

# RECORD OF PROCEEDINGS

Minutes of

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

Meeting

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

Held Thursday, September 9, 2021 20        
7:00 p.m.

Chairman Francis opened the Meeting of the Madison Township Board of Zoning Appeals at 7:03 p.m., with the following people present: Mr. J. Boyle, Ms. L. Diak, Mr. B. Dubiel, Mr. E. Francis, and Mr. T. Sill. Mr. M. Ungers was present as Assistant Zoning Inspector. Mrs. M. Howell, Zoning Inspector, was absent.

A motion to approve the minutes from the July 15, 2021 Meeting was presented by Mr. Sill, seconded by Ms. Diak.

Roll call: All "Ayes."

Mr. Ungers informed those in attendance that the first Public Hearing is for Variance Request #21-002 for Grand Land Holding's LLC. He stated for the record that the applicant is Timothy Beck and Liz Yokum, that the property is located on Griswold Rd., Permanent Parcel #01-A-043-0-00-004-0 and that the property is zoned A-R, Agricultural Residential. He informed those in attendance that the applicants are requesting a variance to the required minimum lot frontage in order to split the parcel. He stated that the parcel has over thirteen (13) acres and would meet the minimum lot area, which is five (5) acres for the A-R Zoning District. Mr. Ungers stated that the applicants would like to create two (2) lots, each having a frontage of 212.13 feet. The applicants are seeking a 33.87-foot variance for each lot that would be created with the lot split. He mentioned that Section 105.3 of the Zoning Resolution states that the Minimum Lot Frontage in the A-R Zoning District is two hundred fifty (250) feet.

Mr. Ungers stated for the record that the Neighbor/Applicant letters were mailed on August 19, 2021 and the Public Hearing was advertised in The News-Herald Legal Section on August 19, 2021. He also stated that there has been no contact from area residents regarding this hearing.

Chairman Francis administered the Oath of Accuracy to any member in attendance who wished to speak during any of the hearings this evening.

Mr. Timothy Beck and Ms. Liz Yokum 1655 Leighton Ave. Akron, OH 44314.

Mr. Beck stated that they became aware that a variance was required to split the lot in order for two (2) dwellings to be built on the property. Mr. Dubiel asked what it was they wanted to do with the lot. Mr. Beck stated they wished to keep the property a recreational lot and eventually build a dwelling on the parcel. Mr. Sill asked to hear more about the process of why they purchased the property with their friends and what the end results for a lot split was. Ms. Yokum stated that they love the Grand River and the property. She also stated that it made financial sense to purchase the property with their friends. She stated their intentions are for each family to eventually build a dwelling on the property and that the construction projects would not happen at the same time. Mr. Dubiel confirmed that they were seeking to split thirteen (13) acres equally between two (2) couples. Mr. Beck confirmed and stated they wanted to keep the property in an LLC for financial reasons and to receive forestry credit. Ms. Yokum added that by keeping the two (2) properties under an LLC they can manage it easier. Mr. Sill stated that the zoning guidelines are in place for a reason and the Board tries to follow them for obvious reasons. He informed those in attendance that his concerns for approving a variance in order to split a lot just because the current frontage is not enough for two (2) lots, seems self-inflicted, and a decision may set a precedent for the Board.

Chairman Francis asked if there were any other questions from the Board or if anyone in the audience wished to speak.

A neighboring property owner (did not state name for the record) informed those in attendance that her family used to own the property in question and due to unfortunate circumstances, it was sold. She stated that she was not in favor of the applicants' intentions to split the parcel and double the number of driveways, dwellings, septic systems and wells on the property. She stated the parcel frontage was chosen for a reason, so that an additional split could not happen.



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Chairman Francis asked if there were any other comments from anyone. There were no further questions from the Board or audience. Chairman Francis asked the Board members to vote.

Ms. Diak: No                      Mr. Francis: Yes                      Mr. Boyle: No  
Mr. Sill: No                                      Mr. Dubiel: Yes

The Board members denied Variance #21-002 by a vote of three (3) to two (2)

A motion to close the Public Hearing for Variance #21-002 at 7:14 p.m. was presented by Ms. Diak, seconded by Mr. Francis.

Roll Call: All "Ayes."

