

Gabe
Kearns

Board of Zoning Appeals Munson Township

Minutes of May 18, 2017

Chair Dennis Pilawa called the meeting to order at 6:30pm with Bobbie Nolan, Joe Tomaric, Danielle Pitcock, Zoning Inspector Jim Herringshaw, Secretary Paula Friebertshauser and Court Reporter Kim Giel present. Alternates Don Alexander and Tim Kearns were absent. The Pledge of Allegiance was said.

Mr. Pilawa 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.

Bobbie Nolan moved and Danielle Pitcock seconded to approve the April 20, 2017 minutes as written. Motion carried.

CASE 17-04: Diane Bija of New Creation Builders for Randy McVicker 12345 Bradford Dr., Chardon OH - request to complete construction of a 24' x 24' accessory building in front of residence. Violates SEC. 509.2 No garage or other accessory structure shall be erected within the front yard of any district.

Chairman Pilawa explained the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He presented photographs of the property. He explained that initially the contractor had obtained a zoning permit for the garage to be located to the side of the home. Upon receiving a call from a neighboring resident, Mr. Herringshaw learned that the building was being constructed in front of the residence. He contacted the contractor who admitted she made a mistake on the location. She explained that the resident did in fact want his garage to be located in front of the existing attached garage/residence. When asked how far in front of the home the proposed structure would be, Mr. Herringshaw responded 15 feet.

Diane Bija, Operation Manager for New Creation Builders, was sworn in. She explained that most owners are not aware of the bylaws or zoning regulations and a new salesman had gone out to the site. Ms. Bija explained she is the designer and uses the GIS system to draw up a site plan. The salesman and owner had said to put it even with the garage. In looking at the GIS, it appeared the driveway went straight. She assumed that was the existing garage and put the building location to the left of the home. Ms. Bija commented that nobody can see the building unless they are driving right in front. The houses are spread out and the property owner's home across the street is offset and the other side has pine trees. She explained the neighbors do not care and referenced the signed letters. Chair Pilawa explained they only take sworn testimony.

Mr. Kezdi asked why it could not be built to the left of the home. Ms. Bija responded they have already dug for the location and have a pre-approved pour by the county. She added that Mr. McVicker would not have access to the building there. Mrs. Pitcock asked if it would match the home. Ms. Bija replied "yes".

Randy McVicker was sworn in. He said he has three vehicles and lawn equipment to store. He chose the location because a new septic system was installed to the side of the home. The driveway would have to go over the main pipe and would affect the septic. He pointed out the lids and field and said it comes out towards the front. Mr. Tomaric asked Zoning Inspector Jim Herringshaw if he knew the septic tank was there. Mr. Herringshaw wasn't sure, but the site was approved by Geauga Soil & Water. Mr. Tomaric wondered if built there it had to be 10 feet away from the septic. Mr. McVicker said it would be 10 feet. Mr. Tomaric, as a contractor, felt it was Ms. Bija's responsibility to know the site. She responded that she does not typically go out to the location. She looked on the GIS and misunderstood where the garage was to go. She had no idea the salesman would sell something in front. Mr. McVicker added it was his preference. Mrs. Nolan commented that she understood how it happened but would think she would know. Ms. Bija reiterated she looked at the driveway and thought it went straight back.

Chairman Pilawa stated for the record that 41 affected property owners were notified in Case 17-04. Dennis Wynne of 13030 Manor Drive was sworn in. He explained he was a former member of the Zoning Commission and supports the request. He felt the neighborhood is mixed; it is next to a horse corral. When asked, Mr. Wynne responded he lives one street over and passes the home every day.

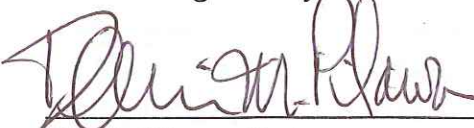
Mr. McVicker explained the house and garage would have the same siding, roofing and trim. Mrs. Nolan asked how many feet would be between the garages; Mr. McVicker responded fifteen feet. She asked him why he wasn't attaching it. Mr. McVicker explained it was too expensive; about \$8,000 more. Ms. Bija pointed out they meet the front setback requirement.

Resident Dennis Wynne asked if the garage were attached and met the setback requirements, would it conform. Mr. Herringshaw and Mrs. Nolan both replied "yes".

Richard Ferlin of 11482 Fowlers Mill Road commented that when a building is attached to the house taxes go up significantly.

Danielle Pitcock moved and Gabe Kezdi seconded to approve the variance in Case 17-04 as requested. Discussion included that the Duncan factors had been considered and applied. Upon the roll call all members voted yes, 5-0, motion carried.

The meeting was adjourned at 6:55pm.


_____ Date
Dennis Pilawa, Chair

 6/15/17
_____ Date
Paula Friebertshauser, Secretary