

Board of Zoning Appeals

Munson Township

Minutes of July 18, 2019

Vice-Chair Danielle Pitcock called the meeting to order at 6:30pm with Don Alexander, Gabe Kezdi, Joe Tomaric, Alternate Jim O'Neill, Secretary Paula Friebertshauser and Court Reporter Laura Ware present. Dennis Pilawa was absent. The Pledge of Allegiance was said.

Joe Tomaric moved and Jim O'Neill seconded to approve the minutes of June 27, 2019 as written. Motion carried, 4-0.

Mrs. Pitcock 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. 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 file with the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

CASE 19-07: Dustin Bond, 11231 Wilson Mills Rd., Chardon OH - requests to sell firearms and other services that will not be produced in the home as part of the home occupation. Violates SEC. 520 Home Occupations (in part) - home occupations shall not: c. offer for sale material products not produced by such home occupation.

Mrs. Pitcock read the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He read the letter of intent.

Dustin Bond was sworn in. He explained that a (FFL) Federal Firearms License would allow him to conduct background checks for online transfers. Most of his orders come from the NWTF (National Wildlife Turkey Federation). He does not have a lot of inventory, and with a 4-year old, he does not do much advertising. He felt it is a safe place to do online transfers. Mrs. Pitcock asked Mr. Bond to explain how a FFL license is obtained. He explained that a background check is done, the local Sheriff's office is notified; and he is then interviewed. Having a FFL allows him to run background checks on buyers.

Mr. Kezdi asked what is the amount of ammunition and firearms inventory he keeps. Mr. Bond responded that the most he has is 20 guns for the NWTF banquet; otherwise, he has two to three. He does not deal with ammunition because there is no money to be made. Mr. Kezdi asked if he has any intentions of doing print advertising. Mr. Bond responded no, he just uses his Facebook page. Mr. Alexander asked if the packaged guns fit in the safe. Mr. Bond responded they do, but most people pick them up quickly. Mr. Tomaric commented that Mr. Bond has a residential home, and the only safekeeping is the safe. Mr. Bond explained it is a typical gun safe which is why he does not keep a large inventory. Mr. Tomaric commented that he could open his own business selling guns and related

hardware at this residence. Mr. Bond explained he does not intend to; he has a full-time job. However, if the business got any bigger, he would probably open up a storefront. Mr. Tomaric commented that after a few years, Mr. Bond's residence would be known for selling guns. If he moves out, it could pose a problem for the future homeowner. Mr. Bond responded that if he moves, the license will be closed. Mr. Tomaric persisted that the house would still be known as a residence that has stored guns. Mr. Tomaric asked about the inventory for other products. Mr. Bond responded that if a customer needs something he can order for the individual, but does not want to keep a lot of inventory in his home.

Mr. Kezdi asked Mr. Bond if he had any home security. Mr. Bond said they just moved in a couple of months ago, but have deadbolts. Mr. Kezdi asked if he has contacted the local authorities including the Fire Department. Mr. Bond responded the Sheriff's department would know and he could contact the Fire Department.

Mr. O'Neill asked Mr. Bond to describe a typical transaction. Mr. Bond responded that he receives a call that a customer needs a transfer; he emails his license; the firearm is shipped to him; he receives a copy of buyer's license; notifies customer upon shipment; customer comes over, he runs a background check; and keeps their name and address in a FFL log.

When asked about a listing of retailers, Mr. Bond explained that most online retailers have a list of FFL dealers. Mrs. Pitcock asked if he knew any other people selling guns. Mr. Bond responded that a lot of people do it out of their home and there are quite a few around. Mr. Kezdi commented that if listed online, the information is available to the public.

Mrs. Pitcock stated for the record there were 76 affected property owners notified in Case 19-07.

Joseph Pokorny, representing Thomas & Michelle Pokorny at 11259 Wilson Mills, read a statement asking to deny the variance request based on the fact that it would affect property values.

