

Board of Zoning Appeals

Munson Township

Minutes of June 16, 2011

Chair Bobbie Nolan called the hearing to order at 6:33pm., Gabe Kezdi, Sophie Horvath, Lucy Longo, Richard Wright, Don Alexander, Lonny Beck, and Secretary Paula Friebertshauser were present. Court Reporter Kim Geil was present to record the minutes. The Pledge of Allegiance was said.

Sophie Horvath moved and Richard Wright seconded to approve the April 14, 2011 minutes. Motion carried.

Ms. 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. 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 11-09: James Rose, 13487 Ravenna Rd., Chardon, OH – request to construct a 28 x 40 ft. accessory building in front of existing home and 15 ft. from the south side. Violates SEC. 411 Minimum Dimensional Requirements-minimum side yard is 25 ft. Violates SEC. 509.2-No garage or other accessory structure shall be erected within the front yard of any district.

Tim Kearns, Zoning Inspector, was sworn in. He read the variance request and violations, and presented photographs of the proposed site.

James Rose was sworn in. He explained his family has grown and he needs storage for toys and his extra vehicles. He drag races and the truck is currently outside. He previously got a variance for the existing garage in 2004, but it is not big enough. Mr. Rose explained he has a lot of property but there is a ridge, and the leech field is directly behind the home. To put the building back farther on his property would be too costly because he would have to put in a driveway, electricity, etc. Mr. Kezdi asked about the garage to the north. Mr. Rose explained it is the garage attached to the home where he and his wife's car are stored. Mr. Rose works on cars and in the existing extra garage he has an old truck, a Ford car that was his Dad's, and a race car which is his hobby. Mr. Kezdi verified that there is no way to access the back of the property because of the existing building. Mr. Rose again explained it would not be cost effective because he would have to add an additional 150 to 200 feet of driveway, and the leech field is 150 feet across.

When asked about the construction of the building by Mr. Wright, Mr. Rose responded that it would have one door and storage off to the side. Ms. Nolan asked how much trees and vegetation would have to be removed. Mr. Rose responded there are five to six trees that are six to eight inches in diameter. He added that a lot of trees have been dying out along with some apple trees. When presented with a photograph, Mr. Rose showed the tree removal to be about 50 feet out. The rest of the vegetation would be left as a buffer.

Ms. Nolan stated for the record that 31 affected property owners were notified in Case 11-09. There was no public comment.

Richard Wright moved and Gabe Kezdi seconded that the variance requested in Case 11-09 by Mr. Rose be granted for the structure as requested. Discussion included: as Mr. Rose stated in his application there is a beneficial use for the property as a residence and a couple of cars are safely under cover right now; the variance could be looked at as not substantial due to the location, and going forward it could present resale problems; the essential character of the neighborhood would be affected due to the setback; adjoining properties would not suffer a detriment; the delivery of government services would not be impacted because it is in the front yard; there is no practical way to meet the zoning requirements due to the leech field, and putting the structure on the far side of the property is not practical or desirable; the property owner was not aware of the zoning, but has learned twice; and the spirit and intent behind the zoning would be upheld. Upon the roll call, members voted as follows: Mr. Kezdi, yes; Ms. Horvath, no; Mr. Wright, yes; Ms. Longo, yes; and Ms. Nolan, yes. Motion carried, 4-1.

Lucy Longo moved and Richard Wright seconded to approve the Findings of Fact for Cases 11-04 through 11-08. Motion carried. Members signed the Decision of the Board form.

The next meeting is scheduled for July 21, 2011 at 6:30pm.

The meeting was adjourned at 6:50pm.

Bobbie Nolan, Chair

Paula Friebertshauser, Secretary