

# Board of Zoning Appeals

## Munson Township

Minutes of July 18, 2013

Chair Bobbie Nolan called the meeting to order at 6:30pm with Richard Wright, Lucy Longo, Alternates Danielle Pitcock and Michael Waclawski, Secretary Paula Friebertshouser and Court Reporter Nayann Pazyniak were present. Gabe Kezdi was present, but did not serve as the case was a continuance from the previous meeting. Don Alexander was absent. The Pledge of Allegiance was said.

Lucy Longo moved and Richard Wright seconded to approve the minutes of June 20, 2013 as written. Motion carried.

Mrs. Nolan asked Trustee Andy Bushman if the Board of Trustees reimbursed the appellant in Case 13-09 which was withdrawn at the Board of Zoning Appeals request. He responded "yes". Mrs. Nolan thanked him.

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.

**Continued-CASE 13-10: John Paglia, 12888 Rockhaven Rd., Chesterland, OH – request to construct a 30 x 70 sq. ft. accessory building in front of residence. Violates SEC. 509-no garage or other structure shall be erected within the front yard of any district.**

Mr. Kearns was sworn in. He read the amendments that Mr. Paglia had made to his application and pointed out the amended diagram.

John Paglia was sworn in. He explained that he went home after the last hearing and put his thoughts down and identified what was most important. He said he needed to clean out the existing garage of woodworking equipment for the safety of his young children. There are also two cars and lawn equipment in there. He wants to put the equipment in the new building so he made more room for a garage and workshop area on the plans. Mr. Paglia explained he would like to have a home office for bookwork with a play area for the children for when his wife needs to go out. He felt that area could still have some room for exercise equipment. He explained that currently with his home office sometimes the kids are distracting – if he moves it to the new structure, there would be space for a media room. Mr. Paglia removed the bathroom from the previous plans and made the building smaller.

Mrs. Nolan asked him to verify that he had mentioned at the previous meeting that he had a backhoe. Mr. Paglia concurred that he has a front-end loader that he would like to store, and added that he likes keeping a neat yard.

When asked when he intends to build, Mr. Paglia responded maybe this year, but he hadn't had official plans drawn because the architect is costly. He wanted to make sure he knew what was permitted first. The building would match the home.

Mr. Wright commented that at times Mr. Paglia would have the children in the new building and wondered if that would be difficult without a bathroom. Mr. Paglia responded that he would just drive them back to the house, and that currently they are still in diapers. Mr. Wright questioned if it would be more practical to enlarge the garage in the current home for the things he would want and then have the new building be a garage. He would have a bathroom right upstairs. Mr. Paglia said he never thought about it, but was not quite sure how that would look with the garage doors.

Mr. Wright asked if there would be electricity and water. Mr. Paglia explained he would just have electric and run a small furnace and air conditioning unit. He said he did not need water. Mr. Wright then asked if he would run the driveway off of the existing one and not to the road. Mr. Paglia responded "yes". He added that he still plans on surrounding the structure with evergreens, and any trees that would come down would be saplings.

Mrs. Nolan commented that a 30' x 70' building is still pretty large. Mr. Waclawski mentioned it would be 700 square feet less than originally requested.

Mrs. Nolan stated for the record that 23 affected property owners were notified in Case 13-10. There was no public comment.

Mrs. Nolan called for a recess at 6:45pm. The meeting reconvened at 7:12pm. She informed Mr. Paglia that the Board still had a problem with the size of the building, and asked if he would be willing to reduce the size to 30' x 50' which would be 1,500 square feet. Mr. Paglia responded that he thought he could work with that size.

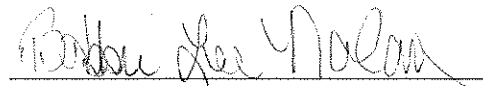
Mrs. Nolan commented that the minimum size requirement for a single-family home is 1,800 square feet – the amended request of 30' x 70' would be 2,100 square feet. Mr. Wright said that his concern was that the original plans had the look of a house, and even with the best intentions, later on it could be a house. The Board is putting faith in what the appellant says, but Mrs. Nolan commented that should Mr. Paglia sell the property the variance goes with it forever and the next person could turn it into living quarters.

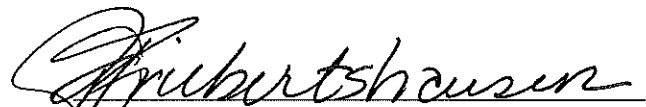
Mr. Paglia said he understood and that by building it without amenities it would be harder for future owners to get to that point.

Danielle Pitcock moved and Michael Waclawski seconded that the variance in Case 13-10 be approved as amended, but with reduced measurements for a 30' x 50' structure. Discussion following the motion included that as stated previously, there is a beneficial use as a residence; the variance is substantial as witnessed, but we were able to reach an equitable solution; I know you will plant trees, but the essential character of the neighborhood would be altered even though no one is present to speak against; thus, if there is any detriment in the future maybe more trees could be planted; the variance will not adversely affect the delivery of government services because there is still use of the driveway; the predicament cannot be feasibly relieved through some other method; and we feel with the agreed change that you presented and the size, the spirit and intent are both in your favor and the township's; and now you know the zoning. Upon the roll call, all members voted yes, 5-0, motion carried.

Michael Waclawski moved and Lucy Longo seconded that the Findings of Fact for Cases 13-06, 13-07 & 13-08, be approved. Motion carried.

The meeting was adjourned at 7:24pm.

  
Bobbie Nolan, Chair

  
Paula Friebertshausen, Secretary