

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
NOVEMBER 18, 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, Morel, Becker and DeMichael were present. Permanent Board member Karson was absent. Alternate member Linda DeHoff sat in for a full board. Alternate member Steve Euse was also in attendance. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Variance Requests

Kaminsky variance requests-3717 Cook Rd.

Chair Morel reviewed the application. The applicant is Mike Kaminsky 3823 Cook Rd. Medina, Oh 44256. The property requiring the variance-3717 Cook Rd. Present Zoning-RR. Previous Requests-None. Variation Requested: Section 401.3.D Min. Front Yard Setback-100 ft. Porch will be 64.1 ft. from Cook Rd. Right of Way. Requesting 36 ft. variance. The reason for the variance request: This house was built in 1966 and does not conform to current setback regulations now in place. The porch is designed to allow wheelchair access and turning radius. The house is surrounded by my farm and no houses are visible across the street. The gable roof line of the porch will significantly improve the appearance of the house. The second variance requested is of Section 401.3.E. Min. Side Yard Setback-25ft. Garage will be 5 ft. from the south property line. Requesting a 20-ft. variance. The reason for the variance request: This home was built in 1966 and does not conform to the regulations now in place. My only adjacent neighbor, Rose Arnold, is in favor of the garage. The request is necessary to make the garage more useable. By making the garage wider there will be more clearance between the car and the side of the house as the car pulls up to the garage door. Also there is less chance that the electric meter will be will be hit. The request will greatly increase the curbside appeal.

The applicant, Mr. Mike Kaminsky was sworn in. He stated per the pictures he submitted to the Board, the garage was not useable due to the lack of clearance from the house, no access to the garage from the house and the garage would only accommodate one vehicle. Those were his reasons for wanting to build a new garage. Regarding the porch, Mr. Kaminsky stated the front elevation drawings were modified to make the porch wider to match up the two rooflines.

Chair Morel asked how far the house was now from the side property line? Mr. Kaminsky responded 20 ft. Chair Morel asked how far the house sat from the street? Mr. Kaminsky stated 80 ft. Chair Morel stated the construction of the home pre-dated the incorporation of zoning in the Township.

Mr. West asked if there was anybody else who wanted to speak regarding this issue before the Board? Mrs. Arnold (3727 Cook Rd.) was sworn in. She stated that she lived next door (south) to the property in question and was in favor of the variances for the addition of a porch and garage to the existing house at 3717 Cook Rd. Mrs. Arnold stated the additions would be aesthetically pleasing to the neighborhood and a big improvement to the house.

Mr. Rick Davidson (3718 Cook Rd.) was sworn in. He stated he lived directly across the street from this property and these proposed additions would bring that property back up in terms of the features to be offered. Mr. Davidson stated since Mr. Kaminsky bought the house and property he has and is trying to bring up the property in terms of maintenance and has made several improvements as well.

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 the variance request is substantial for the side yard.
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. There was actual testimony by the neighbors that were in favor of granting the variances.
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? Chair Morel stated short of knocking the house down or not doing any improvements to the property; the variances would be needed as the house pre-dates zoning.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution and would substantial justice be done in granting the variance? The Board stated it would be aesthetically pleasing and an improvement not only to the property in question but to the neighborhood in general.

Mr. West made a motion to approve a 36 ft. front yard setback variance and a 20 ft. side yard setback variance for the construction of a porch and garage at the property located at 3717 Cook Rd. as presented. It was seconded by Mr. DeMichael.
ROLL CALL-West-yes, DeMichael-yes, Becker-yes, DeHoff-yes, Morel-yes.

