

Richfield Township Board of Zoning Appeals
January 16, 2023

The meeting was opened at 6:30 p.m. on January 16, 2023, with the following members in attendance:

Jeffrey Smola, Chair
Natalie Grubb, Member
Geoffrey Graham, Vice Chair (absent)
Rob Kapitan, Member
Jerry Ryba, Alternate Member (absent)

Also in attendance:

Patricia Ryan, Zoning Inspector
Heidi Morel, Applicant
Frank Aveni, Resident
Mike Swieter, Resident

OLD BUSINESS:

None

APPROVAL OF MINUTES: November 7, 2022, Special Meeting.

Mr. Smola made a motion to approve the minutes as written, seconded by Mr. Kapitan. All members present voted to approve. Motion passed 3-0-0.

Minutes from July 18, 2022 were tabled to the next meeting due to lack of members being present from that meeting.

ELECTION OF OFFICERS FOR 2023:

Ms. Grubb made a motion to retain the Chairman Smola and Vice Chairman Graham for 2023. Mr. Kapitan seconded. All members present voted to approve. Motion passed 3-0-0.

NEW BUSINESS:

Case 667-23, Mike and Heidi Morel, property owners, are requesting two variances on property located at 3684 Forest Run, PPN# 48-00967, in the R-1 District: 1) a 12' side yard setback variance from Section 402-4-C to construct an accessory building 28' from the side property line and, 2) a variance from Section 301-4-O-3 to locate the accessory building in the front yard.

Ms. Morel came forward, was administered the oath and explained the case on his property. She stated there was a shed on the eastside of the driveway that was constructed approximately 10 years ago in a wet area. The shed had deteriorated due to the moisture, so they added 18" of gravel and built a new building in the same location and the same size. At the time the old shed was built Ms. Morel's son had spoke with Laurie Pinney, the Zoning Inspector at the time. No zoning certificate application was submitted. Ms. Morel stated there was no other suitable location for the shed due to the topography. She also said they installed an inground pool in the fall in the backyard so if the shed was at the end of the drive it would be visible from the pool area. This was not a desirable location.

Resident Tim Swieter who resides at 3666 Forest Run came forward and was administered the oath. He further explained the topography, the location of the shed and his approval for the variances.

Ms. Grubb disputed the testimony of Ms. Morel regarding the shed being in the same location, the same size and the visibility from the street. Ms. Grubb also questioned the applicant on the use of the shed for storing landscaping equipment for their business, the gravel parking area at the west side of the property, not acquiring zoning certificates and past complaints for street parking and conducting a landscaping business from the residential property. Ms. Morel stated she would have the gravel pull off area removed. Ms. Grubb stated this property has had numerous issues in the past as well as now. She also said she passes the property often and feels having a shed in the front yard is not fitting for the neighborhood.

Ms. Morel brought up other locations nearby where there are accessory buildings in the front yard. Mr. Smola acknowledged there may be others, but the Board was not addressing those tonight, they were here to only address the Morel property.

The Board discussed other possible conforming locations including at the end of the drive or to the side of the drive in the side yard area but behind the front of the house. Ms. Morel stated the topography was not ideal on the side of the driveway.

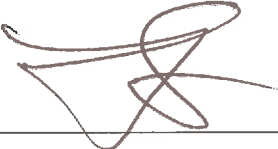
Mr. Smola stated he drove by the property prior to the meeting and agreed it was very visible.

Mr. Frank Aveni of 3789 Deer Run spoke in opposition to the variances stating the accessory building did not fitting the neighborhood, was very visible and did not believe it was in the same location or the same size as the old building. He also said the property had a business where parking on the street was a definite issue.

After some further discussion, Mr. Smola closed the public hearing.

Mr. Smola made a motion to deny the variances due to the request being significant, there are more appropriate locations on the property for the building and it impacted the neighborhood. Ms. Grubb seconded. All members present voted to approve the motion to deny the variances. Motion to deny passed 3-0-0.

Mr. Smola made a motion to adjourn, seconded by Ms. Grubb. All members present voted to approve.

Chairperson  Secretary Patricia Ryan Date 3-20-23