

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

GOVERNMENT FORMS & SUPPLIES 844-224-8338 FORM NO. 10148

Thursday, August 24, 2023

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

The Madison Township Board of Zoning Appeals Meeting was called to order at 7:04 p.m. by Chairman Boyle, with the following people present Mr. B. Dubiel, Mr. E. Francis, Mr. J. Boyle, Ms. L. Diak and Mr. T. Sill. Mr. M. Ungers was present as Zoning Inspector and Mr. C. Bernard was present as Assistant Zoning Inspector.

Mr. Boyle requested a motion to approve the minutes from June 8, 2023. Mr. Francis presented a motion to approve the minutes from June 8, 2023, seconded by Mr. Dubiel. With no discussion the minutes were approved:

“All Ayes” - Minutes approved 5-0.

Chairman Boyle opened variance request #23-004.

Mr. Ungers read the following case summary:

Variance Application #23-004

Submitted by Property Owner: Antiks LTD

Represented by: Konstantin Antipou

Location of Variance Request for:

Permanent Parcel # 01-A-091-A-03-043-0

Property Zoned R-2, Single Family

Antiks LTD is seeking a Variance to Section 107 of the Madison Township Zoning Resolution which states The Minimum lot width per parcel in the R-2 Zoning District is 100 ft.

This Variance Request is to allow for a 17 ft reduction to the lot area or lot frontage in order for Antiks LTD to divide the parcel into two (2) buildable lots.

The Neighbor/Applicant letters were mailed on August 11th, 2023 and the Public Hearing was advertised in The News-Herald Legal Section on August 14th, 2023.

The Zoning Office has received 3 responses from neighbor's parcel owners regarding this Variance. All 3 residents were Not in favor of allowing this Zoning Request. One resident mailed a letter that he requested I read aloud.

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Mr. Ungers read the following letter Charles Rochefort and Sallie Ames (1084 Edgewood)

Mr. Max Ungers, Zoning Inspector
2065 Hubbard Rd
Madison, OH 44057
Phone #: 440-428-1120

Dear Mr Ungers,

In regards to Variance Request #2023-004 for Antiks, LTD. I would like you to know that my wife and I are strongly AGAINST this Variance. The following are a several reasons why we oppose this Variance:

1) I assume that when the Zoning Board set up these specifications for lot sizes you thought you had good reasons for the sizes of the lots. If you give Variances for every lot that does not conform what the heck are the specs good for. You might as well not have them. The specs are there so people would not be building on top of each other. For this reason We OPPOSE this Variance

2) Forest Place, the road width is narrower than most. I'm guessing the reason for this is because NO ONE LIVES ON Forest Place. I measured the road it measured 14ft 8in. When two cars pass each other one of them always drives in our yard. When two delivery trucks pass, the one is in our yard by a couple feet. Last week a delivery truck and a garbage truck passed each other and the tire RUTS are 7 FEET in our yard. I believe that the increased traffic on the road is not ideal and possibly a hazard. For this reason WE OPPOSE this Variance.

3) In the past 3 yrs we have had 2 water breaks and have had the township come out and fix a drainage problem. When the first breakage happened the water never came over the road. The road is crested. The water went UNDER the road and flooded us. It actually made grass humps all over my south and west yards. My problem is, when the water went under the road what kinds of problems did it create? Is the road strong enough to handle heavy truck all the time? You have no idea what kind of vehicles these new people will have. When they clear the woods The Tree Removal Equipment & the Excavating Equipment alone may be too much for the road to handle. For this reason WE OPPOSE this Variance.

4) If you look at the lots from Forest Pl. you can see that the land is low. When the land is built up so the new houses do not flood what will that do to the surrounding homes that have been there for years? I can see this causing a lot of headaches for a lot of families down the line. For this reason WE OPPOSE this Variance.

5) At the present time there is a Turkey hen and 4 chicks living in the woods on Forest PL. We realize that they will be "Moving Out", but what about the displacement of all the other animals that live in that woods. We sit in the doorway of our garage and watch the chipmunks, the squirrels, the variety of birds,

the hawks in the trees and an occasional raccoon. Quiet honestly we will miss that. If they build we will not be able to see these things anymore. What we will see, are houses and neighbors that will think we are creepy old people staring at them.

