

Board of Zoning Appeals

Munson Township

Minutes of June 19, 2014

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

Lucy Longo moved and Danielle Pitcock seconded to approve the minutes of April 17, 2014 as amended. Motion carried.

Mrs. 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. 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 14-05: Chris Ray for Craig & Joy Lanese, 11270 Brookside Rd., Chardon OH – request to construct a 30' x 24' two-car garage 15 feet from the north side property line; 15 feet from the road right-of-way on a vacant lot with 80.17 feet of frontage. Violates SEC. 411 Minimum dimensional requirements-minimum side yard requirement is 25 feet; minimum frontage at road right-of-way is 200 feet; minimum setback from road right-of-way is 80 feet; and under Permitted Principal Uses and Structures – one single-family dwelling in accordance with Article 5.

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

Craig Lanese was sworn in. He approached the table and pointed out on the photograph that the proposed garage will mimic the front of their home and have the same roof pitch so it will look like it belongs there. Mr. Wright asked why that location – Mr. Lanese responded that it is the only place they can put it because it is a multi-sloped hillside, and it has to sit back far enough to be able to make a turn into the garage. Mr. Wright then asked if the property would have to be built up. Mr. Lanese responded that he assumes the entrance will be at the current location of the existing driveway and will have to be built up a little. When asked the purpose of the garage, Mr. Lanese responded “so neither one of us has to push snow off of our cars”. Mr. Wright commented that it is really close to the road. Mr. Lanese explained there are about four cars a day that may come up the road including theirs; and he is not sure yet, but the proposed setback is the worst case scenario – it may be pushed back five feet and to the left.

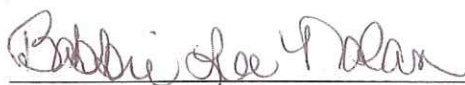
Mrs. Nolan stated for the record that 21 affected property owners were notified in Case 14-05. There was no public comment.

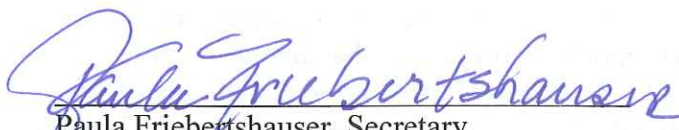
Richard Wright moved and Lucy Longo seconded that the variance requested in Case 14-05 by Craig and Joy Lanese be approved as stated. Discussion following the motion included: when asked how long they have lived there, Mr. Lanese responded 15 years – so there has been a beneficial use as a residence

regardless of the garage situation; the variance is substantial, but not once you understand the Bass Lake situation; the essential character of the neighborhood will not be affected because the garage will blend in and enhance so adjoining properties will not suffer any detriment; the delivery of government services will not be adversely affected; without the variance request, the predicament cannot be feasibly relieved through some other method; the spirit and intent behind the zoning will be upheld understanding the Bass Lake situation; and when asked if they purchased the property with knowledge of the zoning, Mr. Lanese responded that he doubted it. He went on to explain how they went about purchasing their home. Upon the roll call, all members voted yes, motion carried 5-0.

Danielle Pitcock moved and Lucy Longo seconded to approve the Findings of Facts for Case 14-04 for Mr. Oriani on Arborwood Way seeking a variance for a garage. Motion carried 3-0.

The meeting was adjourned at 6:53pm.


Bobbie Nolan, Chair


Paula Friebertshauser, Secretary