Medina Creative Housing-Empty Lot (PP#026-06C-07-132)

Chair Morel reviewed the application. The applicant is Medina Creative Housing, 1120 N. Huntington St. Medina, Ohio 44256. The property requiring the variance-empty lot-PP#026-06C-07-132). Present Zoning-BI. Previous Requests-None. Variation Requested:

1. Living Unit Size: Section 307.A.1. Multi-Family one bedroom units require 800 sq. ft. minimum. Request reduction of this amount to 540 sq. ft. Reason: The construction of these units is funded through HUD (811 & 202 programs) and they do not fund units greater than 540 sq. ft.
2. Parking: Section 503.A.2. Multi-Family dwellings require 3 spaces/dwelling unit. Request reduction of this amount to 1.5 spaces/dwelling unit. Reason: There are no garages at these units. The occupants of the HUD 811 units (new parcels B & C) do not drive. The 1.5 spaces/units are very adequate for the visitors and care-givers. The occupants of the HUD 202 units (new parcel D) do not all drive. The 1.5 spaces/unit is adequate for the few driving occupants and visitors.
3. Side yard Setbacks: Section 406.3.D.2 (a) 1. Commercial abutting Residential District requires a 75 foot side yard setback. This occurs along the western lines of the new parcels B & C where it abuts a City of Medina R-3 District. Request a reduction in the required side yard setback along this edge of 45 ft. to a 30 ft. setback. Reason: The use on the adjacent parcel is a residential use and the new residential units proposed on our parcels will blend in with these existing units and would not present a visual or noise problem for the adjacent units.
4. Section 308F.4 (a) Maximum of 6 units/acre allowed. Request a reduction in the required acreage for a new parcel "D" so that 18 units can occupy 2.4 acres. Reason: The need for elderly housing in the Medina community is great and the 18 units will go a long way toward meeting part of this need. The layout and acreage as shown works for the needs of this population and HUD's program. More land in this parcel will not change the layout of the units indicated.

The reason for the variance request: A. The strict application of the above requirement will result in layout difficulties on the site. The indicated layout provides for adequate area to serve the populations that will live here. A reduction in the number of units possible on this site also presents a hardship in meeting the needed units for the community.

B. This property has the advantage of providing a commercial structure along the public road right that can serve the community in a way the parcel was intended. However, the proportions of this existing parcel make it very difficult for a commercial operation to occupy the entire site. The site works well for the proposed use as these populations excel when their location is within reachable distance of many needed services.

C. This project is not detrimental to the public interest in that it is at the outer edge of the BI District and actually does provide a nice transition to the residential districts to its west. The Multi-Family use is an acceptable use within the BI District and therefore meets with the intent of the original Resolution.

The applicants, Mr. Bob Arnold from Arnold Architectural Strategies and Ms. Hagerty, Executive Director of Medina Creative Housing were sworn in. Ms. Hagerty handed out brochures regarding Medina Creative Housing. She stated they were a 5013C non-profit corporation which provides housing options to individuals with disabilities. Over a 17 yr. period they have been able to build 14 units and had a long waiting list of individuals wanting this type of housing. Ms. Hagerty stated they have built a HUD model (Medina Creative Living 1 & 2), which were located at the corner of Reagan Pkwy. and Huntington Rd. At this location they have been able to build very aesthetically pleasing, affordable living units and were able to meet the needs of 20 residents in this one housing project which normally would have taken 20 yrs. to accomplish.

Ms. Hagerty continued that they were lucky enough to have received a grant which is going to allow for this proposed development (8 units and a community room) before the Board this evening to be constructed on the Home Depot parcel. She then turned over the hearing to Mr. Arnold for comment.

Mr. Arnold stated that Medina Creative Housing is looking to develop the property behind GFS and owned by Home Depot. There is a detention basin on the parcel that takes up quite a bit of space on the site. The property is L-Shaped and consists of 6.04 acres. Medina Creative Housing has an option to purchase the property from Home Depot to build this housing project. This property would be divided into 4 separate parcels as each time a grant is awarded by HUD it has to be for a separate parcel. He added that Ms. Hagerty has funding for a project on the site for a two-unit HUD project (811) for the mentally and physically disabled. Unit A which would be a four unit building and Unit B would be a four unit building with a community room. Mr. Arnold stated that Ms. Hagerty was also in the process of applying for funding for two other housing projects that would eventually be built on the site as well. One of these would be a 202 project, which would provide 18 living units for the elderly. Due to the funding and grant requirements by HUD, all of the units would be one-bedroom units and could only accommodate one individual. Regarding the individuals who would live in the 811 project, they are physically and mentally disabled but can live in an independent setting. There would be caregivers that would provide for them based on the individual's level of functioning.