If you have ever lived across the street from a woods you can understand how calming and peaceful looking in the woods can be. We sit in our garage, listen to music, have a few beers and watch the wild life. Trust me you can't beat it. For this reason WE OPPOSE this Variance.

We hope that you Mr. Ungers and the Madison Township Board of Zoning take all of this into consideration, as well as ALL that you have heard from all the other neighbors that have their concerns. I know this meeting is very important but I have had plans for 2 months and I am unable to make the meeting as I am out of town. Thank You very much for your time.

Sincerely,

Chuck Rochefort & Sallie Ames

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Mr. Ungers also read the following letter from James & Madison Johnson (1101 Elm Ave.)

As the Owners of the property that stands to be affected the most by this zoning proposal. My wife Madison and I are opposed ~~to~~ this for many reasons. Drainage and privacy concerns along with wild life destruction are a few. Decrease in property value is also a major concern of ours. This house is the biggest investment we have ever made, and one of the biggest selling points is about to be stripped away, as for others that are adjacent to this property. If we ever decide to sell, the presence of a house right in our backyard would greatly decrease the desirability of our property. The drainage issue we have would only get worse with the grading of the adjacent property to accommodate for houses would severely impact our property as well as others around us. And the relaxing sights and sounds of the local wild life would be destroyed. All in the name of making a dollar.

My wife and I have worked hard for what we have and feel like a part of that would be stolen from us and other surrounding residents.

James Johnson *[Signature]*
Madison Johnson *[Signature]*

Mr. Ungers swore in all people wishing to address the board. Mr. Ungers invited Mr. Konstantin Antipou (19130 Chillicothe Rd. Chagrin Falls) to address the board. Mr. Antipou gave the board some background information about his desire to build 2 homes. Mr. Antipou that he has a unique building style which he feels will enhance the area. He stated he plans to build 2 ranch style homes and leaving most of the property untouched and in its natural state. He stated he understands he can build one house but doesn't see the big difference between one or two. The ranch style homes will both be over 2000 sq/ft. Mr. Ungers showed the board a site map that was provided to show the board the area of the lot. He stated Mr. Antipou has plenty of frontage and acreage to build one house but stated that the purpose of tonight's meeting is to review/approve a variance on the frontage reduction. Any issues with utilities and or drainage will be handled through the county and obtaining their approvals. Mr. Terry Krane (Euclid Ohio) spoke on the behalf of Mr. Antipou and gave the board overview of what the project would entail.

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Leeane Milhaly (1117 Elm Ave.) She stated that this property is right behind her property and she's against the approval of the variance. She stated that the drainage in that area is terrible and adding 2 homes will only make it worse. She stated that the roads are very narrow and will not handle increased traffic. She stated that all of the neighbors that are in front of the property are against the variance request.

Joann Dzopko (1080 Edgewood Ave) read the following letter

I strongly oppose the requested variance.

I have a question for the board members. When you get a request for a variance do you think about how it will affect the surrounding properties and the community. I just wondered because all the variances given in connection with this property in the past has had a negative effect.

When the allotment was set up all the lots were 50x117, every street in the allotment was the same. On the original map Edgewood from Forest was penciled in to Lake Rd, plans were in the future Edgewood would go to Lake Rd, this never materialized.

They took out a 50 ft lot and replaced it with Forest Place, these where all summer homes, Forest Place was a short cut for the people on Elm to the park at the end of Edgewood. Forest Place was never meant to be built on it has no utilities, it does have the water supply line.

At one time we were told the woods had been declared wet lands therefore never to be built on. This all happened before 1958 when the county started keeping records. Recorded or not it happened and I think it should be looked into. This is not all here say, my husband and I moved into the area in 1949.

The following are how the variances/changes to the original plans negatively impacted the area.

When you look at the current map you will notice the lots in question already are 17 ft shorter, they now are 100ft. The young couple bought the lots on the corner of Elm and Forest assumed all the lots were the same size. When they went to zoning about building a garage, they were told they didn't have enough back yard. They approach the owner of the woods to buy back the 17 ft and he said no. Now the owner of the woods is asking to be able to build his house on what should have been the owner on Elm's back yard.

