

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
JULY 15, 2009**

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:38 p.m. Board members West, Karson, DeMichael, Becker and Morel were present. Alternate members Steve Euse and Linda DeHoff were also in attendance. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Mr. Lou Corpas (4794 Gateway Dr.) was sworn in. Mr. Corpas asked what the Duncan Factor's mentioned by Chair Morel were as part of the hearing procedure? Chair Morel explained what the 7 Duncan Factors were and how they are to be used as a tool to approve or deny a variance request. Vice Chair West added the Duncan Factors were the result of an Ohio Supreme Court Case (i.e. Duncan vs. Middlefield Township) and are the standards for considering practical difficulty.

Variance Requests

Nerlich variance request-4806 Gateway Dr.

Chair Morel reviewed the application. The applicant was Theresa Nerlich. The property requiring the variance-4806 Gateway Dr. Present Zoning-UR District. Previous Requests-None. Variation Requested Section 403.3.F. Minimum Rear Yard Depth-30 ft. Requested Rear Yard Depth-7 ft.

The reason for the variance request: The rear portion of our property is on a slope that receives drainage from the backyard of our neighbors on both sides of us and from our house. The shed placed at 15' from the side property line and 30' from the rear property line will place the structure in an area that restricts the natural flow for water drainage. The land behind our rear property line runs up to the state property and sound barrier wall for I-71. Placing the shed 7' from the rear property line. Will not have bearing on any residential concerns considering the terrain of the backyard, the builder recommended post foundation as to prohibit any changes in the natural flow of the land.

Ms. Theresa Nerlich (4086 Gateway Dr.) was sworn in. Ms. Nerlich presented pictures of the property showing the slope of the land, where the existing shed erected by the previous property owner was located, and where the proposed shed would be constructed. The pictures also showed the I-71 barrier fence and the chain link fence the State erected. Ms. Nerlich added that the placement of the new shed in accordance with the zoning code would situate the structure in the path of the natural rainwater run-off and causing possible puddling or backup. Placing the new shed towards the rear of the property would allow for natural run-off and no obstructions.

Mr. Becker asked if the existing shed would remain? Ms. Nerlich stated no it would not. The existing shed is 5 ft. from the property line. Ms. Nerlich continued that it was brought to her attention that the previous property owner built the existing shed and addition to the home without obtaining the necessary permits. She was working with the zoning office to bring the structures into compliance.

Ms. Nerlich stated the proposed shed would be built by Weaver Builders and would replicate the look of her existing home i.e. same siding and roofing. Mr. Becker asked the size of the new shed? Ms. Nerlich stated the new shed would be 24' x 16.'

Mr. Corpus stated he was neighbor to the north and had no issues with the proposed shed.

Ms. Stogin, Chair of the Zoning Commission was sworn in. She asked how size of the existing shed? Ms. Nerlich responded 10'x12.'

ZI Ridgely was sworn in and asked that Ms. Nerlich explain what the shed would be used for. Ms. Nerlich stated it would be used for storage. She added she was a schoolteacher and had 2 children in college. Right now she was renting a storage unit on Rt. 18 to keep her school supplies in as well as her children's items for college during the summer. The proposed storage shed would now be used to house these items.

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.
2. Is the variance substantial? The Board stated yes.
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. The shed would not be any closer to the side yard, and that size shed is permitted. The land behind the rear property line runs up to the State property and sound barrier wall for I-71 so it would not affect any neighbors.
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 stated yes-the proposed shed did not have to be built but this seemed like a reasonable solution.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes, particularly if the existing shed is removed which no permits were even obtained for. The current homeowner is trying to correct the negligence of the previous homeowner and making the effort to become in compliance with the zoning code.

Mr. DeMichael made motion to grant a 23 ft.-rear yard setback variance for the property located at 4086 Gateway Dr. for the construction of a 24x16 shed to be 7 ft. from the rear property line. The existing shed shall be removed within 60 days of the construction of the new shed. It was second by Mrs. Karson

ROLL CALL-DeMichael-Karson-yes, West-yes, Becker-yes, Morel-yes.
The variance request has been granted.

Outstanding Meeting Minute Approval

August 20, 2008 meeting minutes.

Mr. West made a motion to approve the August 20, 2008 meeting minutes as written. It was seconded by Mrs. Karson.

ROLL CALL-West-yes, Karson-yes, Becker-yes, Morel-yes.

September 17, 2008 meeting minutes.

Mrs. Karson made a motion to approve the September 17, 2008 meeting minutes as written. It was seconded by Mr. West.

ROLL CALL- Karson-yes, West-yes.

November 19, 2009 meeting minutes

Chair Morel made a motion to approve the November 19, 2008 meeting minutes as written. It was seconded by Mr. Becker-yes.

ROLL CALL- Karson-yes, Becker-yes, Morel-yes.

March 18, 2009 meeting minutes

Mr. DeMichael made a motion to approve the March 18, 2009 meeting minutes as written. It was seconded by Mr. West-yes.

ROLL CALL- DeMichael-yes, West-yes, Morel-yes.

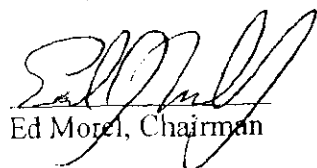
May 20, 2009 meeting minutes

Mr. DeMichael made a motion to approve the May 20, 2009 meeting minutes as written. It was seconded by Mr. West-yes.

ROLL CALL- DeMichael-yes, West-yes, Euse-yes, DeHoff-yes, Karson-yes.

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