

Board of Zoning Appeals

Munson Township

Minutes of May 17, 2018

Chair Dennis Pilawa called the meeting to order at 6:34pm with Don Alexander, Danielle Pitcock, Joe Tomaric, Alternate Tim Kearns, and Secretary Paula Friebertshauser present. Gabe Kezdi and Alternate Jim O'Neill 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. Usually the meeting is recorded by a court reporter on the chance there is an appeal. The appeal would go to the Court of Common Pleas. The court would determine if the Board exceeded their authority. He explained it was irregular for there not to be a court reporter present, but would move forward if the right to have a court reporter present was waived. No one present opposed.

Mr. Pilawa further explained he is a member of Legend Lake Golf Club and would excuse himself if anyone present thought he should. He added that he was glad it is a renewal and not a variance. He also said that in relation to the Aqua Doc variances, he and John Wilson have known each other a long time. Mr. Wilson had mentioned he was coming for a variance but provided no details.

Danielle Pitcock moved and Joe Tomaric seconded to approve the April 18, 2018 minutes as written. Motion carried, 4-0.

It was discussed and agreed that Cases 18-03 and 18-04 for renewal of Conditional Use permits to operate as a golf course for LLGC, LLC 11135 Auburn Road and FMGC, LLC 13095 Rockhaven Road be heard together. Mr. Pilawa read Section 801.2 of the Zoning Resolution.

Continued: Conditional Use - CASE 18-03: LLGC, LLC 11135 Auburn Rd, Chardon OH - According to Sec. 801.2m Conditional Use Standards - (in part) A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five years from the date of issuance. Legend Lake Golf Course is renewing their Conditional Use zoning certificate.

Continued: Conditional Use - CASE 18-04: FMGC, LLC 13095 Rockhaven Rd, Chesterland OH - According to Sec. 801.2m Conditional Use Standards - (in part) A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five years from the date of issuance. Fowlers Mill Golf Course is renewing their Conditional Use zoning certificate.

Zoning Inspector Jim Herringshaw was sworn in. He explained that the Conditional Use permits for both golf courses were to be renewed every five years; however, it had been a little longer than the five years and it was decided to do them together. There are no big changes planned for either course.

For the record, Mr. Pilawa asked those present if everyone was in agreement to waive the absence of a court reporter and him being a member of Legend Lake Golf Club. No one had an issue. Mr. Pilawa commented that any issue is more of an enforcement action and if there were any violations the Zoning Inspector would know about them. Mr. Herringshaw agreed and said there were no violations. When questioned by a resident, Mr. Pilawa explained what the Conditional Use permit was and the Zoning Inspector's role. He then explained the first thing the Board does is hear from the Zoning Inspector, then the applicant and any affected property owners.

In reference to Legend Lakes, Anthony Fatica asked if there were plans to expand. Todd Petersen, representing both golf courses, was sworn in. He said they are going to keep doing what they are doing; the plans for condensed housing have "died on the vine". Mr. Fatica commented that the only issue he was concerned with was expansion of the septic plant.

Mr. Tomaric commented that he lives on Mulberry Road and has noticed debris in the woods on Fowlers Mill. Mr. Petersen thought it might be on Mrs. Semenik's property and he would look into it. Mr. Tomaric also pointed out that at Fowlers Mill and Thwing the swale has not been cleaned out and the weeds have grown tall. Mr. Petersen said he would tell them.

Mr. Pilawa stated for the record that 106 affected property owners were notified in Case 18-03 for Legend Lake and there were 78 notified for Case 18-04 for Fowlers Mill Golf Course.

Anthony Fatica of 11478 Auburn Road commented that he used to go to meetings years ago. He was concerned about digging in the creek. Mr. Petersen said it is not Legend Lake.

Angela Tantanella of 11534 Upper Chelsea asked if there were any plans of coming through their cul-de-sac because there has been some disturbance. Mr. Petersen explained that maybe it is from the Janu property off of Auburn; there are no plans from Legend Lake.

