

# Board of Zoning Appeals

## Munson Township

Minutes of December 20, 2012

Chair Bobbie Nolan called the meeting to order at 6:32pm with Gabe Kezdi, Richard Wright, Lucy Longo, Zoning Inspector Tim Kearns, and Court Reporter Nayann Pazyniak present. Don Alexander was absent. Sophie Horvath's resignation was accepted by the Trustees December 11, 2012. The Pledge of Allegiance was said.

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.

Richard Wright moved and Gabe Kezdi seconded to approve the November 15, 2012 minutes as written. Motion carried 4-0.

**Continuance - CASE 12-14: Joseph Weiss, Jr.**, 10823 Mayfield Rd, Chesterland OH – request to erect a 7 x 4 ft. ground sign. Violates SEC. 1003.6 (2) Signs Permitted in the Commercial District (in part) – one (1) ground sign, which shall have a maximum area of sixteen (16) square feet per sign face.

Case 12-14 was continued from the previous meeting because there was some question as to the wording on signs and what was allowed. Tim Kearns, Zoning Inspector was sworn in. He read the variance request. Ms. Nolan asked Mr. Kearns if he had spoken with the prosecutor. He said he did hear from her and it was discussed at the Zoning Commission meeting that it needs to be addressed. As the zoning resolution reads currently, the accountant's sign can stay.

Joe Weiss was sworn in. He informed the Board that the Friel sign went up within the last year. Mr. Weiss said that because there were only four members present he would like to request a continuance for Case 12-14 and Case 12-17 as he was present to represent Mr. Paolucci as well.

Bobbie Nolan moved and Richard Wright seconded to continue Case 12-14 at the request of Mr. Weiss with the appellant making a fee (the appellant interjected he would like to ask for a waiver) – the appellant would like to ask for the fee to be waived. Motion carried 4-0.

**CASE 12-17: George Paolucci**, 11850 Mayfield Rd., Chardon, OH – request to construct a 30 x 80 ft. commercial storage unit with 170 feet of frontage at the road right-of-way and a minimum lot size of 1.5 acres. Also, request to keep an existing 20' wide driveway. Violates SEC. 408.2 Permitted Uses and Structures – the above requested use is not listed as a permitted use and structure in the Commercial District. SEC. 411 Minimum frontage at road right-of-way is 200 feet; minimum lot size is 2.5 acres. SEC. 511 – Driveways shall be a minimum of 15 feet from any lot line and have a minimum width of 12 feet.

Bobbie Nolan moved and Gabe Kezdi seconded that in Case 12-17 for appellant George Paolucci as requested by Joseph Weiss with the understanding there is a fee but it may be waived. After further discussion, Ms. Nolan amended motion to include that the case could be postponed for no more than three months with the understanding if the Trustees don't waive the fee there will be a fee of \$100.00. Upon the roll call, all members voted yes 4-0.

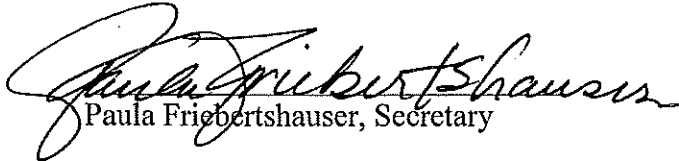
Bobbie Nolan moved and Richard Wright seconded to amend the motion in Case 12-14 to continue no later than three months from now with a fee of \$100 if the Trustees do not waive. Upon the roll call, all members voted yes 4-0.

Richard Wright moved and Gabe Kezdi seconded to approve the Findings of Fact for Case 12-13 for Mike Mucciarone as stated in the minutes of November 15, 2012. Motion carried 4-0.

Richard Wright moved and Gabe Kezdi seconded to approve the Findings of Fact for Case 12-16 for Marc Hunziker be accepted as written. Motion carried 4-0.

Bobbie Nolan moved and Richard Wright seconded to adjourn the meeting at 6:53pm. Motion carried.

  
Bobbie Nolan, Chair

  
Paula Friebertshauser, Secretary