

Board of Zoning Appeals

Munson Township

Minutes of April 17, 2014

Chair Bobbie Nolan called the meeting to order at 6:31pm with Lucy Longo, Don Alexander, ~~Richard Wright~~, Alternate Danielle Pitcock and Court Reporter Nayann Pazyniak present. Gabe Kezdi, ~~Richard Wright~~, and Michael Waclawski were absent. The Pledge of Allegiance was said.

Don Alexander moved and Lucy Longo seconded to approve the minutes of March 20, 2014 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 14-04: Dominic Oriani, 12110 Arborwood Way, Chardon OH – Request to construct a 26' x 28' accessory building 4 ft. from the east side property line. Violates SEC. 411 –Minimum side yard requirement is 25 ft.

Tim Kearns, Zoning Inspector, was sworn in. He read the variance request and violation and presented photos of the proposed location. Mrs. Longo asked what was in the background of the photos. Mr. Kearns explained they were homes on Arborwood Way.

Dominic Oriani was sworn in. He explained that with the deed restrictions the garage has to be side-facing so he turned it on a 45 degree angle to face the house. Secondly, he laid out the position of the garage so that he could easily extend the driveway. Mr. Oriani went on to explain that the part of the proposed garage closest to the property line would be just the back left corner – the rest would be towards the house. Mrs. Nolan asked Mr. Oriani to come up to the table and show the driveway. When asked if the driveway is concrete and if he would continue with that, Mr. Oriani said “yes, I’ll continue with concrete”. In reference to the site plan, Mrs. Longo asked what the heavy lines around the house were. Mr. Oriani explained they show the slope. His backyard slopes down three to four feet.

Mrs. Pitcock asked what the purpose of the proposed building would be. Mr. Oriani explained that with four kids and all their toys and bikes he needs extra storage. He likes to keep their cars inside the attached garage, and in wintertime, bring patio furniture in. In looking to the future, he will need additional space for when the kids are driving.

Mr. Alexander asked Mr. Oriani if he saw that the corner of the proposed garage is over a replacement field. Mr. Oriani said he did not think that was right. He has another plan at home and thinks the replacement field is in the back. The builder was not sure either. Mr. Alexander explained he just wanted to make sure that Mr. Oriani was aware of that because the curtain drain would run under the proposed structure.

Mr. Oriani commented he had spoken with the neighbor who is most affected and she had no problem with the construction. She was going to come to the meeting but was out of town for spring break. Mr. Oriani commented that the proposed structure would have the same stone, windows and siding as the home.

Mrs. Nolan asked if there would be any living quarters. Mr. Oriani responded "no, it would only be used for storage".


Mrs. Nolan stated for the record that 14 affected property owners were notified in Case 14-04. Carol Maver of 10492 Sherman Road was sworn in. She asked if Mr. Oriani would need approval from the Health Department for the second leech field. Mr. Oriani was not one-hundred percent sure. He went by his site plan which shows the replacement area in the back. Ms. Maver thought it was important that he be satisfied with where the field is located before moving forward. Mr. Oriani explained that where he is putting the garage there is still plenty of room and he could even put the replacement field in the front if necessary. Mr. Oriani further explained that the whole lot is totally open and where the leech field is shown the property levels off and is flat.

Bobbie Nolan moved and Don Alexander seconded that in Case 14-04 the variance presented by Dominic Oriani be granted. Discussion following the motion included: there is a beneficial use as a residence; the variance is not substantial; the essential character of the neighborhood would not be altered given the detailing with the added stone it will be appealing; adjoining properties will not suffer a detriment; the delivery of government services will not be affected; the predicament potentially could be relieved by moving it behind the house, but not really; the spirit and intent behind the zoning would be observed and substantial justice done by granting the variance; and the owner was asked if he knew of the zoning restrictions – Mr. Oriani did not know of the zoning restrictions, the home was built by Payne & Payne. Upon the roll call, all members voted yes, 4-0, motion carried.

Don Alexander moved and Lucy Longo seconded to approve the Findings of Facts for Case 14-02 for Mark Ventura of Payne & Payne and Case 14-03 for Lisa Callahan. Motion carried.

The meeting was adjourned at 6:53pm.


Bobbie Nolan, Chair


Paula Friebertshauser, Secretary