

**MADISON TOWNSHIP BOARD OF ZONING APPEALS  
MEETING  
Thursday, July 10, 2014  
7:00 p.m.**

Chairman Ruck opened the Meeting of the Board of Zoning Appeals at 7:00 p.m. with Ms. Lora Diak, Mr. Robert Lyons, Mr. Tom Sill, Mr. Bob Dubiel and Chairman John Ruck present. Mr. Jerry Klco was present as Zoning Inspector.

A motion to approve the minutes from the May 8, 2014 Meeting was made by Mr. Dubiel, seconded by Ms. Diak. Roll call: All "Ayes"

Chairman Ruck administered the Oath of Accuracy for those who may wish to speak at the meeting.

Chairman Ruck opened the first variance hearing.

Mr. Klco advised the Board that the first variance, application #V-14-495, is located at 7680 Cunningham Rd., for Ms. Diane Szabo and Mr. Kent Welch, permanent parcel # 01-A-084-0-00-011-0. Mr. Klco stated that it was advertised in The News-Herald on June 20, 2014. Mr. Klco stated that the owner and neighbor letters were sent out on June 18, 2014, with one response from neighbor, Mr. John Witt, who stated he had no problem with the variance request. Mr. Klco stated that the variance request is to build a new 2,100 square foot home with a full basement and attached garage. He stated that there is an existing home on the property and they would like to live in the home during construction of the new home. Mr. Klco stated that upon completion of the new home the two individuals have agreed to demolish the existing home within 60 days of receiving occupancy permit for the new home. Mr. Klco stated that Section 105.1.1, A-R Agricultural Residential only allows one single family dwelling per parcel, thus making this a multi-family for a short period of time which requires the applications for this variance. Mr. Klco also stated that the Madison Township Board of Zoning Appeals heard a like variance in 2011 on Southern Street. He stated that the variance was granted and the old home was demolished within the allotted time frame.

Chairman Ruck asked Mr. Bryan Black, the contractor, 580 Erie Road, Eastlake, about the septic system for the property. Mr. Black stated that the new septic would be installed on the west side of the property into the tree line and the new septic field will be installed in the back southeast corner of the property. Chairman Ruck asked Mr. Black if he was going to get rid of the old septic. Mr. Black stated that the new septic tanks have been installed and that the old house will be switched to the new septic. Mr. Black stated that the new house will be hooked up to the new septic when construction is complete. Mr. Klco stated that Mr. St. Claire from the Lake County General Health District has approved the swap. Mr. Dubiel asked what the status of the existing garage is. Mr. Black stated that there is an existing two car detached garage that will remain, along with an existing barn. Mr. Sill asked what the time frame is for switching from the old house to the new house. Mr. Black stated that they have agreed that once the occupancy permit is received that the old house would be demolished within 60 days. Mr. Lyons asked if there was an estimated completion date. Mr. Black stated that the construction should start by the end of the month and have them in by the first of the year.

Mr. Klco asked for the board members to take a vote on the variance request.

Chairman Ruck: yes

Mr. Sill: yes

Mr. Lyons: yes

Mr. Dubiel: yes

Ms. Diak: yes

The board members voted and approved variance V-14-495 for Ms. Diane Szabo and Mr. Kent Welch.

Chairman Ruck closed Variance Hearing for application #V-14-495 @7:11pm.

Chairman Ruck opened Variance Hearing for application #V-14-496 @ 7:12pm.

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Mr. Klco stated that variance #V-14-496 is located at 6988 River Rd., for Mr. & Mrs. William Benjamin Drenik III, permanent parcel #01-A-042-0-00-009-0. Mr. Klco stated that it was advertised in The News-Herald on June 20, 2014 in the legal section. He also stated that neighbor and owner letters were sent out on June 18, 2014 with no responses. Mr. Klco stated that the Drenik's are requesting a variance to sell two acres of their property to the adjacent land owner, EPA Holdings, LLC. He stated that the Drenik's originally owned 10.6 acres and sold the property to EPA to start a vineyard. Mr. Klco stated that the sale of the two acres will leave the Dreniks with 4.5 acres. He stated that Section 122.8 states the minimum lot size in S-1 Green Area is to be 217,800 square feet or 5 acres. Mr. Klco reiterated that the property is zoned S-1 Green Area. Mr. Klco stated that Mr. Drenik had been in about seven years ago for a variance to build closer to the road than allowable. Mr. Klco stated that variance passed and Mr. Drenik did a wonderful job on the house and it looks very nice. Mr. Klco stated that Mr. Drenik has supplied a letter and site plans on the proposed split. Mr. Klco stated that Mr. Drenik originally went to Mr. Dave Radachy to get the split approved and Mr. Radachy informed Mr. Drenik that he would need to get a variance from Madison Township Zoning. Mr. Klco stated that he passed out paperwork to the board that Mr. Radachy had forwarded to him along with his thoughts.