Debra Mayo of 11670 Overlook Road asked about the process of transferring firearms and if the buyer comes to his house. Mr. Bond responded "yes". She asked what kind of firearms he sells. Mr. Bond explained he has long guns, shot guns and hand guns. She asked if he deals in automatic weapons. He said most are and are primarily used for recreation and hunting. She asked if they were in a safe. Mr. Bond responded he has a big safe. Ms. Mayo commented she has been in the neighborhood for 20 years and it is a family neighborhood. She asked that the variance be denied.

Rita Anselmo felt there are quality control and safety issues. She asked if a gun is taken out before the background check, and if his safe is inspected. Mr. Bond replied that the ATF (The Bureau of Alcohol, Tobacco, Firearms and Explosives) stops to inspect records that are kept in an FBI database. Mrs. Anselmo agreed with Ms. Mayo's comments.

Chris Parker of 11564 Lake View Road said he has lived in his home 28 years. He referred to the February 27, 2012 Chardon High School shooting, and said the kid took the same school bus as his daughter. It deeply impacted the community and he felt they had failed to provide a safe environment for the children. He opposed any changes that would make the neighborhood less safe. Gun shops are

covered with bars. People are going to find out that Mr. Bond is running this business. He asked the Board what future variances would they turn down if they accepted this one.

Mr. Bond explained he has a type 1 license that allows him to run checks. Mr. Parker asked if he could sell reloading supplies. Mr. Bond responded "no". Mr. Parker asked what would stop him from getting more licenses. Mr. Bond said that he could. Mr. Parker asked if there were any limits. Mr. Bond explained there are different levels of the ATF; he would have to have a store front. He added that he does not get into reloading. Mr. Parker mentioned that Mr. Bond's Facebook page lists Stow as his residence. Mr. Bond explained that once you move, you have to change the license on the ATF, but Munson is his primary residence. Mr. Parker then mentioned that Facebook shows he is active in fireworks. Mr. Bond responded that is not him and added that he works midshift in a print shop. Mr. Parker said Mr. Bond's residence would be an attractive target for thieves.

Kristen Bluemmel of 11711 Overlook asked if his deliveries require signature. Mr. Bond said yes. Ms. Bluemmel said she strongly opposes the request and read a statement (the statement is attached as part of the minutes). She added that property values would be impacted and it would change the character of the neighborhood that has been family-oriented since 1923. She commented that Mr. Bond failed to research zoning and that the hardship is not unique to the property.

Faith Kilfoyle of 11370 Parkside explained that Munson is different than other communities and children have been left dead. She said she would not feel safe. She asked Mr. Bond how he would choose to keep his family safe. Heather Kilfoyle of 11370 Parkside urged the Board to deny the variance request. She said that granting the variance would bring danger to the community. Places that sell guns are robbed; it happened in Streetsboro in June and they have metal bars. She mentioned that teenagers often walk to the park. She asked Mr. Bond if when he inspects the guns, are they fired. Mr. Bond responded they are not.

Steven Powell of 11352 Parkside Road asked what the FFL fees are and how many transactions he does per week. Mr. Bond responded he typically does two transactions per week and helps out the local NTWF. The FFL fees are \$25. Mr. Powell explained he is a 20-year resident and a hunter and member of the NRA. He felt this would change the nature of the neighborhood and would be a significant departure from the norms of their community. Shops of this nature have roll down cages and are located within police areas. He also felt it would increase traffic. The intersection of Basswood and Wilson Mills is very busy.

Charlie Kilfoyle of 11370 Parkside read an email from neighbors Joe & MaryEllen Sweet of 11677 Sycamore (attached as part of the minutes). He said he is a supporter of the second amendment, but not in Munson. Gun shops are targets and there would be no control; there is a safety factor if someone were to rob the place. Someone could go to Walmart, Chesterland or Mentor to buy guns.

John Ferrara of 11541 Wilbert has been a resident since 1972 and was president of the homeowners association. He asked if gun shops have the same FFL license. Mr. Bond said they do. Mr. Ferrara asked why in Munson. Mr. Bond said he would like to make a little extra money on the side and help the NTWF. Mr. Ferrara expressed concern with a child in the home.

