

Board of Zoning Appeals

Munson Township

Minutes of July 16, 2025

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

Chair Pilawa explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. He explained the difference between use and area variances. 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 file with the Court of Common Pleas within 30 days after the minutes of the meeting are approved. There is essentially a 60-day period, but the last 30 days is the important part.

Don Ondrejka moved and Joe Tomaric seconded to approve the minutes of June 18, 2025, as written. Motion carried, 5-0.

CASE 25-18: Pete Ianiro, 11858 Mayfield Rd., Chardon, OH – requests to keep 13 shipping containers with the conditions they will be kept behind a principal structure and screened as to not be seen from Mayfield and Bass Lake Roads. Violates SEC. 410 Uses Not Specifically Mentioned – Any use of land or structures, unless otherwise noted herein as a permitted principal, permitted accessory, or conditional use within any district, shall not be permitted by the Zoning Inspector unless a variance has been granted by the Board of Zoning Appeals.

Chair Pilawa read the variance request and violation. Zoning Inspector James Herringshaw was sworn in. He referred to photos taken showing one shipping container that can be seen from Mayfield Road and then views from Bass Lake Road and the parking lot of ODOT of the remaining twelve. He explained that the shipping containers in the back can barely be seen from Bass Lake Road unless someone is really looking for them because they are screened by ODOT. He mentioned that the appellant has put conditions on his application to have screening and move the container from the front to the back. Chair Pilawa commented that this is a perfect example of how something comes up after the zoning resolution was written and therefore the reason for the variance process.

Pete Ianiro of 11858 Mayfield Road was sworn in. He purchased his first shipping container in 1996 and the last in 2000. They are all used for his landscaping business to store materials and equipment. When asked if they had electricity or would be heated, Mr. Ianiro said no. Chair Pilawa asked if he agreed with the conditions of having the containers behind the principal structure and screening. Mr. Ianiro responded he would be putting arborvitae along the west side and would move the front container to the rear. Chair Pilawa agreed they were hard to see. Inspector Herringshaw said he only saw one in the rear because the morning sun was reflecting off it.

Mr. Ianiro commented that in his defense, he does run his business back there and there are businesses nearby, i.e. salt storage (ODOT), self-storage, and it is natural to the area.

Chair Pilawa stated for the record there were seven affected property owners notified in Case 25-18. Kym Shippe of 11868 Mayfield Road and next-door to the east of Mr. Ianiro's property, was sworn in. She has lived there eight years and said he keeps his property immaculate; the containers are very neat. Dave Cvelbar of 11868 Mayfield Road concurred with Ms. Shippe and added that the one container located near their shop does not bother them and he was not aware Mr. Ianiro had more in the back. He maybe saw one of them off Bass Lake Road. Chair Pilawa asked Mr. Cvelbar if his property would be harmed if the shipping containers remained? He said no. Chair Pilawa asked if he felt any other properties would be harmed. Mr. Cvelbar said there are no other residences, just the golf course behind them. Chair Pilawa commented that the commercial use compares favorably.

Mr. Ondrejka asked Mr. Ianiro if he had any intention of storing fuel. He responded no, the cans stay outside.

James Pitten of 12855 Tallow Tree commented that he has lived in the township for 20+ years. They lived on Greenbrier, then moved to Arizona and came back. He was present to speak to Mr. Ianiro's character. He knew his dad and had been on the property. The containers are impossible to see and the property is impeccable.

Don Ondrejka moved and Joe Tomaric seconded to grant the variance requested in Case 25-18 as requested with conditions as noted. Mr. Tomaric asked if the golf course was notified. Secretary Friebertshauser confirmed they were on the list. Discussion following the motion included: given where it is and how long the containers have been used, the hardship is unique to the property; zoning deprive him of using his property; the hardship is not self-induced; the use compares favorably to nearby uses; nothing impedes the public health, safety and morals; and the property predates zoning or has been in the family for a long time. Upon the roll call, members voted unanimously to grant the variance, motion carried 5-0.

CASE 25-19: Scott Moorman, 12611 Fowlers Mill Rd., Chardon, OH – requests to construct a 24' x 32' detached garage w/porch in front of the home and approx. 6' from the road right-of-way. Violates SEC. 411 Minimum Dimensional Requirements – minimum setback from the front road right-of-way is 80'. SEC. 509.2 Unless otherwise noted herein, no freestanding garage or other accessory building shall be erected within the front yard of any district except fencing.

Chair Pilawa read the variance request and violations. Inspector Herringshaw referred to photos of the southernmost part of Fowlers Mill Road off Mayfield and views of the proposed site where the area is screened by trees. He referred to page one of the photos and pointed out there is a severe drop off. Mr. Pilawa asked Mr. Herringshaw if he was an affected property owner. He said no, but he can see it a little through the trees. The property borders the Sisters of Notre Dame.

Chair Pilawa commented that he drove down there and thought it was the best lot in Munson Township.

Scott Moorman of 12611 Fowlers Mill Road was sworn in. He commented that Inspector Herringshaw explained things well. They had moved from the Mentor/Concord area and he missed having a garage. Unfortunately, it is the only place to put the garage because of the drop-off. To attach a garage would block the view. When asked if it would have electricity or water, Mr. Moorman said yes to electricity, but did not think there would be water. It would be a one-story garage with a loft. Mr. Tomaric asked where the septic system is. Mr. Moorman responded it is southwest of the house at the top of a hill. The garage would be 10 feet from the existing well. Mr. Moorman noted that his wife taught at NDCL for several years.

Chair Pilawa stated there were six affected property owners notified in Case 25-19. There was no public comment.

Don Ondrejka moved and Danielle Konrad seconded to grant the variance in Case 25-19 as requested. Discussion following the motion included: with the layout of the land there are no options; the variance is not substantial; the essential character of the neighborhood would not be altered; adjoining properties would not suffer a detriment; the variance would not adversely affect the delivery of government services; and as described under oath the predicament cannot be feasibly relieved through some method other than a variance; and the spirit and intent behind the zoning would be observed and substantial justice done by granting the variance. Upon the roll call members voted unanimously to grant the variance, motion carried 5-0.

The meeting was adjourned at 7:14pm.

Dennis Pilawa 8/20/25 Paula Frieberthauser 8/20/25