

RECORD OF PROCEEDINGS
MADISON TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING & REGULAR MEETING MINUTES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday, October 13, 2022
7:00 p.m. 20

The Madison Township Board of Zoning Appeals (BZA) Meeting was called to order at 7:05 p.m. by Chairman Diak, with the following people present: Mr. T. Sill, Mr. B. Dubiel, Mr. Francis, Mr. J. Boyle and Mrs. L. Diak. Mr. M. Ungers was present as Zoning Inspector and Mr. C. Bernard was present as Assistant Zoning Inspector.

Chairman Diak requested a motion to approve the minutes from the September 8, 2022 Meeting.

A motion was presented by Mr. Francis to approve the minutes from the September 8, 2022 Meeting, seconded by Mr. J. Boyle.

Roll Call: All "Ayes"

Chairman Diak administered the oath of accuracy for anyone wishing to speak at the hearing.

Variance Request #22-001

Chairman Diak opened the hearing for variance request #22-001.

Zoning Inspector, M. Ungers read the following summary:

Continued Variance Application #22-001

Owner: Thomas Cirino

Location: 5879 Shore Drive

Permanent Parcel # 01-B-112-A-02-011-0

Property Zoned R-2 Single Family Residential

Mr. Cirino is seeking a Variance to the minimum setback requirement of ten (10) feet for an Accessory Structure from the Main Dwelling. The applicant is requesting an eight (8) foot variance to allow his shed that currently sits two (2) feet from his existing attached garage to remain in its current location. He did not seek a permit with the Zoning Office prior to construction because he was unaware he needed one for a twelve (12) by eight (8) foot shed. The Madison Township Zoning Resolution requires a permit to be obtained for any Accessory Structure larger than eight (8) by eight (8) feet.

The Neighbor/Applicant letters were mailed on August 22, 2022 and the Public Hearing was advertised in The News-Herald Legal Section on August 25, 2022.

I received contact from one adjacent neighbor who wished to remain anonymous that stated she is not in favor of the Variance Request.

Mr. Cirino approached the BZA. He stated that he was unaware he needed to apply for a permit before constructing the shed. He apologized to the BZA for this oversight. He supplied photos and explained that the shed needed to be in the current location so that he would still have access to Lake Erie to add armourstone for shoreline protection. Chairman Diak asked for clarification on the location of the shed and garage. Mr. Ungers pointed out the structure in question on the satellite image of the parcel for Mrs. Diak.

Mr. Boyle asked Mr. Ungers if he could expand upon the phone call he received from a anonymous resident who was not in favor of the Variance. Mr. Ungers stated it mainly had to do with the shed blocking the view to Lake Erie.

With no other questions or comments, Chairman Diak asked the Board to place their votes on their ballots.

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Chairman tallied the votes and stated the Variance was approved by a 4-1 vote. Closing the hearing at 7:16PM.

Variance Request #22-002

Chairman Diak opened the hearing for Variance request #22-002 at 7:17PM

Zoning Inspector, M. Ungers read the following summary:

Variance Application #22-002

Owner: Lorraine Pettit

Location: 6535 N Ridge Rd.

Permanent Parcel # 01-B-108-B-00-002-0

Property Zoned B-2 Regional Business

Mrs. Pettit is seeking a Variance to the minimum rear yard setback requirement of fifty (50) feet for a structure on a parcel in the B-2 district, adjacent to a residential district. The applicant is requesting a thirty-three (33) foot variance to allow the existing structure on the B-2 parcel to reside seventeen (17) feet from the proposed rear property line. She is also seeking a Variance to the total lot area of twenty thousand (20,000) sq. ft. for a B-2 parcel. The applicant is requesting an approximated 11,250 sq. ft. Variance pending the exact results of a completed survey, in order to reduce the legal nonconforming Parcel to approximately 8,750 sq. ft. in total lot area. These Variance requests would allow for a lot line adjustment to be made so that the garage can be included with the house in the R-2, Single Family District. Mrs. Pettit was issued a permit from the Zoning Office on August 18, 2015 to build the Accessory Structure in its current B-2 location with intended use for the house that lies on the neighboring R-2 Parcel.

The Neighbor/Applicant letters were mailed on September 14, 2022 and the Public Hearing was advertised in The News-Herald Legal Section on September 16, 2022.

The Zoning Office received no response from any adjacent parcel owners.

