

# Board of Zoning Appeals

## Munson Township

Minutes of January 19, 2012

Chair Bobbie Nolan called the meeting to order at 6:32pm with Don Alexander, Gabe Kezdi, Richard Wright, and Secretary Paula Frieberthausen and Court Reporter Kimberly Snoot present. Sophie Horvath and Lucy Longo were absent. The Pledge of Allegiance was said.

Gabe Kezdi moved and Richard Wright seconded to approve the minutes of December 15, 2011 as written. Motion carried.

Ms. Nolan swore in Heather Crawford as a Board of Zoning Appeals alternate member.

Richard Wright moved and Gabe Kezdi seconded to nominate Bobbie Nolan as Chair, motion carried, 4-0. Ms. Nolan abstained. Bobbie Nolan moved and Gabe Kezdi seconded to nominate Richard Wright as Vice-Chair, motion carried, 4-0. Mr. Wright abstained.

Ms. Nolan explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. They take facts as presented and apply 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 this evening. Anyone not in agreement with the decision of the Board could take the case to the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

**CASE 12-01: Robert McIlroy, 12720 Auburn Rd., Chardon OH – request to keep a 9' x 8' accessory building 11.6 ft. from the south side property line. Violates SEC. 411 – Minimum Dimensional Requirements-the minimum side yard requirement is 25 ft.**

Tim Kearns, Zoning Inspector, was sworn in. He read the variance request and violation, and approached the table to discuss pictures he had taken. Mr. Alexander commented that it looks like there are buildings to the east and west of the accessory building in discussion. Mr. Kearns responded that those structures are gone.

Robert McIlroy was sworn in. He explained the accessory structure is full of toys, and is on a concrete slab so it can be level. He wasn't sure why a permit was needed on a shed that can be moved around. Ms. Nolan confirmed it was on a concrete slab and that the use was for toy storage. Mr. McIlroy explained he had poured the pad eight to nine years ago.

Mr. Kezdi asked if he thought he would need a variance. Mr. McIlroy responded "absolutely not, because they're moveable". Mr. Kezdi pointed out he could have put them behind the garage. Mr. McIlroy responded that it is not level and he didn't want to put a bunch of concrete there. He also added that with kids taking things in and out he would have had to put steps in and didn't feel that would be safe with bikes. The one structure is 25.5 feet from the property line because it goes to the end of the concrete pad.

When asked how old the structures are, Mr. McIlroy responded "six years old". He said he thought about putting them closer together, but with the snow the walls would bow and this way he can shovel the snow out.

Ms. Nolan stated for the record that 16 affected property owners were notified in Case 12-01. There was no public comment.

Richard Wright moved and Don Alexander seconded that the variance requested in Case 12-01 for appellant Robert McIlroy as stated be approved. Discussion included: we realize you have a lot of children which requires storage of toys; however, there is a beneficial use with bedrooms; the variance as presented the houses are plastic and well-maintained so the variance is not substantial; the essential character of the neighborhood will not be altered as there are already structures in the area lined up; adjoining properties will not suffer a detriment; the delivery of government services will not be adversely affected; the predicament could be mediated by other options but we understand why you want to keep it there; the spirit and intent behind the zoning would be observed and substantial justice done by granting the variance; and the property owner did not know the variance requirements, but now he does. Upon the roll call, all members voted yes (5-0), motion carried.

Ms. Nolan advised Mr. McIlroy that if he puts any structures on his property he needs to get a permit, and just because he thinks it is not a permanent structure he should check with Mr. Kearns.

**CASE 12-02: David Guarnera**, 12343 Nantucket Dr., Chardon OH – request to construct a 20' x 12' accessory building 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.

Mr. Kearns read the variance request and violation, and presented pictures. He explained the home is far back from the road and showed the proposed location. Mr. Wright asked what the distance would be between the house garage to the proposed shed. Mr. Guarnera responded "approximately 100 feet". He was then sworn in. Mr. Guarnera approached the table and pointed out that his house sits on top of a hill and the property falls steeply in the back. He showed a possible location, but it would require costly fill dirt, and is also wet in the back. To the west it is not conducive to use. The way the house is angled the shed will only protrude 10 feet in the front of the house so it won't totally be in front. Mr. Guarnera showed what the prefab building would look like, and explained it will be assembled on the property. The shed would store garden supplies. Mr. Guarnera added it won't be seen in full foliage. Mr. Kezdi commented that the property is heavily wooded on the west side. Mr. Guarnera concurred and added that both sides are heavily wooded. Mr. Kezdi also noticed the neighbor to the east has the same issue with a building in front of the home.

Ms. Nolan asked the purpose of the shed. Mr. Guarnera reiterated it would house tools and lawn equipment.

Ms. Nolan stated for the record that 31 affected property owners were notified in Case 12-02. Sigridur Clark of 12220 Nantucket was sworn in. She said the property is hilly and it is hard to put up a shed. She feels it would be an asset to the neighborhood and would be as beautiful as the neighbor's.

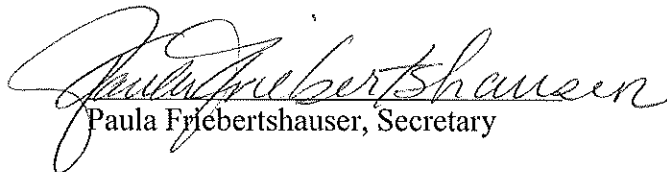
Pamela Stone of 13240 Captains Walk was sworn in. She seconded what Ms. Clark had to say.

Heather Crawford moved and Gabe Kezdi seconded that the variance requested in Case 12-02 be granted. Discussion included: it can be and has been of beneficial use; the variance is substantial and we are concerned about the value and appearance, but with what was presented the essential character of the neighborhood will not be altered, it looks like a nice building; adjoining properties would not suffer a detriment; the delivery of government services will not be adversely affected; and can it be feasibly relieved through some other method? – given we understand the use and practicality of the shed, it appears to be a good location; other spots would require a lot of work, thus the spirit and intent behind the zoning would be observed; and the property owner was not aware of the zoning. Upon the roll call, all members voted yes (5-0), motion carried.

The meeting was adjourned at 7:09pm.



Bobbie Nolan, Chair



Paula Friebertshauser, Secretary