

# Board of Zoning Appeals

## Munson Township

Minutes of November 17, 2022

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

Those present were familiar with the variance process. Upon request, Mr. Pilawa explained that the appeal period runs 30 days from the approval of the evening's minutes. The Board makes their rulings only on sworn testimony that is presented at the hearing. Anyone not in agreement with the Board's decision can then appeal to the Court of Common Pleas.

Don Ondrejka moved and Roger Simpson seconded to approve the minutes of October 20, 2022, as noted. Motion carried, 5-0.

**CASE 22-18 AJ Petersen/Petersen Holdings** Parcel #21-090300 & 21-090400 Mayfield Road, Chardon OH - requests to operate a construction service with office and shop space; and store heavy equipment and trucks on the commercial portion of the property. Violates SEC. 407.2 Permitted Uses and Structures (in part) 18. Construction services, including offices, excluding heavy construction equipment.

Mr. Pilawa read the variance request and violation. Zoning Inspector Jim Herringshaw was sworn in. He explained that the applicant purchased the properties with the intent to put them together. He clarified it is a use variance with the construction services and offices being allowed, but not the storage of heavy construction equipment. Mr. Herringshaw pointed out on the site map that with the properties put together one quarter in the back would be in the Industrial District and the remaining three quarters would be Commercial. The adjacent property to the rear is Industrial.

Todd Petersen, of Petersen & Petersen and a family member related to AJ Petersen, was sworn in. He also represented Sean Petersen who is a member of Petersen Holdings that could not be present. AJ Petersen of Ironworx was also sworn in.

Todd Petersen reiterated that the back one quarter is Industrial surrounded by the golf course. They intend to have a shop in the front but that would not happen immediately. The building would be consistent with other buildings in the area. Mr. Petersen said that as a lifelong resident, he is interested in keeping good assets in the community. He has seen how AJ and his brother Cody work and grow and feels it would add to the community. As far as storage of the construction vehicles, they do not have giant arms on the vehicles.

AJ Petersen explained they have smaller equipment and do not want to have to run electricity and a driveway all the way back. They would like to stay local as they do a lot of work in the area.

Mr. Pilawa stated for the record that 13 affected property owners were notified of Case 22-18.

Dale Jurgens of 12252 Mayfield Road and adjacent neighbor to the east, was sworn in. He said he has been in the community for 22 years and lives on the premises now. He has spent a lot of money on the property. There have been six companies that have moved in, and all have been maintained. He does not want to have heavy machinery sitting next to his property. He wants to retire and lease out the business. If there are heavy trucks and the driveway is not paved there would be a lot of dust. The property is higher than his; the last 150' drops off. He opposed the request as it would affect his property value.

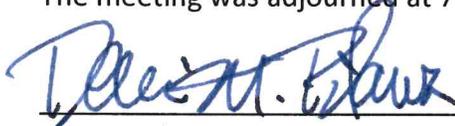
Todd Petersen asked for the opportunity to speak with Mr. Jurgens. Mr. Jurgens asked what the frontage would be if the properties were combined. Todd Petersen explained that with the modification (property consolidation) it would reduce the nonconformity. Zoning Inspector Herringshaw agreed. Two hundred feet of frontage is required; 15' for the driveway; a two-way drive must be 24 feet; and a one-way 14 feet wide. The bulk of the property is commercial. Mr. Herringshaw explained that the applicant is not looking to redistrict but asking to store construction equipment on the commercial portion of the property.

The Board recessed at 6:50pm to allow the Petersens and Mr. Jurgen to discuss the issue. The meeting reconvened at 7:05pm.

Mr. Jurgens commented that he is going to meet with the Petersens and walk the property. It was noted that there is a \$100 continuance fee. Mr. Jurgens offered to pay \$50 towards the fee. Mr. Jurgens asked the Board if after he met with the Petersens and is okay with their plan, would the Board be okay with it. Mr. Pilawa responded that he knew of at least one board member that would be for it.

Danielle Pitcock moved and Don Ondrejka seconded to grant the continuance requested with a continuance fee of \$100. Upon the roll call, all members voted yes, 5-0 motion carried.

The meeting was adjourned at 7:11pm.

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| Dennis Pilawa, Chair  | Paula Friebertshauser, Secretary   |
| 12/15/22  | 12/15/22   |
| Date  | Date   |