

Board of Zoning Appeals

Munson Township

Minutes of October 16, 2024

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 Lynn Regovich 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. 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.

Don Ondrejka moved and Jim O'Neill seconded to approve the minutes of September 18th, as written. Motion carried, 5-0.

CASE 24-21: William Hodel 11591 Parkway Rd., Chardon OH – requests to construct a 30' x 30' home addition with an 8' x 9.5' deck 20' from the north side property line. Violates SEC. 411 Minimum Dimensional Requirements – minimum side yard is 25'.

Chair Dennis Pilawa read the variance request and violation. Zoning Inspector James Herringshaw was sworn in. He referred to the site plan and explained that the property lines cannot be seen easily but the lot is .65 acres. He explained photos he took that showed what the closest neighbor would see; the view toward the road; view of the home and proposed addition site from Parkway; and view to the rear of the property.

Chair Pilawa explained it is the typical Bass Lake community situation where the home is too old for a lot too small. Inspector Herringshaw pointed out that this one is 90 feet back, which is not usual. Chair Pilawa asked him if there was anything else unusual about the request, Mr. Herringshaw said no. Mr. Ondrejka commented that the lot is a triangle shape and would be very challenging to do anything. Mr. Herringshaw explained that property owner William Hodel could not be there that evening. He is represented by Richard Tamburo.

Richard Tamburo of 7164 Anthem Ct., Madison was sworn in. He is Mr. Hodel's father-in-law. He presented a drawing with clearer measurements. He agreed it is an odd-shaped lot. Mr. Ondrejka added that the property right next to it is also triangle shaped.

Chair Pilawa explained there are certain factors the Board needs to consider. He presented the following discussion:

- Can there be beneficial use of the property without a variance? Clearly there is a beneficial use as a residence but not the most beneficial use.
- Is the variance substantial? No

- Will the essential character of the neighborhood be altered? The essential character will remain unchanged.
- Will adjoining properties suffer a detriment? They will not suffer a detriment; it is no different.
- Will the variance adversely affect delivery of government services? There is no evidence to suggest that they would be affected.
- Will the spirit and intent behind the zoning be observed and substantial justice done by granting a variance? It seems that way. There were 10 affected property owners notified in the case and no one was present to object.

Joe Tomaric moved and Don Ondrejka seconded that the variance requested in Case 24-21 at 11591 Parkway Road be granted as written. There was no further discussion other than pointing out that not only is the lot oddly shaped but the home is oddly positioned. Upon the roll call, all members voted unanimously to grant the variance, 5-0. Motion carried.

CASE 24-22: Vito Galati 10331 Sherman Rd., Chardon OH – requests to construct a 32' x 40' accessory building 15' from the west side lot line and a driveway extension 10' in width and 7' from the west side lot line. Violates SEC. 411 Minimum Dimensional Requirements – minimum side yard is 25'; and SEC. 511 (in part) driveways shall be a minimum of 15' from any lot line and have a minimum width of 12'.

Chair Pilawa read the variance request and violations. Zoning Inspector Herringshaw explained that he checked the history on the property and sometime in 2007 a zoning permit was given for a driveway extension 7 feet from the property line that is grandfathered in. Mr. Galati wants to extend from that driveway with a drive 10 feet in width and will probably be farther than 7 feet from the lot line as it goes back. The building will be 265 feet from the road right-of-way. Inspector Herringshaw showed photos taken of the view toward the home from Sherman Road, west towards the closest affected property owner, south towards the rear of the property, and the proposed location of the driveway extension and accessory building.

Vito Galati was sworn in. He explained the need for extra storage for family stuff. When asked when he wanted to build, Mr. Galati responded there are a lot of trees from the recent storm that must be taken care of but hopes for construction before snow.

Mr. Ondrejka asked if the driveway extension needs to adhere to width requirements. Inspector Herringshaw responded it does and that is why he is asking for 10 feet in width as part of the variance request.

Mr. Galati commented that the building might be smaller than what is proposed. Chair Pilawa asked him if he would be using it for business. Mr. Galati replied no, he tinkers with four-wheelers and has a tractor, etc.

Ms. Konrad provided discussion on the following factors related to Case 24-22:

- Can there be beneficial use of the property without a variance? Yes, there is a home there but there can be more beneficial use.
- Is the variance substantial? No

- Will the essential character of the neighborhood be altered? No, as stated in the application, no one would see the building.
- Will adjoining properties suffer a detriment? No, there is no one here to give testimony.
- Will the variance adversely affect delivery of government services? No.
- Can the predicament be feasibly relieved through some method other than a variance? No, as presented it is the best place for the structure.
- Will the spirit and intent behind the zoning be observed and substantial justice done by granting a variance? Yes.
- Whether the property owner purchased the property with knowledge of the zoning is mostly ignored or not given any weight because everyone has access to the regulations.

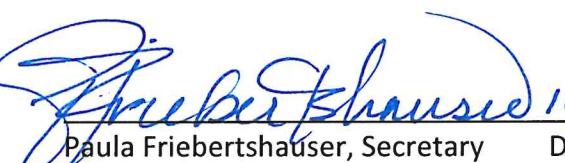
Chair Pilawa noted for the record that there were 12 affected property owners notified in Case 24-22. No one was present to provide any comment.

Don Ondrejka moved and Joe Tomaric seconded that the variance requested in Case 24-22 for 10331 Sherman Road be approved as written. Upon the roll call, all members voted unanimously to grant the variance, 5-0. Motion carried.

The meeting was adjourned at 7:02pm.


Dennis Pilawa 11/20/2024

Date


Paula Frieberthausser 11/20/24

Date

