

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

Minutes of

Meeting

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

Held _____ **Thursday May 9, 2024** _____
7:00 p.m. _____ 20 _____

The Madison Township Board of Zoning Appeals Meeting was called to order at 7:03 p.m. by Chairman T. Sill, with the following people present Mr. B. Dubiel, Mr. T. Sill, Mrs. L. Diak, Mr. T. Brass and Mr. J. Boyle. Mr. Ungers, Zoning Inspector, was present. Mr. C. Bernard, Assistant Zoning Inspector, was present.

Mr. Sill requested a motion to approve the minutes from April 11, 2024. Mr. Brass presented a motion to approve the minutes from April 11, 2024, Regular minutes, seconded by Mrs. Diak. With no discussion the minutes were approved:

“All Ayes” - Minutes approved 5-0.

Chairman Sill opened the continued public hearing for variance request #24-002. Mr. Ungers read the following report:

Variance Application #24-002

Applicant & Property Owner: Jack Avcin

Location of Variance Request:

Permanent Parcel #01-A-011-0-00-006-0

Property Zoned:

A-1, Agriculture

The applicant is seeking a Variance in order to convert an Agricultural Structure into a Single-Family Dwelling. Variances needed in order to issue a Zoning Permit include: A minimum frontage reduction of approximately 10 ft. A possible minimum sq. ft reduction for the existing structure. A possible minimum 2 car garage reduction. And an approximate 10 ft reduction for the minimum riparian setback.

The Neighbor/Applicant letters were mailed on January 30th, 2024 and the Public Hearing was advertised in The News-Herald Legal Section on January 30th, 2024.

The public hearing was opened on February 8, 2024, tabled and continued until March 14, 2024, table and continued until this evening.

The Zoning Office received no response from anyone regarding this Hearing.

Mr. Sill invited Mr. Jack Avcin Jr. (7840 Mt. Ash Dr Euclid, Ohio) to the podium. Mr. Sill read the oath of accuracy.

Mr. Avcin stated that he plans to build a 2-car garage to eliminate one of the variance requests. He added that he would like to build a 30'x12' addition to get the structure up to the required minimum square footage. Mr. Sill asked what would the pitch be on the garage be. Mr. Avcin stated it would be a 8/12 pitch. Mr. Brass asked if this new garage was going to be all new or if he was planning on modifying the current one. Mr. Avcin stated it would be all new and he hoped to relocate the current one. Mr. Brass wanted to confirm if the new addition to the structure would be outside of the riparian set-back area. Mr. Avcin stated it would.

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Mr. Ungers wanted to make sure everyone understood what variances Mr. Avcin required. Mr. Ungers stated that Mr. Avcin would need four total variances. 1) Variance for lack of frontage 2) Square footage of the structure. 3) 2-car garage requirement. 4) Structure is within the current riparian set-back.

Mr. Ungers asked if Mr. Avcin he measured the distance from the creek to the structure, so that we had an exact distance. Mr. Avcin stated he did not measure it. Mr. Ungers stated it needed to be at least 25 feet.

Mr. Sill stated his biggest concerns are the riparian set-back because this structure would clearly be within this area and the fact that this structure was originally built as an agricultural building, the county would not have performed any of the required inspections. The lack of these inspections will cause a problem down the road. This is an issue (converting a agricultural building to a single family dwelling) the board hasn't experienced before. Mr. Boyle asked if any consideration was given to leaving the current structure as a garage and building a single family home new. Mr. Avcin stated that he really didn't want to spend the amount of money it would take to build a new single-family dwelling.

Mr. Sill presented a motion to approve the frontage requirement, second by Mr. Boyle.

"Vote 4-1" – Mr. Dubiel voted no.

Variance approved 4-1.

Mr. Sill presented a motion to deny the riparian setback requirement, second by Mr. Boyle.

"All Ayes" – Variance Denied 5-0.

Mr. Sill presented a motion to deny the square frontage of the structure requirement, second by Mrs. Diak.

"All Ayes" – Variance Denied 5-0.

Mr. Sill presented a motion to deny the lack of a 2-car garage requirement, second by Mr. Boyle.

"All Ayes" – Variance Denied 5-0.

Mr. Sill requested a motion to close the public hearing for variance request 24-002. Mr. Boyle made a motion to close the public hearing for variance request 24-002, seconded by Mrs. Diak.

"All Ayes" – 5-0. Public Hearing closed at 7:29PM

Chairman Sill opened the public hearing for variance request #24-005 at 7:31PM. Mr. Ungers read the following report

Variance Application #24-005

Applicant & Property Owner: Rose Zitiello

Location of Variance Request:

1702 Hubbard Rd

Property Zoned:

R-2, Single Family

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The applicant is seeking a three (3) ft. Variance to construct a detached garage on the parcel. Section 130 of the Zoning Resolution states the Maximum height of Accessory Structures is twenty (20) ft.

The Neighbor/Applicant letters were mailed on April 30th, 2024 and the Public Hearing was advertised in The News-Herald Legal Section on April 30th, 2024.

The Zoning Office received no response from anyone regarding this Hearing.

Mr. Sill invited Mrs. Zitiello (1702 Hubbard) to the podium. Mrs. Zitiello stated her desire to build stems from the parcel being around 4 acres and they need a place to store the equipment required to maintain that 4 acres. She currently has a landscaping company doing the work due to the lack of storage for equipment. She would like to build a 24' x 32' garage with a second floor. The structure would have 9-foot first floor sidewalls to accommodate the appropriate storage. The second floor is designed with 8-foot sidewalls to accommodate a work space for crafting. The garage will be sitting back about 100 feet from Hubbard Road.

Mr. Brass confirmed the need for the 8-foot sidewalls on the second floor is just to have extra room for storage. Mrs. Zitiello stated that was correct and added that if they were to go smaller it would make the area too small. Mr. Sill asked what the finished second floor will look like, will it have heating, electrical, plumbing...etc. Mr. Zitiello stated she will definitely have water and sewer and added she will need those for cleaning and gardening. She would like to also add a bathroom for convenience. Mr. Sill stated that adding a bathroom kind of changes it from being a true garage and that's something the board needs to consider because adding a bathroom the fear is the area gets converted into living space down the road. Mr. Sill asked if she looking into making the first floor only 8-foot walls and on the second floor doing what's known as an attic truss and maybe using knee walls. Mr. Sill stated he felt with a few minor modifications, she could get the structure down to the required 20-foot maximum and within the zoning regulations. Mrs. Zitiello stated that she wanted the 9-foot walls to accommodate ladders and large items.

Mr. Sill made a motion to deny the variance request, seconded by Mrs. Diak.

Roll Call: Mr. Dubiel No
Mr. Sill Yes
Mr. Brass No
Mr. Boyle No
Mrs. Diak Yes

Motion fails 3-2.

Mr. Dubiel made a motion to approve the variance, seconded by Mr. Boyle.

Roll Call: Mr. Dubiel Yes
Mr. Sill No
Mr. Brass Yes
Mr. Boyle Yes
Mrs. Diak No

Motion passes 3-2. Variance granted.

Mr. Sill requested a motion to close the public hearing for variance request 24-005. Mr. Brass made a motion to close the public hearing for variance request 24-005, seconded by Mrs. Diak.

"All Ayes" – 5-0. Public Hearing closed at 7:43PM

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Mr. Ungers gave the board a copy of some legislation that is currently being discussed down at the State level where there is a push to make all zoning the same across all townships within the state. Nothing is eminent but it's being discussed.

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

All "Ayes." – Meeting adjourned at 7:45 PM


Mr. Thomas Sill Chairman


Mr. Thomas Brass, Secretary