Board of Zoning Appeals Munson Township

Minutes of January 19, 2022

Chair Dennis Pilawa called the meeting to order at 6:32pm with Danielle Pitcock, Jim O'Neill, Joe Tomaric, Alternate Don Ondrejka, and Secretary Paula Friebertshauser present. Don Alexander was absent. The Pledge of Allegiance was said.

Mr. Pilawa explained the role of the Board of Zoning Appeals is to apply certain principles of law as required by the Ohio Supreme Court. He explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. The Board has limited authority and cannot change the zoning, but there is a provision in the zoning resolution for variances. 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.

Danielle Pitcock was reappointed and sworn in for a five-year term through December 31, 2026. Don Ondrejka was reappointed as an alternate and sworn in for a two-year term through December 31, 2023. Roger Simpson was sworn in as a new member to fulfill an open term through December 31, 2022.

Danielle Pitcock moved and Joe Tomaric seconded to appoint Dennis Pilawa as Chair. The motion failed for lack of a vote because Dennis Pilawa followed it with a motion to appoint the same Chair (Dennis Pilawa) and Vice Chair (Danielle Pitcock) as last year. Joe Tomaric seconded the motion. Motion carried, 5-0.

Don Ondrejka moved and Joe Tomaric seconded to approve the minutes of December 15, 2021, as written. Motion carried, 4-0.

CASE 22-01 Corey Ryan 10345 Thwing Rd., Chardon OH - requests to construct an accessory building in front of the home. Violates SEC. 509.2 (in part) No garage or other accessory structure shall be erected within the front yard of any district.

Chair Pilawa read the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He explained the aerial view shows the unique property and referenced three pages of photographs that showed the proposed location of the building in red marker taken from Thwing and the other looking toward Thwing. He indicated there are many trees and the home is farther back.

Corey Ryan was sworn in. He explained that the proposed location for the building was chosen because of the position of the home, a ravine in back and a pond to the side. It would also allow for additional parking. When asked what it would be used for, Mr. Ryan said he would store a traveling trailer and

landscaping equipment and would have a workshop for the kids. Mr. Tomaric asked if it would have electric or water. Mr. Ryan responded it would have electric, but he was not sure about the water. It would be heated with a wood furnace to be more economical. There would be no septic. Chair Pilawa asked where the building would be in relation to the septic. Mr. Ryan indicated the green space closer to the home on the site map. Mr. Ondrejka asked how much clearing would be around the barn for fire access. Mr. Ryan explained the woods surrounding the proposed site are not as dense as they appear and are fairly spread out approximately 10 feet from the building. He intends to clear some out so they would not lean on the building. He also will thin out some of the pines indicated on the site map for the same reason and will have a chicken coop nearby. He added the building will be mostly metal. Mr. O'Neill verified it would be set back off the drive 30 feet. Mr. Ryan concurred and said there would be a multi-purpose apron for additional parking for guests and playing basketball. Chair Pilawa asked who is doing the construction. Mr. Ryan responded he would be working with a contractor and hopes to put in the concrete in 2022 with the building constructed in the spring of 2023.

Chair Pilawa stated for the record that 77 affected property owners were notified in Case 22-01. Debbie Schuster of 10475 Thwing Road asked how much of the view of the house would be blocked. Mr. Ryan responded not at all because due to the house orientation it faces the pond. Zoning Inspector Herringshaw showed the site plan and photographs to the Schuster's. Rudy Schuster was sworn in. He expressed concern that outbuildings tend to become a focal point for do-it-yourselfers and are planned too small. Then equipment gets taken apart and sits around and is visible from the road and affects the curb appeal. Chair Pilawa pointed out that Section 509 of the zoning is ultimately about the appearance. A general concern is that a building is requested for more of a business reason, but in this case with a travel trailer it would be for storage. Chair Pilawa did ask Mr. Ryan if he had any intention of running a business. Mr. Ryan responded that he did not. Chair Pilawa said it would become an enforcement issue with the Zoning Inspector if so. Chair Pilawa confirmed that Mr. Ryan had not yet started to build.

Don Ondrejka moved and Joe Tomaric seconded to approve the variance requested in Case 22-01 as noted. Discussion following the motion included: Can there be a beneficial use? Yes, there is already a home; Is the variance substantial? It is not substantial because he is just adding an additional building; Will the essential character of the neighborhood be altered? From the photographs there are surrounding barns and buildings that are similar; Will adjoining properties suffer a detriment? No, it is 730 feet from the road; Will the variance adversely affect delivery of government services? No, the applicant said there would be enough clearance to get around the building; Can the predicament be feasibly relieved through some other method? The barn site was chosen because of the septic and pond location; Did the property owner purchase the property with knowledge of the zoning? No. Chair Pilawa added that these factors or principles of law the Board needs to consider do not have to be given equal weight; he felt the essential character of the neighborhood and the delivery of government services would accord the most weight. Mr. Tomaric added that it is a good place to situate the barn because it is far off the street. When asked how far it would be in front of the home, Mr. Ryan thought 150 feet. The site map was hard to read. Upon the roll call, all members voted unanimously, 5-0; motion carried. The meeting was adjourned at 7:12pm

Dennis Pilawa, Chair

Date

Payla Friebertshauser, Secretary

su 2/16/2022