

Board of Zoning Appeals

Munson Township

Minutes of March 21, 2013

Chair Bobbie Nolan called the meeting to order at 6:32pm with Don Alexander, Gabe Kezdi, Richard Wright, Lucy Longo, Alternate Danielle Pitcock, Secretary Paula Friebertshauer and Court Reporter Nayann Pazyniak present. Alternate Michael Waclawski was absent. The Pledge of Allegiance was said.

Don Alexander moved and Gabe Kezdi seconded to approve the minutes of February 21, 2013 as written. Motion carried.

Mrs. 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 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 13-04: Legend Lakes Golf Course, 11135 Auburn Rd., Chardon OH – request to construct a 40' x 88' accessory building under a conditional use. Violates SEC. 801 Conditional Zoning Certificate-Conditional uses shall be permitted only upon issuance of a conditional zoning certificate by the Board of Zoning Appeals to at least one owner of the property.

Tim Kearns, Zoning Inspector, was sworn in. He read the variance request and violation and presented photos of the proposed building location while comparing it to the site map. It was determined there was a prior variance for an addition to shelter the golf carts.

Nick Trudick, representing Legend Lakes, was sworn in. He explained they are purchasing 50 new golf carts and want to house them in the new building. The current housing area will be used just to stage the carts. When asked who would be constructing the building, Mr. Trudick replied it will be built by Amish builders. The current maintenance building has been there for approximately 25 years. When asked if the new structure will match the other buildings, Mr. Trudick explained their intention is to match all the buildings to the new structure's appearance. He approached the table and showed plans for the building which will have a corrugated metal roof. Ms. Nolan commented it will be less congested with the new structure. Mr. Trudick concurred and commented there are 30 carts jammed in there currently. They will all be replaced with new carts. When asked when they plan to construct, Mr. Trudick replied "as soon as we get approval".

Mrs. Nolan stated for the record there were 27 affected property owners notified in Case 13-04. There was no public comment.

Richard Wright moved and Gabe Kezdi seconded that the variance requested in Case 13-04 for Legend Lakes Golf Course be approved as requested and written. Discussion included that the requirement is a hardship but necessary for a use variance; yes, it is substantial as it is a large structure, but the intended location is appropriate; the essential character of the neighborhood would not be altered; the tree-line

somewhat blocks the view from the road; adjoining properties would not suffer any detriment as the layout indicates a nice structure; the delivery of government services will not be adversely affected; the predicament cannot be feasibly relieved in some other manner, the spirit and intent behind zoning would be observed; and the owner did know about the zoning. Upon the roll call, all members voted yes, 5-0. Motion carried.

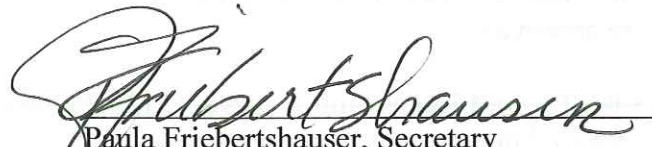
Mrs. Nolan relayed to the Board that they had received a letter in regards to the above case. However, the Board does not take the letter into consideration because it cannot be cross-examined. It was mentioned that the letter was in support of the variance request.

The Board also received a letter from Joseph Weiss in relation to Case 12-17 for George Paolucci. Mrs. Nolan read the letter which stated that Case 12-17 was being withdrawn.

Don Alexander moved and Lucy Longo seconded that the Findings of Fact for Cases 13-02, 13-03 and 12-14 be approved. Motion carried.

Don Alexander moved and Gabe Kezdi seconded to adjourn the meeting at 6:53pm. Motion carried.


Bobbie Nolan, Chair


Paula Friebertshauser, Secretary