Mr. Ungers informed those in attendance that the second Public Hearing is for Variance Request #21-003 for Clifford and Janet Arko. He stated that the property is located at 1414 Park Ave., Permanent Parcel # 01-B-115-A-00-045-0, is zoned R-2, Single Family Residential. He stated that the applicant is requesting a variance to the required minimum depth of rear yard in the R-2, Zoning District. He stated for the record that in order to build an addition on the back of their house they require a twelve (12) foot variance to the required minimum rear yard depth. Mr. Ungers stated that per Section 107.3 of the Zoning Resolution, the minimum depth of the rear yard is thirty (30) feet in the R-2, Zoning District. He informed those in attendance that the Neighbor/Applicant letters were mailed on August 19, 2021 and the Public Hearing was advertised in The News-Herald Legal Section on August 19, 2021. He stated that Mr. Glenn Gnagy called on August 24, 2021 stating that he did not have an issue with this variance request.

Ms. Janet Arko 1414 Park Ave. Madison, OH 44057.

Ms. Arko stated that their intentions are to build a room over their existing deck so that they can enclose and access their entrance to the basement from inside. She stated that currently the basement is accessed from outside through a bilco door, next to the backyard deck. She informed the Board that the size of the addition would not extend any further towards the rear property line than the current deck. Mr. Sill confirmed the new additions distance to the rear property line. Ms. Arko stated that there is a six (6) foot privacy fence in the rear of the property. Mr. Dubiel stated that he visited the location in question and understood the applicants desire to seek a variance to enclose their basement access.

Chairman Francis asked if there were anymore questions from the Board. The Board had no further questions. Chairman Francis asked the Board to vote.

Ms. Diak: Yes                      Mr. Francis: Yes                      Mr. Boyle: Yes  
Mr. Sill: Yes                                      Mr. Dubiel: Yes

The Board members unanimously approved Variance #21-003

A motion to close the Public Hearing for Variance #21-003 at 7:23 p.m. was presented by Ms. Diak, seconded by Mr. Francis.

Roll Call: All "Ayes."

Mr. Ungers informed those in attendance that the third and final Public Hearing this evening is for Variance Request #21-004 for Andrew Anderson, that the property is located at Shore Acre Drive, Permanent Parcel # 01-A-091-C-00-024-0, and that the property is Zoned R-2, Single Family Residential. Mr. Ungers stated that the applicant is requesting a variance to the required minimum lot area per family in the R-2 Zoning District, in order to give 10 feet of frontage to his neighbor. He stated that Section 107.3 of the Zoning Resolution states that the minimum lot area per family is 17,500 square feet, in the R-2 Zoning District. He stated for the

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record that the Neighbor/Applicant letters were mailed on August 19, 2021 and the Public Hearing was advertised in The News-Herald Legal Section on August 19, 2021. Mr. Ungers informed the Board that there has been no contact from area residents regarding this hearing.

Mr. Andrew Anderson 1146 Shore Acre Drive Madison, OH 44057.

Mr. Anderson stated that he has been friends with his neighbors for over forty (40) years and that everyone in the neighborhood gets along and he doesn't have a problem giving them some land. He informed the Board that the neighbors want to install pavers to extend their patio and need more land to do so. Ms. Diak asked if the current lot frontage is considered conforming. Mr. Ungers stated that the current lots are both considered legal non-conforming. He informed the Board that Mr. David Radachy of Lake County Planning and Community Development would be combining the two (2) lots that Mr. Anderson owns on the west side of Shore Acre Drive, creating one (1) new lot, if the Board approves the request. He added that only the minimum lot area and not the lot frontage is in question with the variance request. Chairman Francis further stated that by gifting the land to his neighbor and eliminating the lot line between both of Mr. Anderson's parcels, this variance would actually increase the frontage of two (2) differently owned parcels located on Shore Acre Drive.

With no further comments or questions Chairman Francis asked the Board to vote.

Ms. Diak: Yes      Mr. Francis: Yes      Mr. Boyle: Yes  
Mr. Sill: Yes      Mr. Dubiel: Yes

The Board members unanimously approved Variance #21-004.

A motion to close the Public Hearing for Variance #21-004 at 7:30 p.m. was presented by Ms. Diak, seconded by Mr. Francis.

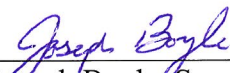
Roll Call: All "Ayes."

There being no further matters before the Board, a motion was presented by Mr. Sill to adjourn the meeting, seconded by Ms. Diak.

Roll call: All "Ayes."

The meeting was adjourned at 7:31 p.m.

  
Evan Francis, Chairman

  
Joseph Boyle, Secretary



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