Mr. Arnold continued that they have also parceled off a .92 acre property off Grande Blvd. This would be developed for a commercial/retail/service type use that services the public but provides an income opportunity for the residents living in these projects. He added he was not at liberty to say what exactly would be going in on that property as it was still going through discussions at this time. It would however provide employment opportunities for the residents of the project as the rent is subsidized by HUD. An individual is responsible for 30% of their rent cost. Mr. Arnold then went through the specific variances being requested as follows:

1. Living Unit Size: Section 307.A.1. Multi-Family one-bedroom units require 800-sq. ft. minimum. Request reduction of this amount to 540 sq. ft. Reason: The construction of these units is funded through HUD (811 & 202 programs) and they do not fund units greater than 540 sq. ft. Mr. Arnold said they were able to bump up that square footage to 577sq. ft. for the units built at Reagan Pkwy. and Huntington to add washers and dryers, but generally HUD will not finance units larger than 540 sq. ft.
2. Parking: Section 503.A.2. Multi-Family dwellings require 3-spaces/dwelling unit. Request reduction of this amount to 1.5 spaces/dwelling unit. Reason: There are no garages at these units. The occupants of the HUD 811 units (new parcels B & C) do not drive. The 1.5 spaces/units are very adequate for the visitors and caregivers. The occupants of the HUD 202 units (new parcel D) do not all drive. The 1.5 spaces/unit is adequate for the few driving occupants and visitors.
3. Side yard Setbacks: Section 406.3.D.2 (a) 1. Commercial abutting Residential District requires a 75-foot side yard setback. This occurs along the western lines of the new parcels B & C where it abuts a City of Medina R-3 District. Request a reduction in the required side yard setback along this edge of 55 ft. to a 20-ft. setback.
4. Section 308F.4 (a) Maximum of 6 units/acre allowed. Request a reduction in the required acreage for a new parcel "D" so that 18 units can occupy 2.4 acres for the 202 project. Reason: The need for elderly housing in the Medina community is great and the 18 units will go a long way toward meeting part of this need. Mr. Arnold added that this project does not use the land the way a traditional residence does. There are no kids or pets in this project. These individuals need to be in a community setting.

Chair Morel asked the reason for the commercial use out front off Grande Blvd? He continued that land consists of almost an acre and could have been added to the property that would then not require the variances for the overall density. Ms. Haggerty stated one of the reasons for the commercial use out front was to provide a buffer from the road for those living in these housing units. This commercial development would also provide employment opportunities for these residents. She added in this economy it was hard for the average person to find employment and it was much more difficult for those with disabilities.

Chair Morel asked if the community room would be a fully enclosed building or a pavilion like the project on Reagan Pkwy. and Huntington? Mr. Arnold stated it would be fully enclosed as too was the community room at the other project they were just also building a pavilion as well.

Chair Morel asked about the parking for the caregivers. Ms. Haggerty stated the need for a caregiver would be based on the level of functioning of the individual. With that said an individual might have a care provider come in once a day, once a week, etc. She added

that there would be some individuals that would not even require a care provider. Ms. Hagerty stated currently they are only funded for the 8 units with the community room (parcel B.) The funding for the other phases of the project were an unknown at this time but added they wanted to be upfront with the Township as to their plans to develop the entire area. Mr. Arnold stated they wanted to be upfront with the Township to see if the Township would accommodate such a project in the community.

Mr. Becker stated 34 one-bedroom units were proposed. How would it be enforced that there was only one individual living in each of the units? Ms. Haggerty responded that HUD has very strict guidelines. She added that Medina Creative Living owns and manages the units and would have an office on site to monitor such issues.

Trustee Mike Todd was sworn in. He stated if Medina Creative Housing was the administrator of the grant they would then have to monitor verification of the requirements per HUD for compliance regarding the living capacity permitted for the one-bedroom units. Trustee Todd stated the reason he brought this up is that if Medina Creative Housing did not comply with the requirements of the grant they would then be hard pressed to get another grant issued to them from HUD. Ms. Haggerty confirmed Trustee Todd's statements.

