

Board of Zoning Appeals

Munson Township

Minutes of August 15, 2013

Chair Bobbie Nolan called the meeting to order at 6:32pm with Don Alexander, Richard Wright, Lucy Longo, Alternates Danielle Pitcock and Michael Waclawski, Secretary Paula Friebertshauser and Court Reporter Nayann Pazyniak were present. Gabe Kezdi was absent. The Pledge of Allegiance was said.

Michael Waclawski moved and Lucy Longo seconded to approve the minutes of July 18, 2013 as written. 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 13-11: W.R. Real Estate, LLC (Aqua Doc), 10779 Mayfield Rd., Chardon, OH – request to construct a 40' x 50' addition 14' from the west side property line attached to a nonconforming structure. Violates SEC. 411 Minimum Dimensional Requirements-minimum side yard setback is 25 feet. SEC. 704.1 Nonconforming Structures-no such nonconforming structure may be enlarged, altered, or reconstructed in a way which increases its nonconformity within the minimum dimensional requirements of Section 411.

Zoning Inspector Tim Kearns was sworn in. He read the variance request and violations and pointed out the proposed site of the addition.

Mr. Alexander asked Mr. Kearns if he knew the distance between Building #2 and the new addition. Mr. Kearns did not know, but in looking at the plans it appeared to be over 15 feet. He was not sure if the drawing was to scale.

Nathan Robinson of 11500 Twin Mills Lane, and representing Aqua Doc, was sworn in. He addressed the prior question and said there would be 20 to 25 feet between the buildings. The existing structure is 37 feet. He said they would have to move a tree and disassemble a water garden to construct the addition. Mr. Robinson explained the reason for the addition is that the company is growing and they are out of office space – they love Munson and their employees love Munson and they would like to have it be like a campus setting. They will be adding a meeting room. Aqua Doc has rented the town hall for their last several meetings. The addition will blend in with the existing structure. When asked the purpose of the existing structure in front, Mr. Robinson responded it is their retail center. When asked if it would become one building, he replied yes, and explained the back wall would be knocked out and there would be an office in the back with an open meeting area for guest speakers. It was confirmed they will not be doing the work themselves. Mr. Robinson presented a drawing of what it would look like.

Chair Bobbie Nolan stated for the record that 30 affected property owners were notified in Case 13-11. There was no public comment.

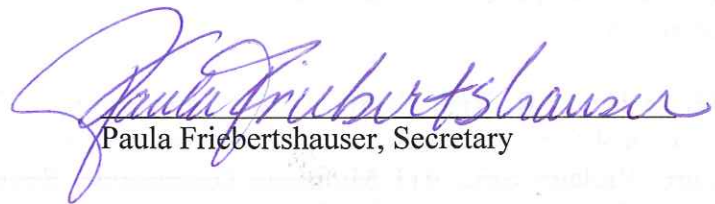
Richard Wright moved and Don Alexander seconded to approve the request as stated in Case 13-11. Discussion following the motion included the following: the property as discussed does have beneficial use as a business; the variance is substantial in one way, but the addition is going behind another that had a variance; the way it will be constructed and planned, the essential character of the neighborhood will not be affected; adjoining properties will not suffer a detriment; the delivery of services will not be adversely affected because there are two ways of access; the predicament cannot be feasibly relieved due to the two items Tim pointed out; the Board feels that Aqua Doc is a good business neighbor and expansion is good; and the appellant knew to come in front of the Board. Upon the roll call, all members voted yes, 5-0, motion carried.

Danielle Pitcock moved and Lucy Longo seconded that the Findings of Fact for Cases 13-10 be approved. Motion carried.

The meeting was adjourned at 6:50pm.



Bobbie Nolan, Chair



Paula Friebertshauser, Secretary