The lot next to the 100 ft lots was changed from a 50ft to an unbuildable 40ft lot. That lot was always owned by the person that owned the woods. I couldn't see how he was allowed to do that but 40 ft is the size of the roads in the allotment. Makes you wonder why all these negative changes were necessary to the surrounding properties to the woods, if it's true the owners could build on Forest Place. When there was no building in the woods the owner of the unbuildable 40 ft lot. once again keep in mind owns the woods, get's a variance to build on the 40ft lot and of course sells the house.

Drainage there is none, originally there was a small pipe starts in the woods and ran in the back of the 2 streets to Lake Shore. The whole area suffers from lack of drainage but the people on Elm Ave, are worse off than the rest of the area. Their back yard is wet all the time and when it rains, they can't cut their grass. According to the building code you can't run your water on the next property, good luck with that. if allowed to build he will fill in and there is no way to handle that amount of water, where will it go? I'm afraid that I will be affected I own the empty lots on Forest and water runs downhill.

Forest Place on the map is a 50 ft road in reality lucky if it is 30. The corner of Edgewood and Forest is so narrow that the fire hydrant on the corner was hit so many times that it now has 3 huge cement poles surrounding it. Forest Place is only 274 ft long, but only his 183 ft frontage will be affected. If he builds there will be four 40ft opening, Edgewood and 3 driveways why I say 40ft driveways according to the road department the culverts they install in front of a driveway are 40 ft long. This will be 160ft on 183 frontage leaving 23 ft. If he is permitted to build even one that will leave 63 ft. This is on a curve on a one lane street. When it snows where will the township put the snow? What about the mail boxes?

As a concerned land owner, I think we should go back to the original plot plan before 1958. Before the developers came in got variances that impacted the area in such a negative way and left. If what they say is true all these years, they could build on Forest Place why didn't they? Why did they go to the expense of variances? When the allotment was draw up it was not their intentions to build on Forest Place therefore, I am opposed to ANY building on Forest Place.

Joann Dzopko

Mr. Ungers reminded everyone that even though he understands the concerns over the drainage issue, the purpose of tonight's meeting is to review the variance request for a frontage reduction. Any drainage issues will be handled through the county.

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Mr. Sill made a motion to enter into executive session for the purpose of deliberations. Mr. Boyle seconded the motion to enter into executive session.

“All Ayes” – Motion to enter into executive session passes 5-0.

The board entered executive session at 7:51.

Mr. Sill made a motion to come out of executive session and to resume the public hearing. Mr. Francis seconded the motion to resume the public hearing.

“All Ayes” – Motion to resume the public hearing passes 5-0.

The board returned to the public hearing at 7:59.

Mr. Boyle made a motion to deny the variance request. Ms. Diak seconded the motion to deny the variance.

“All Ayes” - Variance request denied 5-0.

Mr. Krane asked if he had the right to appeal the board’s decision. Mr. Ungers stated he did and that process would go through Lake County municipal court. Mr. Krane asked if the board would supply the reasoning for denial. Mr. Boyle stated that this board felt since the zoning text stated 100’ frontage they felt it was important to hold that and not set precedence of a reduction. Mr. Krane stated that he understood that one home could be build but what are the chances of getting it re-zoned for a multi-family zoning. Mr. Ungers stated that process would go through the other board (Zoning Commission) but they could discuss it in further detail tomorrow. Mr. Krane asked how much did the out-spoken neighbors in the audience play in the decision. Mr. Francis stated that there are many factors that go into the final decision but the neighbor’s opinion is definitely factored in the making the final decision.

Mr. Boyle made a motion to close the public hearing, seconded by Mr. Sill.

All “Ayes.” – Public Hearing closed at 8:04

Mr. Ungers stated that he did not have any old or new business.

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

All “Ayes.” – Meeting adjourned at 8:05



Mr. Joseph Boyle, Chairman



Mr. Bill Dubiel, Secretary

Thomas Sill Vice-Chairman

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