

# Board of Zoning Appeals

## Munson Township

Minutes of September 20, 2018

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

Tim Kearns moved and Gabe Kezdi seconded to approve the July 19, 2018 minutes as written. Motion carried, 3-0.

Mr. Pilawa 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 18-20: Royle Properties Group LLC**, 10762 Mayfield Rd., Chardon OH - requests to add 3 wall signs-1 on each side and 1 on the back to one existing wall sign on the front. Violates SEC. 1003.5 (a)(1) in part, each commercial, industrial or medical complex may be permitted the following signs on the premises: One wall sign per business entity.

Mr. Pilawa read the legal notice and violation. Zoning Inspector Jim Herringshaw was sworn in. He pointed out the existing signs on the photos and showed where the proposed signs would be located.

Ben Royle of 10762 Mayfield Road was sworn in. He explained he is allowed one sign and is asking for three additional - one on the back and two on the sides. The signs will be engraved cedar with raised lettering. He referred to his current office located in the former hubcap shop that has an internally lit sign. He wanted to make the proposed signs period appropriate to enhance the historic district.

Mr. Tomaric asked why he needed a sign (Royle & Royle) at the rear of the building. Mr. Royle responded that it is partially a joke in that he was playing off the fact that Payne & Payne is next door and Petersen & Petersen is nearby; however, his wife is a speech therapist and might have an office there. Mr. Kezdi asked if he would be removing trees from the west side. Mr. Royle responded that he removed two and would leave the remaining.

Mr. Pilawa stated for the record there were 31 affected property owners notified in Case 18-20. Joseph Klucan, property owner on Mayfield Road, explained he purchased his property two years ago. He felt with the removal of the former building and the current renovations, it will be an asset to Munson. He thought three signs would provide more visibility.

Sandra Royle commented that she remembers the Fowlers Mill area when she took tailoring lessons and bought furniture there years ago. Since the Payne's purchased the property it has been much improved. She mentioned the old hubcap shop is located on a dangerous hill and there was no bathroom.

Tim Kearns moved and Joe Tomaric seconded to approve the variance request in Case 18-20 as written. Discussion following the motion included that the Board has to apply certain factors and it seems with the evidence taken and fact finding that most if not all of the factors have been met. The essential character would not be changed and adjoining properties would not suffer a detriment. Upon the roll call, all members voted yes, 5-0. Motion carried.

**CASE 18-21: Barbara Moser** 11905 Fowlers Mill Rd., Chardon OH - requests to construct a detached garage 65 feet from the road right-of-way. Violates SEC. 411 Minimum Dimensional Requirement - minimum setback from road right-of-way is 80 feet.

Mr. Pilawa read the variance request and violation. Zoning Inspector Jim Herringshaw explained photos showing the proposed location of the garage. Mr. Pilawa asked how close the house is to the road. Mr. Moser responded it is 48 feet.

Barbara Moser was sworn in. She explained they have owned the property for 30 years. They have remodeled, but being too close to the road, they always need a variance for whatever they want to do. She said her husband has a tractor, a snowplow, etc. and needs extra storage. The old building will come down. The new one would be closer to the house and easier to access. Mr. Pilawa confirmed they are not adding to a nonconformity, but just could not meet the setback. He asked if it would be heated and have electricity. Mrs. Moser responded there would be no heat, but they would have electricity. It would be one story and match the pitch of the house. She confirmed there would be no business conducted out of the garage. Mr. Pilawa asked when they hope to build. Mrs. Moser replied that as soon as they get the zoning certificate they will order the trusses and get the footers poured. Mr. Kearns commented it is always an important factor that no one comes in to oppose the request, and in looking at the pictures, it appears the neighbors cannot be seen.

R.J. DeBord, the neighbor to the north, was sworn in. He said he lived there 25 years and has no objection to the request. He added that the Moser's have remodeled in the past and it has always been nice.

Gabe Kezdi moved and Jim O'Neill seconded that the variance requested in Case 18-21 be approved as requested. Discussion following the motion included that for the reasons pointed out by Mr. Kearns, all the Duncan Factors have been met, i.e. the essential character of the neighborhood would not be altered; adjoining property owners, one in particular, approves of the project; the delivery of government services would not be adversely affected; the knowledge of the zoning requirement is immaterial; and the variance is not substantial. Upon the roll call, all members voted yes, 5-0. Motion carried.

The meeting was adjourned at 7:01pm.

Dennis Pilawa 10/18/18  
Dennis Pilawa, Chair Date

Paula Friebertshausen 10/18/18  
Paula Friebertshausen, Secretary Date