

# Board of Zoning Appeals

## Munson Township

### Minutes of March 16, 2022

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

Ms. Pitcock explained the role of the Board of Zoning Appeals is to apply certain principles of law as required by the Ohio Supreme Court. She explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. 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.

**CASE 22-02 Robert Fry 12401 Auburn Rd., Chardon OH** - requests to construct a 30' x 40' accessory building 17' from the north side property line and 14' from the rear property line. Violates SEC. 411 Minimum Dimensional Requirements-minimum side yard is 25'; and minimum rear yard is 40'.

Vice-Chair Pitcock read the variance request and violations. Zoning Inspector Jim Herringshaw was sworn in. He referred to the site map that showed the proposed location and the unusual orientation of the home that he said Mr. Fry would expand upon. He referred to the photos which were taken with views to the north and east (rear property line), and from Auburn Road. The orange cones shown in the photos indicate the proposed location.

Mr. Alexander asked what the distance is between the house and the proposed building. Mr. Herringshaw responded it needs to be 15 feet but is at least 30 feet. Mr. Fry's estimation was 30 feet as well. Mr. Alexander then asked if both driveways belong to the property. Robert Fry was sworn in. He responded that the property is a unique shape. It was originally plotted by Mr. Fink and there was going to be a driveway going in and then coming out on Sherman Road. There were supposed to be 18 lots originally. He explained they do not legally own the ingress and egress. The property line curves and then goes diagonal (to the north). When they purchased the property, they had to get many people involved because there is a legal easement. The house is at an angle because it was going to be the corner lot of the subdivision. Mr. Fry explained that the proposed location is the only place due to the well behind the home and the septic taking up all the property to the rear. Mr. Simpson asked if there is a home on the property to the north. Mr. Fry responded there is only a garage there. Mr. Tomaric noted that the property is at the top of the hill and asked what the rest of the topography is like. Mr. Fry said it falls off and at the southern section there is a 30-foot difference. When looking at the pictures of the building, Mr. Alexander noted there would be a double door and asked if there would be electricity. Mr. Fry concurred and said there would also be a man door. He will use the

building for restoring an antique car and storage. There would be electricity but no water. It will be one level with an approximate 16.5' peak.

Vice-Chair Pitcock stated for the record there were 21 affected property owners notified in Case 22-02. Paul Kenny of 12415 Auburn Road was sworn in. He resides at the first property to the south and was just present to observe. He had no concerns with the project. Joe Bastulli of 12505 Heath Road was sworn in. He supported the request and did not see anything substantial or detrimental.

Joe Tomaric moved and Don Alexander seconded to accept the variance requested in Case 22-02 for Robert Fry of 12401 Auburn Road to build his new building as shown on the sketch. Discussion following the motion was as follows: there can be a beneficial use as it is an established home; the variance is not substantial as it will be used as a hobby workshop without using the existing garage; the essential character of the neighborhood would not be altered as most people have an accessory building; adjoining properties will not suffer a detriment with most of the properties around it are undeveloped; the delivery of governmental services will not be adversely affected as there is plenty of space; the predicament cannot be feasibly relieved through some other method because of the septic and well location and the way the house is positioned; the spirit and intent behind the zoning would be observed and substantial justice done by granting the variance; and it is assumed most people know of the zoning regulations. Upon the roll call, members voted unanimously to grant the variance 5-0; motion carried.

The meeting was adjourned at 6:44pm.

Danielle Pitcock 4/20/22 Paula Frieberthaus 4/20/22  
Danielle Pitcock, Vice-Chair Date Paula Frieberthaus, Secretary Date