Tim Kearns moved and Don Alexander seconded that Conditional Use permits for 18-03 and 18-04 be approved as stated. Upon the roll call all members voted yes, 5-0; motion carried.

CASE 18-09: Dave Ryks for W.R. Real Estate 10771 Mayfield Rd., Chardon OH - request to construct a multipurpose building with 0 feet from the rear yard and 9.5 feet from the east side property line; with no loading/unloading space and no parking; a driveway with 0' clearance from the lot line; on a lot where there is already a principal structure. Violates SEC. 503 Principal Structures Per Lot (in part) no more than one principal structure may be constructed upon any one lot; SEC. 411 Minimum Dimensional Requirements-minimum rear yard is 50 feet; minimum side yard is 20 feet; SEC. 511 Driveways (in part) driveways shall be a minimum of 15 feet from any lot line; SEC. 521.1 Number of Parking Spaces Required (in part) for a commercial facility - one for each 250 sq. ft. of floor area; and SEC. 521.3 Number of Loading/Unloading Spaces Required - for commercial and industrial uses permitted in this Resolution shall have at least one loading/unloading space for each use.

CASE 18-10: David Ryks for W.R. Real Estate Parcel #21-060650, Chardon OH - request to construct a multipurpose building with a minimum side yard of 9.5 feet from the east side property line and 0 feet from the front property line with 0' driveway clearance. Violates SEC. 411 Minimum Dimensional

Requirements-minimum side yard is 20 feet; minimum setback from the front property line is 80 feet; and SEC. 511 Driveways (in part) driveways shall be a minimum of 15 feet from any lot line.

It was agreed that Cases 18-09 and 18-10 for Aqua Doc be heard together. Mr. Pilawa read the legal notice for both cases.

Zoning Inspector Jim Herringshaw explained these cases were a little complicated because when they first came in, the proposed building was going to be on one parcel. After a survey was completed, they found that the building would be on two parcels. The Auditor's office redrew according to the survey and is now correct at the county level. He pointed out that the property drops off in the back and that Aqua Doc will use the existing driveway of the building to the east. Those present were invited to look at the drawings and pictures presented.

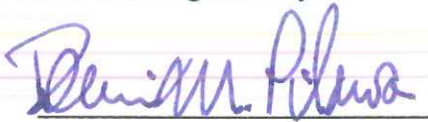
John M. Wilson Jr. of 821 Sun Ridge Lane in South Russell was sworn in. He explained that Aqua Doc moved to Munson in 2005. They got a variance for the first building. Three to four years ago they bought the old schoolhouse and now have five separate parcels. With 88 employees in Geauga County and Munson they need more room. They would like to keep the proposed structure close to the original building. Bids have been obtained and they plan to build this year. Mr. Kearns asked if there is a big dip in the back. Mr. Wilson said yes and they have brought in a lot of fill. They will box in the sewer plant completely.

Mr. Pilawa stated there were 28 affected property owners notified in Cases 18-09 and 18-10.

Lindsey Walczak of 12611 Fowlers Mill Road was sworn in. She asked if it would be another maintenance building. Mr. Wilson said it would and there would be bathrooms and maybe an office. It would be a wood and steel structure by Morton Buildings. There would be no driveway on the backside, just green space and the septic system. The 7,680 sq. ft. building will be one story and would store equipment, trucks and product. Mrs. Walczak was concerned about runoff because they have a pond. Mr. Wilson assured her that any runoff would be maintained during construction.

Joe Tomaric moved and Tim Kearns seconded that the variance requests for Cases 18-09 and 18-10 be approved. Mr. Pilawa stated that to the extent that the appellant needs to meet the Duncan Factors, they have. Upon the roll call, all members voted yes, 5-0; motion carried.

The meeting was adjourned at 7:15pm.


Dennis Pilawa, Chair 6/21/18 Date


Paula Frieberthauser, Secretary 6/21/18 Date