Chairman Ruck invited Mr. Drenik to explain his need for the variance. Mr. Drenik stated that a couple of years ago he had sold EPA Holdings a large plot of land. He stated that EPA has an increase in need and use for the extra 2 acres. Mr. Drenik stated that in regards to the Green Area 5 acre restriction, he knows of many neighbors that have far less than even the acreage he would end up with after the split if the variance was approved. Mr. Drenik informed the board that the land was surveyed and he and EPA came to terms on an agreement. He is asking the board to approve the variance due to the time and money that has already gone into it. Chairman Ruck stated to Mr. Drenik that he has options to have his property meet the five acre requirement. Mr. Drenik stated that there have been options shared, but time and money has already been spent on what was planned. Chairman Ruck stated that the hardship was self-created and the board cannot address that issue. Mr. Lyons asked what the alternative would be. Mr. Klco stated that Mr. Radachy suggested that the NE corner of the property, which is a hillside, be attached to Mr. Drenik's property. Mr. Klco stated that this would give Mr. Drenik the required acreage. Mr. Klco stated that in reference to Mr. Drenik's statement about many neighbors with less than five acres, that there is only one neighbor with less than five acres. Mr. Drenik stated that within a mile and a half from his home there are at least 34 properties that are less than the five acre requirement. Ms. Diak stated that creating more non-conforming lots is not justifiable. Mr. Klco stated that the right of way is not counted in the total acreage of a property. Mr. Drenik stated that he had anticipated that this request would be heard and appreciated for what he has at his property, what is going on across the street from him that essentially the property would remain unchanged to the eye that doesn't know any better. He stated that it would only change where the line is. Chairman Ruck stated that the board must comply with the Zoning Code as it sits today.

Mr. Andrew Austin, 6966 River Rd., stated that he is a neighbor and that he believes what Ben has done with home has improved the view tremendously. Mr. Austin stated that his two cents is that he is in agreement with what Mr. Drenik and EPA Holdings have already agreed upon. Mr. Klco stated that there is no sewer or water and that is one of the main reasons the minimum acreage was changed. Mr. Lyons asked how long the minimum acreage change has been in effect. Mr. Klco stated that it has been since the late 80's or early 90's. Mr. Drenik thanked the board for their time. Mr. Klco stated that the board is not here to persecute anybody, but they have to follow the law. He also stated that he had spoken with both our new trustee and Mr. Weber, previous Director of the Lake County Planning Commission, and both gentlemen stated that they would not vote for the variance.

Mr. Klco asked for the board members to take a vote on the variance request.

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Chairman Ruck: no

Mr. Sill: no

Mr. Lyons: no

Mr. Dubiel: no

Ms. Diak: no

The board members voted and rejected Variance V-14-496 for Mr. & Mrs. Drenik.

Mr. Klco informed Mr. Drenik that he has thirty days to file a complaint with Lake County Common Pleas Court.

Chairman Ruck closed the Public Hearing at 7:42 PM.

Mr. Klco stated that as far as old business goes, the shed on Hearn Dr. will be painted by the end of August. Mr. Klco stated that there will be a Variance Hearing on August 14, 2014 to expand a house and need a backyard variance of 12 feet. Mr. Dubiel asked where the house is located. Mr. Klco stated that the home is located on Cummings Blvd.

There being no further matters before the Board, a motion was made by Mr. Lyons to adjourn the meeting, seconded by Mr. Sill. Roll call: All "Ayes". The meeting was adjourned at 7:44 p.m.

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Mr. John Ruck., Chairman

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Mr. Tom Sill, Secretary

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