Board of Zoning Appeals Munson Township

Minutes of January 20, 2021

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

Dennis Pilawa was reappointed and sworn in for a five-year term through December 31, 2025. Tim Kearns was reappointed as an alternate and sworn in for a two-year term through December 31, 2022.

Don Alexander moved and Joe Tomaric seconded to nominate Dennis Pilawa as Chair. Motion carried, 4-0 (Mr. Pilawa abstained). Dennis Pilawa moved and Don Alexander seconded to nominate Danielle Pitcock as Vice-Chair. Motion carried, 5-0.

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.

Joe Tomaric moved and Jim O'Neill seconded to approve the minutes of November 18, 2020 as written. Motion carried, 3-0.

CASE 21-01: Todd Suszynski 11175 Beechnut Lane, Chardon OH — requesting to build a 26′ x 40′ detached garage 7.8′ from the south side property line and a driveway extension 2′ from the south side property line. Violates Sec. 411 Minimum Dimensional Requirements — minimum side yard is 25′; and Sec. 511 Driveways (in part) — driveways shall be a minimum of 15′ from any lot line. The meeting was adjourned at 7:17pm.

Chair Pilawa read the variance request and violations. Zoning Inspector Jim Herringshaw was sworn in. He explained photographs showing the view to the closest affected property owner and the actual location of the proposed structure. He explained that when the driveway was originally put in it was actually 2 feet from the property line. The variance is needed because they are extending the driveway but it will then go inward 7.8 feet. Mr. Pilawa asked if the knowledge of this came about only because of this variance. Mr. Herringshaw responded yes.

Todd Suszynski was sworn in. He explained they moved in six years ago and with cars, etc. they need extra storage. He did not realize the driveway was that close. The proposed location is as far back as possible (37 feet from the driveway) with the septic in the lower section and the 15 foot requirement from the home.

Mr. Pilawa asked if he had a survey done when he purchased the home. Mr. Suszynski said they did, but there were no stakes for the driveway. He said he would be building the 26 x 40 square foot garage. It would store vehicles and a mower. When asked if it would be for his business, Mr. Suszynski said no he has a shop.

Mr. Alexander confirmed there would be a basement. Mr. Suszynski explained he has to have a slab to support vehicles. It will have power, water and heat. Mr. Tomaric confirmed the second floor would be used for storage.

Chair Pilawa stated that 20 affected property owners were notified in Case 21-01. Michael Daniel of 11135 Beechnut was sworn in. He lives on the same side a couple of houses down. He was in full support of the project and said aesthetically he would never have known the variance was that tight; it is far back and would have no negative effect to the road.

Charles Mahmet of 11195 Beechnut lives directly next door and said his view would not be interrupted and there is plenty of foliage. He added that they need the extra room.

When asked what he does, Mr. Suszynski said he has done residential remodeling for 28 years, mostly kitchen and bath and has a shop in Hambden.

Don Alexander moved and Tim Kearns seconded that the variance for Case 21-01 be granted as requested. Chair Pilawa commented that it appears with all the factors (Duncan) the Board needs to consider, nothing presented suggests the appellant should not have the variance. Upon the roll call, all members voted yes, 5-0; motion carried.

The meeting was adjourned at 6:54pm.

Dennis Pilawa, Chair

Date

aula Friebertshauser, Secretary

Date