

# Board of Zoning Appeals

## Munson Township

Minutes of October 21, 2010

Vice-Chair Lucy Longo called the meeting to order at 6:30pm. Don Alexander, Sophie Horvath, Lonny Beck, Secretary Paula Friebertshauser, and Court Reporter Kim Geil, were present. Bobbie Nolan, Gabe Kezdi, and Richard Wright were absent. The Pledge of Allegiance was said.

Ms. Longo 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.

**CASE 10-11: Kathy Pahr**, 11285 Beechnut Lane, Chardon OH – request to construct a 20 x 24 accessory building 20.5 feet from the south side property line. Violates SEC. 411 Minimum Dimensional Requirements – minimum side yard setback is 25 ft.

Ms. Longo read the variance request and violation. There were 32 affected property owners notified in Case 10-11.

Kathy Pahr was sworn in. She explained they selected the site to avoid the septic tank. Dean Pahr was sworn in. He explained they wanted to build a garage to store an extra vehicle or two, a lawn mower and seasonal items. The location would be at the back of the driveway. He felt a 20 x 24 ft. structure is a standard size. He added that it will be built on a slope because of the hill, and the seasonal equipment would be put down below in the walkout basement.

Mrs. Pahr commented that Sheriff McClelland, a neighbor close by, did the same thing recently. He had them over and shared his plans. Mr. Pahr said he spoke with the neighbors most affected and they had no problem with the structure. There is a wooded area between the properties. Mr. Pahr approached the table and pointed out the lift stations and commented that the building would be 10 feet away from the septic.

Jerry Petersen of 11700 Woodiebrook Road and owner of the Chardon Golf Course adjacent commented that the garage is totally consistent with the neighborhood and because of the slope and septic location it is the proper location for the structure.

Lonny Beck moved that the variance requested in Case 10-11 by Kathy Pahr to construct a 20 x 24 ft. accessory building 20.5 feet from the south side property line be approved. Discussion following the motion included: there can be a beneficial use without the variance, but the variance is not substantial; the essential character of the neighborhood would not be altered; adjoining properties would not suffer any detriment; the variance would not adversely affect the delivery of government services; the predicament cannot be feasibly relieved through some other method than a variance because of the location of the septic system and the topography; the spirit and intent behind the zoning would be observed and substantial justice upheld by granting the variance; and the property owner did not know

of the zoning restriction upon purchase of the property. Don Alexander seconded the motion and upon the roll call all members voted yes, 4-0, motion carried.

Sophie Horvath moved and Lucy Longo seconded to approve the minutes of August 19, 2010 as recorded. Motion carried.

The meeting was adjourned at 6:53pm

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Lucy Longo, Vice-Chair

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Paula Friebertshauser, Secretary