

Board of Zoning Appeals

Munson Township

Minutes of November 17, 2021

Chair Dennis Pilawa called the meeting to order at 6:34pm with Danielle Pitcock, Don Alexander, Alternate Don Ondrejka, Secretary Paula Friebertshauser and Court Reporter Laura Ware present. Jim O'Neill and Joe Tomaric were absent. The Pledge of Allegiance was said.

Don Ondrejka moved and Danielle Pitcock seconded to approve the minutes of October 20, 2021, as written. Motion carried, 2-0.

Chair Pilawa explained that an affected property owner 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 (December 15th).

Chair Pilawa made it clear to the applicant that with only four members present a tie vote would be a no vote and offered that they could continue the case until December if they wished. They wanted to proceed.

CASE 21-18: Jason Baylor for Payne & Payne Construction, 11140 Sutton Place, Chardon OH - requests to construct a new residence 70 feet from the road right-of-way. Violates SEC. 411 Minimum Dimensional Requirements-minimum setback from the road right-of-way is 80 feet.

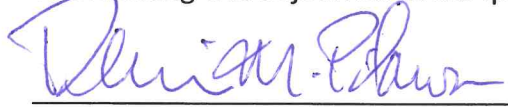
Chair Pilawa read the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He referred to the aerial view and site plan explaining that the house next to the proposed site appears to be visually closer if looking east from Auburn because of the curve of the street.

Jason Baylor was sworn in. He distributed a larger map and explained that the situation is unique with the bend in the roadway. He again referred to the next house down appearing more forward as the zoning inspector indicated. Mr. Baylor explained that the variance would provide additional space to expand the home and protect conservation and septic areas. He indicated that behind the house to the right the lines show septic; to the left, is a conservation area. They are trying to provide leeway for a proper driveway turnaround and utilities.

Chair Pilawa stated for the record that 52 affected property owners were notified in Case 21-18. Mr. Baylor commented that on behalf of two residents – the neighbor to the east and one directly across the street, he wanted to read their emails into the record. Chair Pilawa explained that the Board could not accept that because they are not subject to cross-examination. He asked Mr. Baylor if he had sought out input from the neighbors? Mr. Baylor responded they are in support of and understand what is being asked for. Chair Pilawa verified that Mr. Baylor took the time as a member of the community to seek out the neighbors' opinion. Chair Pilawa explained that often times the Board gauges if someone shows up to oppose the request. In this case there was no opposition.

Don Ondrejka moved and Don Alexander seconded that the variance requested in Case 21-18 be approved as written. Discussion following the motion included that there is beneficial use as it can be purposed for other means; the variance is not substantial because there is only an 8.9' difference; adjoining properties would not suffer a detriment because the garages would face each other; the delivery of government services would not be adversely affected because it is within the appropriate guidelines; the predicament could not be feasibly relieved through some other method due to the roadway bend, and septic and conservation areas; the spirit and intent would be observed and substantial justice done by granting the variance; and the property owner did know of the zoning restriction. Upon the roll call, all members voted yes, 4-0, motion carried.

The meeting was adjourned at 6:54pm.


_____ Date
Dennis Pilawa, Chair

 12/15/21
_____ Date
Paula Friebertshauser, Secretary