

Board of Zoning Appeals

Munson Township

Minutes of August 18, 2022

Acting Chair Don Ondrejka called the meeting to order at 6:30pm with Jim O'Neill, Joe Tomaric, Alternates Roger Simpson and Carol Maver, and Secretary Paula Friebertshauser present. Court Reporter Laura Ware was also present. Dennis Pilawa and Danielle Pitcock were absent. The Pledge of Allegiance was said.

Mr. Ondrejka explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. The Board takes facts as presented and applies certain principles of law as required by the Ohio Supreme Court. The Board has limited authority and cannot change the zoning, but there is a provision in the zoning resolution for variances. A variance confers a legal right that lasts forever. The Board receives sworn testimony and applies that testimony and evidence to certain standards of law to then make a decision. A court recorder is present so that anyone wishing to speak for or against the case must be sworn into 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 meeting minutes are approved.

Joe Tomaric moved and Jim O'Neill seconded to approve the minutes of July 21, 2022, as written. Upon the roll call, Board members (Don Ondrejka, Joe Tomaric and Jim O'Neill) voted unanimously in favor, 3-0, motion carried.

CASE 22-13 Kevin Higgins 12267 Valley Vista Dr., Chesterland OH – requests to construct an attached garage/addition to the home 17' from the north side property line and approx. 51' from the road right-of-way. Violates SEC. 411 Minimum Dimensional Requirements – minimum side yard for a corner lot is 60 feet; minimum from the road right-of-way is 80 feet.

Mr. Ondrejka read the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He referred to the site map and explained the home itself is nonconforming but was built before zoning. He explained the photos that showed the proposed location of the attached garage, looking north toward Sherman, the views from Valley Vista and the southeast corner of Sherman & Valley Vista. Ms. Maver asked if there was any way the garage could align with the home.

Kevin Higgins was sworn in. He explained that he needs the garage in order to clean up his yard. He has a ¾ ton van that will not fit in a regular garage, and a boat and trailer. He does not want the neighbors to have to look at his junk. Mr. Higgins is a life-long resident and would like to leave the home to his kids. He currently stores a four-wheeler elsewhere. Ms. Maver asked if he could move the addition back. Mr. Higgins responded that he would have to move the gas line and he will have a door on the back of the proposed garage so he can use the shed that is there. The gas meter is also there. Ms. Maver commented that she felt the garage would be an improvement because she drives by all the time and sees his stuff.

Mr. Tomaric asked Mr. Higgins if he would be parking more vehicles on the side since he would have a rear access door. Mr. Higgins responded no, and the motor home would be going away. Ninety percent of the stuff would be going in the shed and the proposed garage. He approached the Board and showed where the shed was attached to the home.

Mr. Ondrejka stated for the record that 38 affected property owners were notified in Case 22-13. John Paynick of 12361 Valley Vista felt it was a good idea to have a garage and it would affect no one on the left side. He added that with the hill on Sherman there have been many accidents; the garage would be a good buffer between the home and Sherman. Tim Golling of 12302 Valley Vista said he has been there for 53 years, and Mr. Higgins has been a good neighbor. He maintains the property and is a business owner. He thinks Mr. Higgins would follow the township guidelines and get the proper permits. Debbie Jones of 9816 Sherman Road has lived across the street for 30 years. She said Mr. Higgins has been a fabulous neighbor and she fully supported the improvement. Dino DiFranco of 12345 Valley Vista asked that the variance be given and thought it would look fantastic. Keith Wilt of 9769 Sherman Road agreed with everything that was said in support of the variance request.

Joe Tomaric moved and Carol Maver seconded that the variance requested in Case 22-13 for Kevin Higgins be approved. Discussion following the motion included that Mr. Higgins needs a garage because he does not have one and it would be an improvement. Upon the roll call, all members voted unanimously in favor, 5-0, motion carried.

CASE 22-14 John Bitonti 12080 Auburn Rd., Chardon OH – requests to construct a 20’ x 20’ accessory building 14’ from the north side property line and 27’ from the rear property line. Violates SEC. 411 Minimum Dimensional Requirements – minimum side yard is 25 feet and minimum rear yard is 40 feet.

Don Ondrejka read the variance request and violations. Zoning Inspector Herringshaw referred to the site map and noted that Mr. Bitonti owns the lot to the north that he is requesting the 14 feet from. Mr. Ondrejka asked about the existing shed. Mr. Herringshaw responded it is a potting shed that might be even closer than the proposed structure. He explained that if it was only the side yard measurement they were requesting a variance for, they could have applied for an affidavit of fact which would allow zoning to ignore the north property line.

John Bitonti was sworn in. He explained he needs an accessory building to house items that are in two separate temporary buildings; one is leaking. He will be getting rid of two buildings and condensing them into one. The house was built near the rear of the property which limits where he can put the building. He felt no one would be able to see it except maybe in the wintertime. He is purchasing the building through Buckeye Barns.

Mr. Ondrejka stated for the record that 54 affected property owners were notified in Case 22-14. There was no public comment.

Carol Maver moved and Jim O’Neill seconded to approve the variance requested in Case 22-14 as written. Mr. O’Neill asked about access to the building and where the man door would be as opposed to the garage door. Mr. Bitonti responded that the garage door will face the house and the man door may be next to it. There would be windows on the north and south sides or on the back. Upon the roll call, all members voted unanimously in favor, 5-0, motion carried.

The meeting was adjourned at 6:56pm.

	15 Sept 2022		9/15/2022
Don Ondrejka, Acting Chair	Date	Paula Friebertshauser, Secretary	Date