

# **Board of Zoning Appeals**

## **Munson Township**

Minutes of February 18, 2016

Chair Dennis Pilawa called the meeting to order at 6:32pm with Gabe Kezdi, Danielle Pitcock, Alternates Don Alexander and Jim Herringshaw, Secretary Paula Friebertshauser and Court Reporter Kim Giel present. Bobbie Nolan and Richard Wright were absent. The Pledge of Allegiance was said.

Mr. Pilawa 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.

Don Alexander moved and Danielle Pitcock seconded to approve the minutes of January 21, 2016 as written. Motion carried.

**CASE 16-03: James Rose/Par-Mak Properties LLC**, 12114 Mayfield Rd., Chardon OH - request to construct a 50' x 110' addition 43.8' from the rear property line. Violates SEC. 411 Minimum Dimensional Requirement - minimum rear yard is 50 feet.

Zoning Inspector Tim Kearns was sworn in. He read the variance request and violation and presented photographs. After reviewing the photos, Mr. Pilawa clarified the proposed location and property line. Mrs. Pitcock asked Mr. Kearns if the small triangle indicated on the map is the only part that is 43.8' from the rear property line. Mr. Kearns responded that it was; everything else would meet the 50' requirement.

James Rose was sworn in. He explained the lot is odd-shaped, not rectangular; and reiterated that just one corner would be in violation. He looked at shortening the building but it did not leave enough square footage, and it would be too expensive to put a jog in it there. Mr. Rose pointed out there are no residences nearby, just the golf course behind him. He met with the superintendent from the golf course to go over everything. No trees would be taken down, only scrub.

Mr. Alexander pointed out the 110' length of the addition and wondered what portion is inside the setback. Mr. Rose replied "34 to 35 feet".

Mr. Pilawa stated for the record that there were 12 affected property owners notified of Case 16-03. There was no public comment.

Don Alexander moved and Gabe Kezdi seconded that the variance requested in Case 16-03 be approved. It was noted that all factors necessary to be established were presented. Upon the roll call, all members voted yes, 5-0. Motion carried.

Mr. Kearns added that for security purposes and inclement weather, Mr. Rose wanted to be able to put things away. Mr. Rose explained they often have to pull trucks in to give them time to thaw out before they can even begin working on them.

**CASE 16-04: Janette Mausser**, 11686 Basswood Rd., Chardon OH - request to construct a 10.9' x 24' attached garage 3' from the south property line to a nonconforming structure. Violates SEC. 411 Minimum Dimensional Requirement - minimum side yard corner lot requirement is 60'; SEC. 704 Nonconforming Structures (in part) - no such nonconforming structure may be enlarged, altered or reconstructed in a way which increases its nonconformity within the minimum dimensional requirements.

Mr. Kearns read the variance request and violations. He asked if everyone saw the location in Bass Lake community. Mr. Pilawa commented that he did not think there were any properties there that conformed. Ironically, two people in the audience said theirs did conform.

Janette Mausser was sworn in. She explained she bought the cottage just over a year ago. She wanted to have a garage but the septic system is on one side, and if put down the hill, it would be difficult to get to and would block her view. She said she wants to put latticework on the side and grow vines.

Dennis Pilawa stated for the record that 19 affected property owners were notified in Case 16-04.

Joan Francis was sworn in. She said she is the most affected; her driveway is directly opposite. She has lived there 30 years and it has been an eyesore. Ms. Mausser is the first to make it look nice; and it will reinforce the structure since the house is old.

James Brady was sworn in. He lives next door and would probably be the only one to see it. He thought it would be an asset.

George Bates, a neighbor across the street, was sworn in. He was curious to understand more about the request and see the information. He approached the table and looked at the plans. Mr. Kearns explained the site plan. Mr. Bates had no problem with the request and commented that the house looks better than ever and is glad to see the improvements. He has been there 17 years.

Mr. Pilawa referenced Section 704 of the Munson Zoning Resolution for non-conforming structures. He asked Mr. Kearns if the Zoning Commission ever addressed the language because it needs "tightening up". Mr. Pilawa felt if there is a non-conforming house that is too close to the road and the owner wants to put a deck on the back they should be able to.

Ms. Mausser explained hers is an original cottage and the garage addition will protect the basement stairs.

Danielle Pitcock moved and Jim Herringshaw seconded that the variance requested in Case 16-04 be approved as written. Mr. Pilawa explained that all evidence presented as a matter of fact would support granting the variance. Upon the roll call, all members voted yes, 5-0. Motion carried.

The meeting was adjourned at 7:09pm.

	
Dennis Pilawa, Chair	Paula Friebertshauser, Secretary
3-17-16	3-17-16
Date	Date