Tom Neff at 11734 Basswood said he did not object to the business just what it would do to the neighborhood.

Dennis Schmidt of 11695 Overlook asked the Board if the variance were granted, would the variance stay with the property. Zoning Inspector Herringshaw said this specific business would. Mr. Schmidt implored the Board to uphold the zoning because it would change the character of the neighborhood.

Nora Powell of 11352 Parkside had two concerns: who's to say if Mr. Bond has a large order, and in doing a background check, the buyer is not who he sold to and they come in with a gun. She and her daughter frequently walk the neighborhood.

Deborah Leo of 11625 Oriole Place asked if the variance would change just his property or the whole township. Mrs. Pitcock explained the variance would be just for his property. Ms. Leo urged the Board to deny the request; they are still mourning in the neighborhood from 2012.

Elaine Young who resides on Basswood said she would worry about Mr. Bond's little boy. She has been a resident since 1972 and has raised five children, and has 10 grandchildren and 3 great grandchildren.

Elaine Crompton of 11676 Maplewood has been a resident since 1976 and is a gun owner. She purchased her gun from a shop in Mentor. She felt that once open to retail in a residential area, how do you close the door. She asked the Board to deny the variance request.

Debbie Mayo commented that at the house behind her that was formerly the Bayer's home someone was illegally selling something. It changed the neighborhood.


Larry Fulton of 12380 Raymond Drive said he is a 40-year resident. He used to stop at KeyBank in Chesterland in the morning. One morning the Sheriff's department was there. Someone during the night had run a 2 x 4 through the door and cleared out the gun case.

Tim Kearns of Parkway reiterated that if approved, the variance goes with the property.

Craig Lanese of 11270 Brookside encouraged the Board to deny the request.

Several neighbors present welcomed Mr. Bond to the neighborhood and hoped he did not take their comments personally. Mr. Bond said he did not realize what the impact would be on the neighborhood. Aurora authorities hardly had any regulations.

Gabe Kezdi moved and Jim O'Neill seconded that the variance requested in Case 19-07 be denied. Discussion following the motion included that by everyone showing up the variance is substantial; the neighborhood would be altered; adjoining properties would suffer a detriment; it would adversely affect the delivery of government services; the spirit and intent would be observed and substantial justice done by denying the variance and the predicament could be feasibly relieved through some other method. Upon the roll call, all members voted unanimously to deny the variance, 5-0. Motion carried. The meeting was adjourned at 8:11pm.


Danielle Pitcock, Vice-Chair

8/15/19
Date


Paula Friebertshauser, Secretary

8/15/19
Date

Paula Friebertshauser

From: Kristy Bluemmel [95orangeblue@gmail.com]
Sent: Wednesday, July 17, 2019 10:13 PM
To: paula@munsontwp.com; munson@munsontwp.com
Cc: abushman@munsontwp.com; jmccaskey@munsontwp.com; imcmullen@munsontwp.com
Subject: BZA 19-07

To the Board of Zoning Appeals:

We are residents and property owners in the Bass Lake community of Munson Township and are writing to you regarding zoning variance request 19-07.

We strongly oppose the request to create a variance to the zoning for the property located at 11231 Wilson Mills Road.

We have lived in Munson Township for almost 14 years; we moved here from a large city due to the quiet, safe, bedroom community lifestyle that the township and Bass Lake community offer. We strongly believe that the majority of Munson Township residents have the same reasons as we do for living in this community. Our property is located in the same neighborhood as the property in question, and this variance would negatively impact us as residents.

The request for a zoning variance to establish a firearms and other services retail business in a residential zone strongly contradicts the intent of the Munson Township Zoning Resolution and the Munson Township Land Use Plan. Like the majority of Munson residents, we believe zoning regulations are in place to protect our property's value, to protect the character of the community, to control traffic levels in neighborhoods, to maintain separate areas for businesses, and to ensure our township is a healthy and safe place to live.

