

Board of Zoning Appeals

Munson Township

Minutes of January 16, 2020

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

Jim O'Neill was reappointed as an alternate and sworn in for a two-year term through December 31, 2021. Don Alexander moved and Joe Tomaric seconded to approve the minutes of December 19, 2019 as written. Motion carried, 4-0.

Danielle Pitcock moved and Tim Kearns seconded to nominate Dennis Pilawa as Chair. Motion carried, 4-0 (Mr. Pilawa abstained). Dennis Pilawa moved and Joe Tomaric seconded to re-elect Danielle Pitcock as Vice-Chair. Motion carried, 5-0.

Mr. Pilawa explained the role of the Board of Zoning Appeals is to apply certain principles of law as required by the Ohio Supreme Court. He 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.

CASE 20-02: Melanie Blasko for Lake-Recovery Centers, Inc. 12700 Ravenna Rd., Chardon OH – request to use an existing residence as a Level II Recovery House in a residential district. Violates SEC. 401.2 R-1 Residential District Permitted Principal Uses and Structures – a recovery house is not a permitted use.

Melanie Blasko and President Van Carson of Lake-Recovery Centers were sworn in. In talking with Jim Gillette, former Geauga County Law Director and now the attorney for Lake-Recovery and Susan Wieland from the Prosecutor's office, they wanted to ask for a continuance of Case 20-02 as they were not prepared. Mr. Pilawa stated there would be a \$100 continuance fee.

Residents present had many questions of the Board. They wanted to know if they would be able to speak in March. Mr. Pilawa explained that because the case was never opened for this hearing, people can come back in March and would have the opportunity to speak. One resident wanted to know if he could submit a signed statement as he could not be present. Mr. Pilawa responded that he could provide an affidavit sworn to under oath. It could be submitted prior to the March meeting. When asked what the reason was for the continuance, Mr. Pilawa explained that the appellant had said they are not ready. He added that a continuance is a routine request. When asked if the home could be occupied now, Mr. Pilawa responded no, it would be in violation. He urged those present to find out

what the principles are and that the township office could provide a copy of the variance application and/or the completed variance request. He explained that a use variance is very difficult to get. Residents continued with several questions including if there were a time limit on speaking; can the continuance request be denied; and can the Board be influenced by the Trustees. Mr. Pilawa responded by saying they typically do not limit anyone speaking, but in this case they might if the same comments are repeatedly said. He explained that continuance requests can be denied and have before; and no, the Board is not influenced by the Trustees. Finally, when asked if only the people within a 1,000 foot radius have a voice, Mr. Pilawa said no, anyone can speak.

Don Alexander moved and Tim Kearns seconded to grant a continuance until the March 2020 meeting for Case 20-02. Upon the roll call, all members voted yes, motion carried, 5-0.

Mr. Bastulli clarified that the appeal process is 30 days from the date of the approval of the minutes.

CASE 20-01: Dustin Reese 11260 Beechnut Lane, Chardon OH – requesting to construct a detached 32' x 36' garage 13' from the north side property line. Violates SEC. 411 Minimum Dimensional Requirements-minimum side yard is 25'.

Mr. Pilawa read the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He pointed out the aerial view and photos. The neighbor to the north has a vacant lot and there are trees.

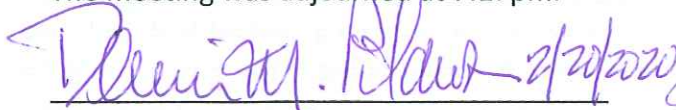
Dustin Reese was sworn in. He explained that his current vehicle will not fit in the garage. He has lived there for seven years and is tired of cleaning off his truck. It is three feet too long. When asked if the proposed building would have electricity and water, Mr. Reese responded it would have electric and an outdoor spigot. The second story is for extra storage and would have stairs. With three children, he has a lot to store including seasonal items.

Mr. Pilawa confirmed that Mr. Reese would not be running a business out of the garage. Mr. Tomaric asked if it would match the existing home. Mr. Reese said it would and would look appealing from the road.

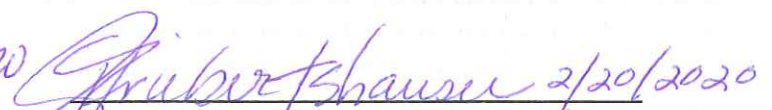
Mr. Pilawa stated for the record that there were 46 affected property owners notified in Case 20-01. Todd Suszynski of 11175 Beechnut was sworn in. He commented that he is in the same predicament where his home is too close to one side of the property. He said that he knows Mr. Reese and feels it will fit fine. Everyone else has the same configuration. Mr. Reese explained he spoke with the adjoining neighbor and showed him the plans; he had no issue. He added it is the best location with the space restraints.

Tim Kearns moved and Joe Tomaric seconded that the variance in Case 20-01 be approved. The Board thought that Mr. Reese met the Duncan Factors sufficiently to satisfy the variance request. Upon the roll call, all members voted unanimously to approve the variance, 5-0, motion carried. Mr. Reese said he would begin building in March.

The meeting was adjourned at 7:17pm.


Dennis Pilawa, Chair

Date


Paula Friebertshauser, Secretary

Date