

Board of Zoning Appeals

Munson Township

Minutes of April 18, 2019

Vice-Chair Danielle Pitcock called the meeting to order at 6:30pm with Gabe Kezdi, Joe Tomaric, Alternates Jim O'Neill and Tim Kearns, Secretary Paula Friebertshauser and Court Reporter Laura Ware present. Don Alexander and Dennis Pilawa were absent. The Pledge of Allegiance was said.

Joe Tomaric moved and Tim Kearns seconded to approve the minutes of March 21, 2019 as written. Motion carried, 4-0.

Mrs. Pitcock explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. The Board receives sworn testimony and applies that testimony and evidence to 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 file with the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

CASE 19-02: Maria Injic, 11845 Stonegate, Chardon OH - request to locate a 24' x 16' accessory building 10 feet from the south side property line. Violates SEC. 411 Minimum Dimensional Requirements - minimum setback from the side property line is 25 feet.

Zoning Inspector James Herringshaw was sworn in. He explained photos taken of the location of the proposed structure. When asked, he clarified the rear of the building would be 10 feet from the side property line.

Mrs. Pitcock read the variance request and violation from the legal notice. Maria Injic was sworn in. She explained they are requesting a 15 foot variance from the regulations for their shed. They cannot move the shed further back or behind their home because of the leech field. If they were to meet the zoning requirements, the shed would be in their kitchen. She said it will not affect the delivery of government services. They are still working on drawings of the shed, but samples of what the building would look like were included in the application. When asked, she said the shed would match the siding on the house, and would have electricity, no water.

Mrs. Pitcock stated for the record there were 37 affected property owners notified in Case 19-02. James Sabel of 10202 Wilson Mills Road was sworn in. He urged the Board not to approve the variance because on the west side corner the individual already has two large buildings and a propane tank on a 2.5 acre lot. He said the Injics have taken an old play shed and dumped it on the property line. He felt they had an agenda and a lot of options to place the proposed building elsewhere. He suggested it could be made smaller or moved, and there is no hardship involved.

Mrs. Injic responded that they moved in the winter of last year and the children's playhouse could not be moved until after spring, so it was temporarily staged. There was mud all summer and grass was planted in October.

Mr. Tomaric asked Mr. Sabel where he lived. He responded he is to the south. Mrs. Injic mentioned the other property owner had no objections. Mr. Sabel felt it is a safety concern and looks industrial. Mr. Kezdi commented that on a corner it is going to be busy and questioned why Mr. Sabel felt it looks industrial. Mr. Sabel replied that it is like the other lot. Mrs. Injic added that they did not build the other sheds Mr. Sabel referred to, and they have tried to disguise the propane tank. She did not feel it was industrial looking and felt if anything, they have added to the property's value.

Mr. and Mrs. Injic explained that the property is an odd "L" shape. It has a large creek in the back that is not accessible to cross over and water collects there from Mr. Sabel's yard. Mr. Injic added that the septic/leech area prohibits locating it there which leaves putting the shed in front of the house which would also require a variance. Mrs. Injic approached the table and showed where the creek and woods were located and said it was not practical to locate it there.

Mr. Sabel explained the property was nonconforming at the time it was created and they fought to have it be the five acres required; instead two two-acre lots were allowed. He also added that a barn went up on the property first. Mrs. Pitcock clarified that the Board can only decide on what was requested that evening. Mr. Sabel commented they could reduce the size of the shed. Mr. Kezdi asked Mr. Sabel if the shed were placed 25 feet from the property line would he have a problem. He responded no and mentioned their shed is in the middle of their lot. Mr. Tomaric asked Mr. Herringshaw how far away the septic system was. He did not know, but Mr. Injic responded that the corner of the home to the leech bed is 17 feet. Mrs. Injic commented that no matter what they would request, they would need a variance.

William Fernald of 11830 Riverwood was sworn in. He agreed with his neighbor, Mr. Sabel, that the property is an eyesore and that the zoning code was there long before the house was built.

Mr. Tomaric asked Mrs. Injic what prohibits them from moving the shed further north towards the house; the site plan shows 52 feet. She responded it would not look nice, and would be an eyesore eliminating green space. They are planning on putting a deck on the back with a walk way on the side. With the awkward shape of their property they have limited space. Mr. Tomaric asked Mr. Herringshaw what the distance was from the fuel tank. Mr. Herringshaw did not know but explained there are no requirements for distance from a fuel tank; just a 15 foot requirement from the home. Mrs. Injic pointed out that even if they were to move it, it would not be able to fit in that area. Mr. Tomaric asked if the shed would hide the propane tank. Mrs. Injic explained there are 10 arborvitaes currently there to shield it from view, but the shed would also partially cover it.

The Board recessed at 7:02pm to go into executive session. The meeting resumed at 7:20pm.

Mrs. Pitcock informed the appellant that the Board could take a vote that evening or the case could be continued to get more information regarding the septic tanks/leech field. The Board wanted better

diagrams showing to scale the distance of the leech field from the house. Mrs. Pitcock suggested they also sketch in the deck mentioned.

The appellant agreed to a continuance on Wednesday, May 15, 2019. Danielle Pitcock moved and Jim O'Neill seconded to continue Case 19-02 to Wednesday, May 15 and to ask that the Trustees waive the continuance fee of \$100. The vote was unanimous, motion carried 5-0.

The meeting was adjourned at 7:32pm.

Danielle Pitcock 5/15/19
Danielle Pitcock, Vice-Chair Date

Paula Friebertshauser 5-15-19
Paula Friebertshauser, Secretary Date