

Board of Zoning Appeals

Munson Township

Minutes of July 21, 2011

Chair Bobbie Nolan called the hearing to order at 6:30pm., Sophie Horvath, Lucy Longo, Richard Wright, Gabe Kezdi. Alternates Don Alexander and Lonnie Beck and Zoning Inspector Tim Kearns were also present. Secretary Paula Friebertshauser was on vacation and the minutes were taken by Judith Toth. Court Reporter Nayann Pazyniak was present to record the minutes. The hearing opened with the Pledge of Allegiance.

Gabe Kezdi moved and Lucy Longo seconded to approve the June 16, 2011 minutes, as corrected. 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 11-10: Karen Rudar, 11448 Parkside, Chardon OH – request to construct a 12 x 14 ft. gazebo 5 ft. from east property line. Violates SEC. 411-Minimum Dimensional Requirements- minimum side yard requirement is 25 ft.

Zoning Inspector Tim Kearns read the case and showed the Board pictures of the property and the proposed gazebo. The residence is located on two parcels and is a corner property. The Board has copies of the design of the gazebo. The location has been staked out and is indicated on the site plan. The gazebo will be placed at the bottom of the porch step. Karen Rudar was sworn in and stated her name and address for the record. Because the residence is located in the center of two parcels, anything they do is in violation of zoning. They had the same problem when they built their deck. The gazebo will be constructed by Claridon Barns. Sophie Horvath noted that the diagram showed variations. Mrs. Rudar indicated which design would be constructed.

Ten affected property owners were notified - no one was present.

Sophie Horvath moved and Lucy Longo seconded, I see a thing of beauty here, and I think Karen Rudar should have her variance granted as requested in Case 11-10 dated June 22, 2011. Discussion: Richard Wright stated that the properties in Bass Lake Community are unique. The proposed structure is very much an improvement. The variance requested is not substantial due to the two lots owned. The character of the neighborhood will be enhanced. There will be no interference with government services. The property was not purchased with knowledge of the variance. Could it be mediated? It would not be desirable due to the location of the deck. The spirit and intent of zoning would be upheld with approval of this variance. Roll call vote: Mr. Kezdi, yes; Mrs. Horvath, yes; Mrs. Nolan, yes; Mr. Wright, yes; Mrs. Longo, yes. Motion carried.

CASE 11-11: Gregory Neurohr, 11240 Hidden Springs, Chardon OH – request to construct a 12 x 20 accessory building 13 ft. from east side property line. Violates SEC. 411 Minimum Dimensional Requirements-minimum side yard requirement is 25 ft.

Tim Kearns read the case and showed the Board pictures of the existing structures and the location of the proposed accessory building. The pictures showed another structure encroaching the proposed building. The structure in question was put up by the neighbor on Mr. Neurohr's property, but Mr. Neurohr did not have an issue with his neighbor's structure. The proposed building will be 13 feet from the property line. Gregory Neurohr was sworn in and stated his name and address for the record. The storage shed will be used for lawn equipment. The building can only go in that location because of the terrain of the land. The septic is located on the other side, and the accessory building would be too close to the house. There is also a swale for drainage, and he showed the location of the catch basin. The back of the property drops drastically to a ravine. He will access the storage building through the grass, and plans to put up arborvitae to hide the shed from his neighbors. He showed the Board a sketch of the shed, which he plans to construct himself.

Eleven affected property owners were notified - no one was present.

Sophie Horvath moved and Lucy Longo seconded to grant the variance request to Gregory Neurohr, Case 11-11 dated June 22, 2011. Discussion: Richard Wright – the property in question obviously will have beneficial use without the variance being granted. The variance is definitely desirable. The neighbors are not adversely affected. The variance does not affect government services. The property owner was not aware of the variance when the property was purchased. The essential character of the neighborhood and the spirit and intent of zoning will be upheld. Roll call vote: Mr. Kezdi, yes; Mrs. Horvath, yes; Mr. Wright, yes; Mrs. Longo, yes; Mrs. Nolan, yes. Motion carried.

