

Board of Zoning Appeals

Munson Township

Minutes of February 27, 2025

Chair Dennis Pilawa called the meeting to order at 6:30pm with Danielle Konrad, Don Ondrejka, Jim O'Neill, Joe Tomaric, Alternates Roger Simpson and Carol Maver, and Secretary Paula Friebershauser present. Court Reporter Laura Ware was present. The Pledge of Allegiance was said.

Chair Pilawa explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. 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. 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.

Joe Tomaric moved and Jim O'Neill seconded to approve the minutes of January 15, 2025, as written. Motion carried, 4-0.

CASE 25-01 Ashish Galhotra 11982 Fowlers Mill Rd., Chardon OH – requests to construct a 20' x 32' detached garage with carport approx. 30' in front of the house. Violates SEC. 509.2 No freestanding garage or other accessory structure shall be erected within the front yard of any district, except for fencing and a student bus stop shelter.

Chair Pilawa read the variance request and violation. Zoning Inspector James Herringshaw was sworn in. He referred to the site plan with an aerial view from 2021. He pointed out the home and Fowlers Mill Road. To the left on the property was a garage (now demolished) that was built before zoning in front of the home. Mr. Herringshaw referred to photos taken showing the view of the neighbor's property to the south; view of the home and proposed site; the view north from the proposed site and the view towards the road from the site. He added that there is a hill going down the drive. The structure would be 194 feet from the road right-of-way.

Ashish Galhotra was sworn in. He verified there was nothing left of the previous garage. He explained that the garage would be used for parking. When asked, he said it would not be heated and would be a one-story two-car garage. Chair Pilawa asked which way it would face. Mr. Galhotra responded that it would open towards the home. The carport would be for a lawn mower and anything else he would park outside. When asked if it would have electricity, Mr. Galhotra responded it would for a light. Mr. Tomaric asked where the septic is located. Mr. Galhotra said it would be on the other side of the home and the well is behind the house.

When asked about the neighboring property, Inspector Herringshaw explained they just built their home and have a greenhouse in front. They will be obtaining an agricultural exemption. Chair Pilawa asked if an agricultural exemption needs an area variance. Inspector Herringshaw explained that they do not need any variances, but he advises them that if they can conform to setbacks, etc. it would

make it easier later should they sell their property and new owners do not use it for agricultural purposes.

Mr. Ondrejka questioned the position of the garage and wondered whether it could be put behind the home. Mr. Galhotra explained the driveway ends right at the bend near the house. Inspector Herringshaw added that it was the driveway for the previous garage. Mr. Ondrejka asked Mr. Galhotra if he looked at putting the garage parallel to the home because the home would just need to be a bit in front or next to. Mr. Galhotra responded that it would be giving up part of the front lawn area. The driveway is already graveled.

Chair Pilawa stated for the record that there were 15 affected property owners notified in Case 25-01. Barbara Leiken of 12060 and 12062 Fowlers Mill Road was sworn in. She said she has lived there 45 years when the original owners were there. The Poetesses' sold all the acreage at one time. She did not understand the notice she was sent regarding this case and read the violation that was stated in her letter. Chair Pilawa explained that the reason Mr. Galhotra needs a variance is because some part of the proposed garage will be in front of his home. He then asked Mrs. Leiken the following questions:

- Do you have an issue with the variance request? She responded no, she had thought it was much closer.
- Do you think the variance is substantial? She responded no.
- Does she think she will suffer a detriment? She responded no.
- Will the variance adversely affect delivery of government services? She responded no.
- Will the essential character of the neighborhood be altered? She responded no, not if it is done in good taste.

Chair Pilawa reminded her that the Board cannot zone on aesthetics. He noted that the Board almost always disregards if the property owner purchased the property with knowledge of the zoning restrictions because most people have access to the information. The Board does not have to give equal weight to the factors.

Don Ondrejka moved and Danielle Konrad seconded to approve the variance requested in Case 25-01 as written. Mr. Ondrejka felt the Duncan factors were covered with the resident. Upon the roll call, all voted unanimously to grant the variance, motion carried 5-0.

The meeting was adjourned at 6:59pm.

	
Dennis Pilawa, Chair	Paula Friebertshauser, Secretary
3/19/2025	3/19/25
Date	Date