Ms. Pettit address the Board and explained that she is trying to get this cleared up now so that the problem isn't handed down if anything were to happen to her or her husband. She explained why the larger garage was built. Mr. Sill asked if the garage had the proper permits when it was built. Mr. Ungers confirmed the garage had the proper permit and stated it wasn't an issue at the time because they owned both parcels. Mr. Ungers added that Mr. Dave Radachy, Director of Lake County Planning and Community Development, stated that he would need a Variance from Madison Township before he could allow the property owner to do a lot line adjustment to put the garage on the same parcel as the house. Chairman Diak asked why is it necessary for the garage to be on the same parcel as the house. Mr. Pettit explained that the commercial lot that fronts on N. Ridge Rd. is mostly like to be sold and if the lot line adjustment doesn't happen, the garage will end up being sold with that commercial building and they want to keep it with the house.

With no other questions or comments, Chairman Diak asked the board to place their votes on their ballots.

Chairman tallied the votes and stated that the Variance was approved by a 5-0 vote. Closing the hearing at 7:25PM.

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Conditional Use Permit #22-001

Chairman Diak opened the hearing for Conditional Use Permit #22-001 at 7:25PM

Zoning Inspector, M. Ungers read the following summary:

Conditional Use Permit #22-001

Applicant/Owner: Joseph Janson

Located at North Ridge Road

Permanent Parcel # 01-A-094-0-00-006-0

Property Zoned B-2 Regional Business

The applicant is requesting a Conditional Use Permit for the construction of a new maintenance and storage building for his business, JH Tree Service, LLC.

According to the Permitted Use Table in Section 114.3 and Section 142.4.5.15 of the Madison Township Zoning Resolution, any business related to landscaping must acquire a Conditional Use Permit before seeking a Site Plan to build in the B-2, Regional Business District.

The Neighbor/Applicant/Owner letters were mailed on September 23, 2022 and the Public Hearing was advertised in The News-Herald Legal Section, on September 27, 2022.

The Zoning Office received one (1) call from one (1) adjacent property owner, Mr. Frank Cvelbar, owner of neighboring Cebars Restaurant, stating that he did not have any issue with the applicant's intentions to build on the parcel.

Mr. Joseph Janson addressed the BZA. He explained he needs a building to store and perform maintenance on his equipment for his tree cutting business. He stated that they are a daytime operation, and they only maintain trees on location, no one comes to them for drop off, so there will not be any increase in traffic. He was not planning on any signage at this time but perhaps in the future. Chairman Diak asked if he's been in contact with Lake County Stormwater. Mr. Janson stated that they did level the property. He also stated they cleaned the back of the lot in the Arcola Creek area. He informed the Board that he has been in contact with Steven Houser of Lake County Stormwater, and they discussed the required Site Plan from his engineer. He also provided documents from the State of Ohio with their recommendations for access to N. Ridge Rd.

Mr. Dubiel asked how far back does he plan to build the building. Mr. Janson stated that from the Right of Way (ROW) it will be sixty-five (65) feet. Chairman Diak confirmed that Mr. Janson planned to adhere to the Ohio Department of Transportation (ODOT) recommendation for access. He stated that he was.

With no further questions or comments, Chairman Diak requested a motion for the Boards right to Deliberations. Mr. Sill presented a Motion to Deliberate, seconded by Mr. Boyle. Roll call: All "Ayes"

Upon the Boards return, Chairman Diak asked for roll call to resume the hearing. The same members remained present.

With no other questions or comments, Chairman Diak asked the board to place their votes on their ballots.

Chairman Diak tallied the votes and stated the Conditional Use Permit was unanimously approved by a 5-0 vote.

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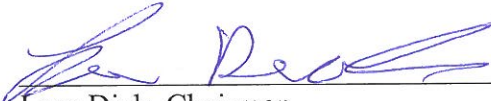
Held _____ 7:00 p.m. _____ 20 _____

Mr. Ungers explained to Mr. Janson that he can come to the next Zoning Commission meeting on October 24, 2022 to have a preliminary site plan discussion and submit a site plan for review.

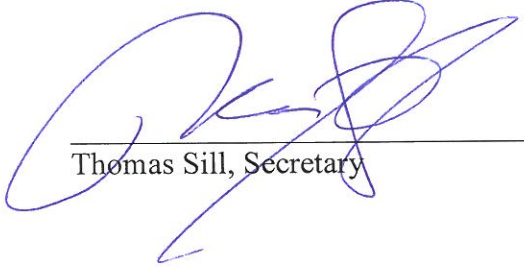
Chairman Diak asked if there is any old or new business. Mr. Ungers stated that C-4 will be on the agenda at the November 10, 2022 Meeting to Appeal their denied Accessory Structure Permit.

There being no further business before the Board, a motion to adjourn the Meeting at 7:49 p.m. was presented by Mr. Francis, seconded by Mr. Dubiel.

Roll call: All "Ayes."



Lora Diak, Chairman



Thomas Sill, Secretary