

# Board of Zoning Appeals

## Munson Township

Minutes of November 17, 2011

Chair Bobbie Nolan called the hearing to order at 6:30pm. Lucy Longo, Richard Wright, Lonny Beck, Secretary Paula Friebertshauser, Zoning Inspector Tim Kearns, and Court Reporter Nayann Pazyniak, were present. Don Alexander, Sophie Horvath, and Gabe Kezdi were absent. The Pledge of Allegiance was said.

Lucy Longo moved and Richard Wright seconded to approve the minutes of October 20, 2011 as written. Motion carried.

Ms. 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. 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.

Tim Kearns, Zoning Inspector, was sworn in. He asked the Board if they would like to hear Cases 11-14 and 11-15 together. All members agreed, and Chair Bobbie Nolan advised they would be voted on separately.

**CASE 11-18: Karen Drake**, 11555 Wilson Mills Rd., Chardon OH – request to construct a 14' x 20' accessory building within the front yard of the residence. Violates SEC. 509.2 – No garage or other accessory structure shall be erected within the front yard of any district.

Mr. Kearns read the variance request and violation. He pointed out that the property is an odd lot, and the house can't be seen from the road. The appellant is taking down the existing structure and reconstructing a larger building. Mr. Wright commented that the building is already down.

Karen Drake was sworn in. She confirmed the building was torn down; and when asked, said the previous structure was 10 x 14 feet. The building was falling down, mice infested, and the roof leaked. Ms. Drake explained that initially she looked to have the building constructed behind the home because she didn't want to pay \$300 for a variance. Paul from Claridon Barns came out to the property and said because of the septic and the slope of the property it couldn't go behind the home. She would also have to take down numerous trees. The new structure would house John Deere lawn equipment, a utility cart, and basic storage. Mr. Wright asked if it would be pre-fabricated. Ms. Drake replied yes, it is manufactured in Holmes County and is brought in pieces. Ms. Longo commented that they have one and it's very nice.

Ms. Nolan stated for the record that 24 affected property owners were notified in Case 11-18. There was no public comment.

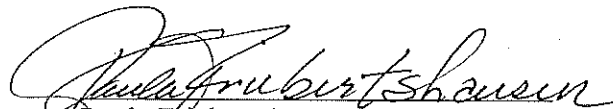
Richard Wright moved and Lonny Beck seconded that the variance for Case 11-18 for Karen Drake be approved as requested. Discussion following the motion included: there is a beneficial use as a

residence; the variance is substantial even though it's a replacement; it resides in front of the home thus with care and maintenance it won't be an eyesore; the essential character of the neighborhood won't be altered because of the wooded property; and with the church as a neighbor, adjoining properties will not suffer a detriment; the delivery of government services will not be adversely affected; the predicament cannot be relieved through some other method because as mentioned the other location is not desirable because it would be close to the septic; and the spirit and intent would be observed and substantial justice done by granting a variance. Upon the roll call, all members voted yes, 4-0 motion carried.

Lucy Longo moved and Richard Wright seconded to approve the findings of fact for Cases 11-14 & 15 for Payne & Payne Builders, Case 11-16 for Diane Lloyd, and Case 11-17 for Chris Ray. Motion carried.

The meeting was adjourned at 6:50pm. The next scheduled meeting is December 15, 2011.

  
Bobbie Nolan, Chair

  
Paula Friebertshauser, Secretary