

Board of Zoning Appeals

Munson Township

Minutes of February 20, 2014

Vice-Chair Richard Wright called the meeting to order at 6:37pm with Lucy Longo, Alternates Danielle Pitcock and Michael Waclawski and Court Reporter Kim Giel present. Don Alexander arrived at 6:41pm. Bobbie Nolan and Gabe Kezdi were absent. The Pledge of Allegiance was said.

Michael Waclawski moved and Lucy Longo seconded to approve the minutes of January 16, 2014 as written. Motion carried.

Mr. Wright 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 the evening of the hearing. 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 14-01: Steve Moore/AD-Mor Properties LLC., 12255 Ravenna Rd., Chardon OH – request to construct material bins 5' from the north side property line. Violates SEC. 411 – Minimum Dimensional Requirements-minimum side yard is 50' in the Industrial District.

Zoning Inspector Tim Kearns was sworn in. He read the variance request and violation. Mrs. Longo asked what was north of the property. Mr. Kearns responded it is the Alvord residence and to the south is Western Reserve Farm Cooperative.

Steve Moore was sworn in. He approached the table and pointed to the drawing explaining where currently there are four material bins. When built, they were put on an angle that followed the parking lot. They would like to add to these bins but put them straight against the property line to better utilize the space. There will be no footers, they are portable. When asked, Mr. Moore said the current bins are approximately 45 feet from the property line. Mr. Alexander asked how high they are. Mr. Moore explained they are six to eight feet high and are all interlocking block. Mr. Wright expressed concern with run-off. Mr. Moore explained that the backside of the bins have drain tile that goes to a retention pond. The bins hold gravel, stone and three types of mulch. When asked if they store fertilizer in the bins, Mr. Moore replied no. Mrs. Longo questioned since they are portable, would he move them. Mr. Moore said he could move them. Mr. Wright asked if they could be placed in the back. Mr. Moore responded that the back of the property is several 100 feet deep and there is a septic system and bedrock there. He went on to say that five feet would be the closest he would come to the property line; it may not be that close. He explained that the blocks have to go where the surface stone is to be level.

Mr. Moore said he had spoken with Dan Alvord, the affected property owner to the north, before the process.

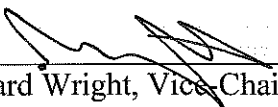
Dan Alvord of 12241 Ravenna Road was sworn in. He verified that he and Mr. Moore had spoken and said for what he is proposing it does not hinder anything. There is a wooded line that divides the property and he had no problem with it being five feet.

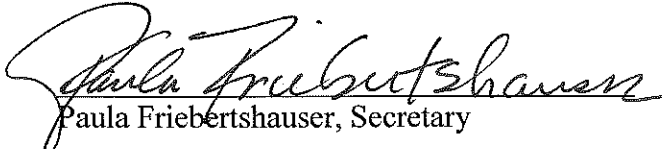
When Mr. Wright questioned if there would be any noise, Mr. Moore explained the most noise would be in the morning when they load. Mr. Waclawski asked if they would be storing salt in the bins. Mr. Moore explained it would be captured within a bin with 10 to 12 inch thick asphalt on the bottom. The bin would be covered.

Mr. Wright stated for the record that 12 affected property owners were notified in Case 14-01. There was no further public comment.

Lucy Longo moved and Don Alexander seconded that the variance requested to place storage bins within five feet of the north property line for Case 14-01 at 12255 Ravenna Road, be granted as requested. Discussion following the motion included: there can be a beneficial use of the property; the variance is substantial; the essential character of the neighborhood would not be altered as the request is just for bins; adjoining properties will not suffer a detriment given the nature of the material; the delivery of government services will not be adversely affected; the predicament cannot be feasibly relieved through some other method because as the applicant explained, the current location would split the property; the spirit and intent behind the zoning would be observed and substantial justice done by granting the variance; and the owner did know of the zoning regulations. Upon the roll call, all members voted yes, 5-0, motion carried.

The meeting was adjourned at 6:52pm


Richard Wright, Vice-Chair


Paula Friebertshauser, Secretary