

# Board of Zoning Appeals

## Munson Township

Minutes of May 21, 2015

Vice-Chair Richard Wright called the meeting to order at 6:30pm with Gabe Kezdi, Alternates Danielle Pitcock and Michael Waclawski, Secretary Paula Friebertshauser and Court Reporter Nayann Pazyniak present. Don Alexander, Lucy Longo and Bobbie Nolan were absent. The Pledge of Allegiance was said.

Mr. Wright informed the appellants there was not a full board that evening and if they wished to postpone their hearing until next month they could do so at no extra cost. Both appellants wished to proceed.

Michael Waclawski moved and Danielle Pitcock seconded to approve the minutes of April 16, 2015 as written. Motion carried. Michael Waclawski moved and Danielle Pitcock seconded to approve the findings of fact for Case 15-05. Motion carried.

Mr. Wright 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 15-06: Michelle Householder, 11565 Upper Chelsea Dr., Chardon OH – request to construct a 36' x 46' accessory building 15' from the south property line and 11'.8" from the principal structure. Violates SEC. 509.3 Accessory structure shall not be closer than fifteen (15) feet to the principal structure; SEC. 411 Minimum Dimensional Requirements-minimum side yard is 25 ft.**

Zoning Inspector Tim Kearns was sworn in. He read the variance request and violations and presented a photo of the proposed location.

Michelle Householder was sworn in. She explained the request is for a garage to house their three cars and trailer. Her fiancé likes to tinker with cars and she likes to paint. When asked if the garage would line up with the home, Ms. Householder responded it would sit just behind the house, they wanted to utilize the existing driveway. They are currently getting quotes for construction. It was confirmed it would be approximately 281 feet from the road. Mr. Waclawski commented that the plan does not show where the neighbor's home is in relation to the proposed garage area and he wondered how far away it was. Ms. Householder felt it was at least 200 feet away and centered on the lot. She added that there are a lot of trees. Mr. Kezdi asked if the garage would be used as an auto repair facility. Ms. Householder responded that it would be used for personal use only. Her fiancé was a mechanic for seven years and likes to do their own oil changes, brakes, etc. When asked if it would have electricity, water or a bathroom, Ms. Householder said it would have electricity and propane heat.

Mr. Wright stated for the record there were 71 affected property owners in Case 15-06. There was no public comment.

Mr. Waclawski asked if she considered moving it back and over. Ms. Householder said the problem would be the well that is 11-12 feet away.

Michael Waclawski moved and Gabe Kezdi seconded to approve the variance request in Case 15-06 for an accessory building behind the house. Upon the roll call all members voted yes, 4-0, motion carried. Discussion following the motion included: there is a beneficial use of the property; the variance is substantial because it is close to the line and a large structure, but it appears it will be well-constructed, and thus adjoining properties will not suffer a detriment; the delivery of government services will not be adversely affected; the predicament cannot be feasibly relieved through some other method than a variance; the spirit and intent behind the zoning would be upheld by this approval; and the property owner did not know of the zoning restrictions.

**CASE 15-07: Sandra Durczak, 21-051580 Edgewood Rd., Chardon OH – request to construct a 12' x 16' accessory building 8.7' from the side property line. Violates SEC 411 Minimum Dimensional Requirements-minimum side yard is 25 ft.**

Zoning Inspector Tim Kearns read the variance request and violation. He presented photographs of the existing accessory building and proposed location.

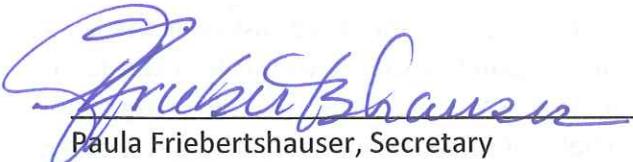
Alan Scott, representing Ms. Durczak, was sworn in. He explained they would like to replace the existing shed because it is falling apart and would utilize the existing pad. It would be used for storage. They have someone to build it but he may do it himself. When asked, Mr. Scott said there would be no electricity, it would be a basic one-story shed with the doors facing the same way.

Mr. Wright stated for the record that 50 affected property owners were notified in Case 15-07. There was no public comment.

Michael Waclawski moved and Gabe Kezdi seconded to approve Case 15-07 for a shed on the side property replacing the existing one. Upon the roll call, all members voted yes, 4-0, motion carried. Discussion following the motion included: there can be a beneficial use but the shed is falling apart; the variance is not too substantial; the essential character of the neighborhood will not be altered; adjoining properties would not suffer a detriment; the delivery of government services would not be adversely affected; because of the Bass Lake predicament it can't feasibly be relieved through some other method; the spirit and intent would be upheld by granting the variance; and the property owner did not know of the zoning restriction.

The meeting was adjourned at 6:53pm.

  
Richard Wright, Vice-Chair

  
Paula Friebertshauser, Secretary