- The requested variance would immediately and forever change the residential nature of this zone.
- The character of one of Munson's oldest neighborhoods, dating to 1923, would be irrevocably altered and cease to be a purely residential community.
- Property values would be negatively impacted, traffic levels of both delivery and customer vehicles would increase, additional variances for commercial use and signage in this zone would be more difficult to deny, and the risk to the safety and security of residents would increase.
- The need for increased patrols and monitoring of the proposed business, especially due to the nature of the business, would put added pressure on the Geauga County Sheriff's Department.
- The nature of the business also invites a criminal element into Munson Township, and more specifically, into our neighborhood. Similar businesses in the area have permanent bars on the windows and metal roll-down doors in place after hours, yet they have still been robbed.

We request that the Board of Zoning Appeals carefully weigh the immediate and long-term negative impact that creating this variance would have on the residents of the Bass Lake community and the township. There are other locations that are more appropriate for a retail business, and we urge you to uphold the zoning regulations and keep our neighborhood residential.

Sincerely,

Lawrence and Kristen Bluemmel
11711 Overlook Road
Chardon, OH 44024

Munson Township

From: "Joe Sweet" <joe.c.sweet@gmail.com>
Date: Saturday, July 13, 2019 8:48 PM
To: <munson@munsonwp.com>
Subject: Attn: Board of Zoning Appeals - Regarding Gun Store/Distributor in Residential Neighborhood - Please NO!!

Dear Mr. Pilawa, Mr. Alexander, Mr. Tomaric, Mr. Kezdi, Mrs. Pitcock,

My family of eight resides at 11677 Sycamore Road, Chardon, OH 44024. We have learned the new resident living at 11231 Wilson Mills Road, on the corner of Wilson Mills and Basswood has applied through the township Board of Zoning Appeals for a variance to sell and distribute firearms out of their home located in the Basslake residential community. We are **strongly against** the allowance of gun sales and distribution in our residential neighborhood. Here is our reasoning we feel this variance will results in long-term unnecessary and negative hardships:

First we are concerned with **the precedent this will set** in allowing retail distribution, sales, and commercial traffic in a residential area. If this variance is permitted, others who have similar interest in setting up home-based higher-volume/online distribution businesses where they may purchase products at wholesale, market online (advertising their business address in our residential community), store unknown quantities of products at their residence, and sell to transient shoppers who stop at their home for purchase transactions, will have a much easier path to doing so . . . which could likely transition our beautiful residential neighborhood to a commercial/retail setting.

This is a **challenging intersection/corner** as it is. Coming from either direction on Wilson Mills and turning right or left onto Basswood road often requires one to check the rear view mirror for impatient tailgaters. Adding a commercial retail establishment to this already precarious intersection will likely cause more traffic issues and potential accidents.

Gun retailers and distributors are robbed. Gun are highly desired by those with criminal history and/or intentions; gangs, thieves, drug dealers to name a few. These individuals will take significant measures to get weapons to support their criminal activities. Please Google "Gun Store Robbery" to see the many pages of stories which appear. We do not want a target gun retailer a few houses from ours.

For these primary and many other very unnecessary hardships, we do not want this gun distribution business in our neighborhood. Please do not provide the variance to allow this to happen. It will be a long-term mistake and mess for our residents and for Munson Township. Please consider this as if this were your next door neighbor applying for this variance to open a commercial gun distribution/retail center next to your home. Would you want this business nearby your home?

There are many other options for this individual to rent or purchase a retail storefront in a commercially-zoned area.

We are unable to attend the review session on Thursday July 18, so in our absence we hope this letter represents the urgency of our concern. Thank you for your consideration. We would be happy to discuss this with you if interested.

Best Regards,
The Sweet Family
Joe, Mary Ellen, Joseph (18), Jack (16), Julianne (14), Henry (12), Walter (12), and Rosemary (8)
Cell: 216-402-7102

7/31/2019