

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
FEBRUARY 20, 2008**

Chairman Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members West, Becker, Morel were present. Permanent Board members Karson and Dufala were absent. Alternate Board members John Bostwick and Steve Euse sat in for a full Board.

**Zaremba Group variance request for Building J (5010=5026 Grande Shops Ave)**

Chairman Morel reviewed the file. Secretary Ferencz read the application. The applicant, Zaremba Group LLC. The property owner, Zaremba Grande LLC. Property requesting the variance-Building J (5010-5016 Grande Shops Ave.) Present Zoning-B1. Variation Requested: Section 406.3d1(B) 2-Rear Yard Setback must be 25 ft. Building constructed at 24 ft. from rear property line. Requesting 1-ft. variance.

The explanation for the variance request: Building was approved at 98 ft. but constructed at 100 ft. from road right of way. Because the building was pushed back, it infringed on the rear yard setback of 25 ft.

Mr. Gary Biales from Zaremba Group was sworn in. Mr. Biales stated he is the VP of Development for Zaremba Group. While going through the process of refinancing the property i.e. going from a construction loan to permanent financing of the building, it was discovered during an "As Built" survey that the building was pushed back and constructed 1 ft. under the rear yard setback requirement of 25 ft. Mr. Biales stated he contacted the Township and asked what needed to be done, to which the Zoning Inspector's told him that they would need to apply for a variance and that was why he was before the Board this evening.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? The Board stated yes but at a significant cost.
2. Is the variance substantial? The Board stated no.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board again stated yes but at a substantial cost.
7. Does the granting of the variance uphold the spirit and intent of the Zoning

Resolution? The Board stated yes, it was an honest mistake and the applicant came before the Township Board of Zoning Appeals to correct this situation by applying for a variance.

Mr. West made motion to approve a 1-ft. rear setback variance for Zaremba Group for Building J of Medina Grande Shops (5010-5016 Grande Shops Ave.) It was second by Mr. Bostwick.

ROLL CALL-West-yes, Bostwick-yes, Euse-yes, Becker-yes, Morel-yes.

**MISC.**

Secretary Ferencz read a letter received by Mr. James Bennett who has taken a position with the United States Attorney's Office in Cleveland Ohio. Mr. Bennett thanked the Township for their support and added he has enjoyed his experience working for the Township in his position at the Medina County Prosecutor's Office.

Mr. Bostwick made a motion to designate the Zoning Secretary as authorized on behalf of the Board of Zoning Appeals to mail to any applicant, a copy of the Board's decision in accordance with the letter received by the Medina County Pros. Office dated February 13, 2008 as to when a decision of the Board of Zoning Appeals is formalized. (See file). The remark section of the letter will state, "Notice of Board Action." It was seconded Mr. West.

ROLL CALL-Bostwick-yes, West-yes, Becker-yes, Euse-yes, Morel-yes.


**Minutes**

The minutes to the BZA's January 16, 2008 were approved as written.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:00 p.m.

Respectfully Submitted,

Kim Ferencz  
Zoning Secretary

  
Ed Morel, Chairman