

Board of Zoning Appeals

Munson Township

Minutes of April 16, 2015

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

Michael Waclawski moved and Richard Wright seconded to approve the minutes of March 19, 2015 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 15-05: Daniel Alvord, 12241 Ravenna Rd., Chardon OH – request to add on an in-law suite to a residence 5 ft. from the north side property line in the Industrial District. Violates SEC. 408.2 Permitted Principal Uses –an in-law suite is not a permitted use in the Industrial District; SEC. 411 Minimum Dimensional Requirements-minimum side yard is 25 ft.

Zoning Inspector Tim Kearns was sworn in. He read the variance request and the violations cited. Mrs. Nolan asked if there was a definition for “in-law suite” in the new Zoning Resolution. There is not.

Daniel Alvord was sworn in. He explained he would like to add on an in-law suite to the attached garage for his wife’s parents. The addition would be five feet from the north side property line which is also his property. He understands it is a use permit and not allowed in the Industrial zone. The suite will be a basic one bedroom and bath with washer and dryer and a small kitchen.

Mr. Wright asked who would be doing the construction. Mr. Alvord said Dennis Mace, a friend of his wife’s. When asked why he would not put the addition on the other side, Mr. Alvord responded that he is only 29 years old and would like a little distance from his in-laws. He added that the back part of the house is all bedrooms and if added onto, would run into the septic field. Mr. Wright expressed concern that at a later date when they would want a bigger house or the in-laws move on it could be set up as a rental. Mr. Alvord responded absolutely not. If anything he thought it could possibly be a work space. Mr. Wright expressed concern that the use is forever. Mr. Alvord explained the possibility of it being a rental was his primary thought as to why it was not allowed. However, due to his in-laws current situation, there is a need for the suite. He has no intention to use it for a rental.

Mr. Waclawski asked if the addition would have separate meters and gas. Mr. Alvord responded it would not; all utilities would go through the current meters. Mr. Waclawski commented that would limit rental capability. Mr. Alvord added that they will also have to update the septic.

Mr. Waclawski asked how far the closest residence is. Mr. Alvord responded there is probably 300 feet to their business and his parents' home with woods in between, and Best Sand is across the street. When asked the age of his wife's parents, Mrs. Alvord said they are in their late 40's.

Sara Alvord was sworn in. Mrs. Nolan confirmed that one of Mrs. Alvord's parents is ill and this would allow them to better help in the situation. Mrs. Nolan was concerned because there is a kitchen involved and asked if they really need it. Mr. Alvord responded they do. He added that the burden is that his wife's father cannot work and they would like to be proactive in this situation. Mr. Alexander asked if it would be a single-story and have a crawl space. Mr. Alvord responded yes to both questions. Mr. Alexander asked if he would consider eliminating the separate entrance. Mr. Alvord said yes.

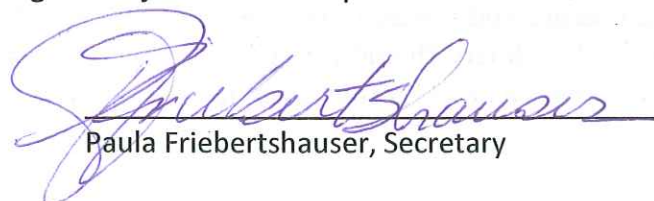
The Board recessed at 6:49pm. The meeting resumed at 7:04pm.

To confirm, Mr. Waclawski asked the Alvord's if they would be willing to take out the front door. Mrs. Alvord hesitated and was concerned with access if there were an emergency situation. Mrs. Nolan asked if they were going to share the garage. Mr. Alvord responded yes. Mrs. Nolan commented it does look like a separate building especially with the front door.

Michael Waclawski moved and Don Alexander seconded to approve the variance request for Case 15-05 including that there be no front door. Discussion following the motion included: the hardship is unique because it is in the industrial area; zoning regulations do deprive the owner because of the Industrial District; the property can be used in an economically viable manner without a variance; there really isn't any other use comparison although the parents have a residence; the hardship is not self-induced; the zoning regulation does protect the public health, safety and morals; no adjoining properties will be harmed because he does own the neighboring property; and the property owners did not know of the zoning restriction. That takes care of the use variance part. In regards to the area variance the following discussion included: yes, there can be a beneficial use as a residence; the variance is substantial at five feet but he owns the adjoining property; the essential character of the neighborhood will not be altered; adjoining properties will not suffer a detriment; the delivery of government services will not be affected; the predicament cannot be feasibly relieved through some other method; and the spirit and intent of Munson zoning will be observed and substantial justice done by granting the variance. Mrs. Nolan commended the Alvord's for doing this. Upon the roll call members voted as follows: Mr. Alexander – yes, Mrs. Pitcock – yes, Mr. Wright – no, Michael Waclawski – yes, and Mrs. Nolan – yes. Motion carried 4-1.

Michael Waclawski moved and Don Alexander seconded to approve the findings of fact for Cases 14-17. Motion carried. Don Alexander moved and Danielle Pitcock seconded to approve the findings of fact for Case 15-02. Motion carried. The meeting was adjourned at 7:15pm.


Bobbie Nolan, Chair


Paula Friebertshauser, Secretary