

# Board of Zoning Appeals

## Munson Township

Minutes of March 15, 2012

Chair Bobbie Nolan called the meeting to order at 6:35pm with Don Alexander, Sophie Horvath, Lucy Longo, Zoning Inspector Tim Kearns, Secretary Paula Friebertshauser and Court Reporter Nayann Pazyniak present. Heather Crawford, Gabe Kezdi and Richard Wright were absent. The Pledge of Allegiance was said.

Sophie Horvath moved and Bobbie Nolan seconded to approve the minutes of February 16, 2012 as written. Motion carried.

Ms. Nolan swore in Lucy Longo as a reappointed Board of Zoning Appeals member.

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.

**CASE 12-04: Steven DiFranco**, 11965 Burlington Glen, Chardon OH – request to construct a 45' x 30' accessory building 25 feet from the rear property line. Violates SEC. 411 – Minimum Dimensional Requirements-the minimum rear yard requirement is 40 ft.

Tim Kearns, Zoning Inspector, was sworn in. He read the variance request and violation and presented photographs. He indicated that a driveway will be put in to access the proposed building.

Steven DiFranco was sworn in. He explained the proposed building would house cars, motorcycles, etc. The other existing building on the property is too small and his wife threw him out of the garage.

Ms. Nolan questioned why he couldn't move it 15 feet closer. Mr. DiFranco replied that the septic is located in the front yard; to the north there is not enough room; to the south he would have to rip out too many trees; and his wife has a garden. He is trying to keep the backyard as big as possible for property value and to also allow room for dogs and recreation. The driveway would be gravel.

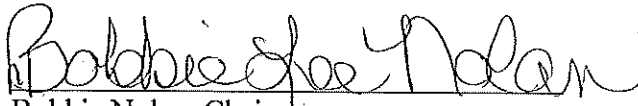
Ms. Horvath asked about the purpose for the existing building. Mr. DiFranco explained his wife uses it for her garden supplies. When asked how many vehicles would be stored in the new building, Mr. DiFranco responded one car, one motorcycle, a quad, and there would be a workshop area. When asked if there would be a second floor, Mr. DiFranco explained there would be no second floor, but a partial loft for storage. There would be no plumbing, just electrical.

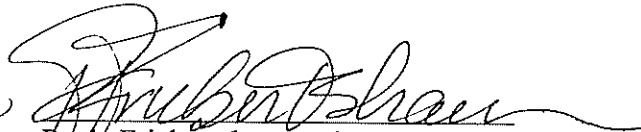
Ms. Nolan stated for the record that 19 affected property owners were notified in Case 12-04.

Alan Gimmel of 11015 Burlington Ridge was sworn in. He asked how tall the structure would be. Mr. DiFranco responded “21 feet”, and the color would match the house. Mr. Gimmel agreed with the placement of the building. Mr. Gimmel resides directly to the north and the closer to the back property line would be better for him. Mr. Gimmel also commented that Mrs. DiFranco has worked hard on the landscaping which they benefit from. Ms. Nolan explained that the variance requested is 25 feet as advertised and Mr. DiFranco cannot go any closer than that.

Sophie Horvath moved and Don Alexander seconded to grant Mr. DiFranco’s variance as requested in Case 12-04. Discussion following the motion included: there can be a beneficial use without a variance, but esthetically it will be conducive and meet Mr. DiFranco’s needs; the variance is not substantial; the essential character of the neighborhood would not be altered; adjoining properties would not suffer a detriment; and since Mr. DiFranco will be providing a driveway, the delivery of government services will not be affected; and the spirit and intent behind the zoning would be observed and substantial justice done by granting a variance. Upon the roll call, all members voted yes, (4-0), motion carried.

The meeting was adjourned at 6:53pm.

  
Bobbie Nolan, Chair

  
Paula Friebertshauser, Secretary