

Board of Zoning Appeals

Munson Township

Minutes of June 15, 2017

Chairman Dennis Pilawa called the meeting to order at 6:30pm with Bobbie Nolan, Joe Tomaric, Danielle Pitcock, Alternates Don Alexander and Tim Kearns (serving), Zoning Inspector Jim Herringshaw, Secretary Paula Friebertshauser and Court Reporter Kim Giel present. Gabe Kezdi was absent. The Pledge of Allegiance was said.

Mr. Pilawa explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. The Board receives sworn testimony and applies that testimony and evidence to certain standards of law to then make a decision. A court reporter is present so that anyone wishing to speak for or against the case must be sworn in for the record. The record is made up of testimony and evidence presented. If a case goes to court, decisions are based on what is presented the evening of the hearing. Anyone not in agreement with the decision of the Board could file with the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

Bobbie Nolan moved and Joe Tomaric seconded to approve the May 18, 2017 minutes as amended. Motion carried.

CASE 17-05: Dennis Wynne 13030 Manor Dr., Chardon OH - request to construct a detached 24' x 36' garage 30' from the road right-of-way, 15' from the north side property line, and in front of the residence. Violates SEC. 509.2 No garage or other accessory structure shall be erected within the front yard of any district; SEC. 411 Minimum Dimensional Requirements - minimum setback from road right-of-way is 80ft.; minimum side yard setback is 25ft.

Chairman Pilawa explained the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He informed the Board that the application had been amended from a 30-foot setback from the road right-of-way to 37 feet. He presented photographs of the property.

Dennis Wynne was sworn in. He explained he was applying for the variance because of the contour of his property. It drops off in the backyard and there is a swale that the roadside ditches run through. He brought in an excavator and was advised that four and one-half to five feet of fill would be needed to cover the area. The cost of the fill alone would exceed the cost of the building. He looked at doing an attached 20' x 20' garage and the quote was \$57,000. The proposed structure would provide three extra bays for less cost. Mr. Wynne showed pictures taken from the end of his driveway and standing in front of the proposed location which showed the evergreen growth that shields his property. Based on the 15 feet from the principal structure requirement it put the proposed structure 15 feet from the side property line where a driveway is already located.

When asked the purpose of the structure, Mr. Wynne responded it would be used to house two vehicles and a tractor with a backhoe. They have a total of four vehicles. Mrs. Nolan asked what the drop is on the property indicated by lines on the drawing. Mr. Wynne replied that according to the GIS

it is two feet, but the excavator said it was more like four to five and a half feet. She asked if there is flooding in the back. Mr. Wynne explained there is water from the roadside ditches there every time it rains. Mr. Tomaric asked where the septic tanks were located. Mr. Wynne approached the table and pointed out the septic and leech fields. Mr. Tomaric referred to the application where it says 30 feet from the road right-of-way. Mr. Wynne explained there was some confusion on the map, which is a county map, indicating their 60-foot setback. Munson defines the setback taken from the edge of the road which would make it 37 feet. Mr. Tomaric offered his opinion that Mr. Wynne and his neighbor to the north have houses that are closest to the street. The rest are back almost twice as far; and when someone drives by, the garage and house will be right by the street.

Chairman Pilawa stated for the record there were 48 affected property owners notified in Case 17-05. Robert Soss of 13015 Manor Drive was sworn in. He lives across the street one house to the north. He commented he has seen improvements to the Wynne property in the past that have been top quality. He concurred that the property drops off significantly in the back. He had no objection to the variance request and felt it would improve the area.

Chairman Pilawa asked Mr. Soss if he thought he would see the proposed structure when driving down the street. Mr. Soss explained the neighbor to the north has pine trees and he thought it would look nice aesthetically; and coming down the street it would be guarded by the pine trees. Mr. Kearns commented he has seen the property and pointed out that on the application Mr. Wynne responded "No/Maybe" in regards to if the essential character of the neighborhood would be altered, but fortunately for Mr. Wynne no one is here.

Chairman Pilawa asked if anyone else wished to speak in regards to Case 17-05. There was no further public comment.

Mr. Tomaric asked what the square footage of the home is without the garage. Mr. Wynne replied 1,750. Mr. Tomaric commented that in front there are two elevations; the ridge of the house is 13 feet and he wondered what the garage would be. Mr. Wynne responded that the garage would be 18' high. The garage would store a pick-up truck, Mini Cooper and a loader. Mr. Tomaric questioned the height of the doors. Mr. Wynne responded they would probably be what they have now at seven feet. Mr. Soss interjected that right now two vehicles sit outside; he would rather they are inside because it would look better. Chairman Pilawa pointed out that the application has been amended to 37 feet.

Mr. Wynne explained that his wife originally wanted a RV but now that is not an option. So the peak will match the home as close as possible and will be sided white.

Chairman Pilawa explained that what the Board is doing is conferring a property right. A subsequent owner may not use the building in the same manner as Mr. Wynne and that is where some of the questions are coming from. He felt it is a substantial request and the Board is looking for something to allay their fears. Mr. Wynne commented that the model they are looking at is up on Auburn Road and will match their home and store their vehicles. When asked, Mr. Wynne explained there would be no water, just electric and probably no heat.

Tim Kearns moved and Bobbie Nolan seconded that the variance requested by Dennis Wynne of 13030 Manor Drive requesting to construct a 24' x 36' accessory building and amended to 37' from the road right-of-way and 15 feet from the north side and in front of the home in violation of Section 509. 2 and minimum dimensional requirements be approved. Chairman Pilawa explained that while they have received very little evidence, there is disinterest from the neighbors with only two out of forty-eight present. It also appears by way of discussion and application of the Duncan Factors they lead the Board to the conclusion it should be approved. Upon the roll call, members voted as follows: Danielle Pitcock, yes; Tim Kearns, yes; Bobbie Nolan, yes; Joe Tomaric, no; and Dennis Pilawa, yes. Motion carried 4-1.

The meeting was adjourned at 7:03pm.


Dennis Pilawa, Chair Date 7/20/17


Paula Frieberthausen, Secretary Date 7/20/17