

Board of Zoning Appeals

Munson Township

Minutes of November 21, 2019

Chair Dennis Pilawa called the meeting to order at 6:30pm with Don Alexander, Danielle Pitcock, Alternates Tim Kearns and Jim O'Neill, Secretary Paula Friebertshouser and Court Reporter Laura Ware present. Gabe Kezdi and Joe Tomaric were absent. The Pledge of Allegiance was said.

Danielle Pitcock moved and Jim O'Neill seconded to accept the minutes of October 17, 2019. Motion carried, 4-0.

Mr. Pilawa explained that if anyone is not in agreement with the decision of the Board they could file with the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

It was agreed that the following two cases would be heard together. Zoning Inspector Jim Herringshaw was sworn in. He explained that two parcels are being added to the conditional use; one needed a variance for the mining operations because of the setbacks for mining operations.

CASE 19-22: Best Sand Corporation, Parcel #21-176538 Ravenna Rd., Chardon OH – requesting mining operations 0' from north lot line, 0' from south lot line, 0' from west lot line, and 50' from east lot line. Violates SEC. 804.6a Mineral extraction operations may not be conducted within 100' of any adjoining lot line.

CASE 19-23: Best Sand Corporation, Parcel #21-176538 and 11916 Ravenna Rd., Chardon OH – requesting to add properties to the Conditional Use. Violates SEC 801.2o (in part) The conditional use shall be void upon change of ownership or use unless a new application is made for such a certificate within 30 days after change of ownership or use.

Dale Markowitz, partner with Thrasher, Dinsmore & Dolan, was sworn in. He pointed out on display boards the two properties that would expand the conditional use permit. The last time Best Sand came they had acquired Harvard, Yale and Princeton properties and then a variance was granted for the conveyor system. He indicated the green area which has been mined already. He pointed to the one property where Bob Best lives. They have a purchase option when Mr. Best decides to move or passes. The setbacks affect their own property lines. There will be a buffer for Mr. Best's property and berming along the road. Mr. Markowitz showed a progression map. He pointed out the practical difficulties and explained there would be no adverse effect upon adjoining properties and that the delivery of government services would not be affected. He said it was unnecessary to put in berms on the other property lines because it is their own property they are mining across. He added they had to come in front of the Board because they have to have zoning approval prior to obtaining an ODNR permit.

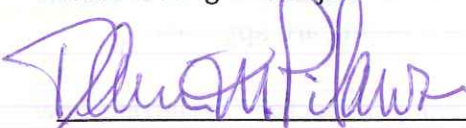
Abigail Pfaff, mining engineer for Best Sand, was sworn in. She distributed copies of a site plan that outlined the variances requested. Mr. Markowitz mentioned that they have to be 200 feet from a residence; they are more than 250 feet.

Mr. Pilawa stated for the record there were five affected property owners notified in Cases 19-22 and 23. There was no public comment.

Don Alexander moved and Jim O'Neill seconded that the Conditional Use requested in Case 19-22 be granted as proposed. Mr. Pilawa read the legal notice into the record. The Board felt that Mr. Markowitz had addressed the Duncan Factors. Upon the roll call, members voted unanimously to grant the conditional use permit, 5-0. Motion carried.

Tim Kearns moved and Don Alexander seconded that the variance requested in Case 19-23 be approved as written. Mr. Pilawa read the legal notice. Upon the roll call, all members voted unanimously to grant the variance, 5-0. Motion carried.

The meeting was adjourned at 6:49pm.


Dennis Pilawa, Chair Date 12/19/19


Paula Friebertshauser, Secretary Date 12/19/19