CASE 11-12: Mate Brkic, 11340 Grey Friar Way, Chardon OH – request to construct a 56 x 41.8 ft. attached garage 31ft. from the west rear property line. Violates SEC. 411 Minimum Dimensional Requirements-Minimum rear yard requirement is 40 ft.

Tim Kearns asked the board to recess for five minutes. Builder David Payne arrived with the blueprints and he requested time to review them to make sure there were no changes. The Board recessed at 6:55pm.

The hearing resumed. Tim Kearns read the case and advised that the blueprints were in conformance with the variance request. He showed pictures. The home is located at the end of the cul-de-sac. Footers for the additional garage were put in when the home was constructed. Mrs. Longo asked to see where the vehicles would enter.

Mrs. Nolan asked if Mate Brkic was present. Attorney Todd Petersen advised that Mate Brkic was out of the country and that he would be representing him. Todd Petersen was sworn in and gave his name and address for the record. Mate Brkic presently has a three-car garage, but with three children, his wife and himself, he did not want his property to look like a junk yard. The proposed building will allow parking for six vehicles. The existing garage will be converted to living area and has access to the mudroom and to the steps to the basement. The span of the roof will allow height for a basketball hoop. The 6.92 acre lot slopes down to the road. The Board inquired about a pole building on the plans, and was informed it did not exist, and was not part of the current project. The existing garage will be converted to a recreation room for the children. The rest of the proposal is to finish off the basement. The outside of the

building will be consistent with what is already there. The property is limited because the home is located at the top of a hill. The property owner will need a waiver from the developer to allow the garage door to be located on the side as there is a deed restriction. Todd Petersen noted that Mr. Brkic indicated on his variance application that the variance was substantial, but believed Mr. Brkic did not understand the question. In his opinion the variance was not substantial. There is a considerable wooded area between him and his neighbor. David Payne of Payne and Payne Builders, the contractor for the project, was sworn in and gave his name and address for the record. Full trench concrete footers were put in when the home was built, and the owner had no knowledge that the addition would require a variance. Payne and Payne Builders was not the original contractor.


Sixteen affected property owners were notified. Affected property owner, Jackie Cageao, 11330 Grey Friar Way, was sworn in and stated her name and address for the record. She asked to see the blueprints and Todd Petersen went over the drawings with her. She concluded that she would not be able to see the addition from her property; the view will be blocked by the existing house. Todd Petersen advised they contacted the neighbor at the rear of the property, but received no response. Gabe Kezdi inquired about the property to the other side, and was advised it was currently unoccupied, possibly owned by the bank, and that the lawn is in an unkempt condition.

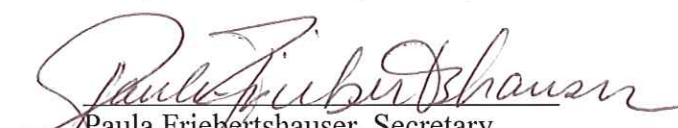
Richard Wright moved and Sophie Horvath seconded in Case number 11-12, the case of Mate Brkic, to approve the variance request as requested. Discussion: Richard Wright – The property does yield value and use as it is, and there can be beneficial use of the property without the variance. However, the work ethic and quality is good and the 8 feet requested is not substantial and is in line with what is already there. The size of the structure is substantial, but everything blends in. Government services are not affected. Access to the back of the property can be achieved. The property owner purchased the property without knowledge of the variance. Could it be done differently? Not really – the garage fits in perfectly with the existing home. The spirit and intent of zoning will be upheld. Roll call vote: Gabe Kezdi, yes; Sophie Horvath, yes; Richard Wright, yes; Lucy Longo, yes; Bobbie Nolan, yes. Motion carried.

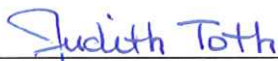
Sophie Horvath moved and Gabe Kezdi seconded to approve the Findings of Fact for Case 11-09. Motion carried.

The next meeting is scheduled for August 18, 2011 at 6:30pm.

Sophie Horvath moved and Bobbie Nolan seconded to adjourn the meeting at 7:22pm. Motion carried.


Bobbie Nolan, Chair


Paula Friebertshauser, Secretary


Judith Toth, Acting Secretary