains if needed and that all lights will be screened downward.

Mr. Knarr opened the floor to BZA discussion.

Mr. Schenker stated that the 2800 square foot court is well over the maximum for accessory structures.

Mr. Yosay stated his concern was for the upkeep of the court over the years.

Mr. Brooks commented that there are multiple variances and that Dr. Moonda doesn't seem to consider his neighbors during this process.

Mrs. Levine stated that there is no indication of how this court will drain and there are no drainage plans.

Mr. Knarr reiterated that there are three separate variances involved and each would be voted on separately.

Mr. Brooks made a motion to deny Part One of the variance (six- foot setback from back of primary structure). Mrs. Levine seconded. The request was denied 5-0.

Mr. Schenker motioned to deny Part Two of the request (eight- foot rear yard setback). Mr. Yosay seconded. The request was denied 5-0.

Mrs. Levine motioned to deny Part Three of the request (two- foot variance in fence height). Mr. Schenker seconded. The request was denied 5-0.

Meeting adjourned at 6:59 p.m.

X

Dave Knarr
Chairperson

X

Loran Brooks
Vice Chairman

X

George Porinchak

X

Bob Yosay

X

Don Schenker

X

Beth Levine
Alternate