Mr. Thomas Borrer (3747 Watkins Rd.) was sworn in. He stated he has been a Medina Township resident for 28 yrs., and has worked with Ms. Hagerty and Medina Creative Housing. Mr. Borrer added that he was president of the Kiwanis Club and they were the ones on site currently at the other housing project on Reagan Pkwy and Huntington building the pavilion mentioned previously this evening. He stated he has had the opportunity to see the residents of that community and their living patterns and interaction with each other as well as those involved in their care. These individuals are truly trying to have some independence in their lives and this type of housing is much needed in Medina County. Mr. Borrer added that the units were attractive and it would be a good use of the land. Mr. Borrer recommended the Board consider the granting of the variance requests before them this evening.

Mr. Mark Campo (4674 Ledgewood Dr.) was sworn in and stated he has had the opportunity to work with Mr. Borrer and echoed his comments that this would be a good project to be located in Medina Township.

Mr. Mike Carlson (5321 Morning Song Dr.) was sworn in. Mr. Carlson stated he was Chairman of the Board of Medina Creative Housing. He stated he mentions this so the BZA would realize there is a governing board for Medina Creative Housing. Mr. Carlson stated most of those on the board have no affiliation with those residents living in these housing projects. He stated, "We care about others who can't do for themselves." Mr. Carlson added that there is a long waiting list of people who are looking of the opportunity for some type of independent living in a community such as Medina

Township. We can all be proud to have such a project in our community and in surrounding communities in Medina County.

Mr. Overmyer (4477 Remsen Rd.) was sworn in. He stated he was speaking as a resident and not the member of any board. Mr. Overmyer continued that without this project, he could see no other practical use for this property. It is isolated and would not be a good from a viability standpoint for a commercial business due to the lack of visibility. He added he felt this was a very unique project and if the variances were granted it would be a source of pride for Medina Township.

Mr. Rick Davidson (3718 Cook Rd.) asked if the residents of these projects were able to choose their own care providers? He stated the reason he asked is that he heard that Medina Creative Housing provides the caregivers and own the units so that causes a bit of controversy in that Medina Creative Housing says it is a non-profit organization but it seems they are for profit in being in control of the care providers. Regarding the commercial property up front; it seemed like it would be for profit as well. Mr. Davidson added he thought the project was a good idea but there should be a freedom of choice for the residents and they should be able to pick their caregivers. He commented that it appeared if these 34 residents lived in this housing project then Medina Creative Housing had to generate income from them.

Ms. Hagerty stated anyone who lives in these units has a freedom of choice to decide who their care providers are or would be. Medina Creative Living has 5 providers that provide care to the residents. Individuals can choose their own provider and they do choose. Ms. Hagerty stated there was a resident in attendance this evening that lives in the housing units on Reagan Pkwy and Huntington that uses her own care provider. As far as generating income, Medina Creative Housing was providing an employment opportunity as the residents have to pay for 30% of their rent and HUD subsidizes the rest. Regarding the commercial aspect, it would provide opportunities for wages for those residents who live in the housing project and those would be competitive wages for developing skills.

Michelle Workman (1130 N. Huntington Apt. D) was sworn in. She stated she moved into the housing project on Huntington and Reagan Pkwy. and does not use Medina Creative Living's care providers. She uses an outside agency a few hours a day for assistance. Ms. Workman stated this project has provided her accessible, affordable housing in Medina County which was almost impossible to find. Ms. Workman commented that she was very lucky to live in this housing project.

Mr. Todd (4020 Cook Rd.) stated he was speaking as a resident and not a Trustee. Mr. Todd stated he concurred with Mr. Overmyer's comments. To be a community you have to act like a community and take care of the community. The viability of that parcel for anything other than what is being proposed would be extremely limited. This is a creative

use and would be a huge asset to the community. It means a lot to give an individual who has mental and physical disabilities the ability to live independently.

Mrs. Strogin Chair of the Zoning Commission was sworn in. She stated that the front of the lot was the only portion of the property that was commercially viable. There is retail all around the property and no retail use would want to locate in the "L" portion of the property. The back area of the land is a waste unless there is another use and that is why in the BI District multi-family was permitted as another use that would viable for the property. The only difference between traditional multi-family and the units being proposed was that these units would be smaller. Mrs. Strogin stated when this plan was first proposed there were about a dozen variances needed and now they have been reduced to 4. She continued that if the Board chooses to approve the variances the issue of the density needed to be addressed carefully. The gross density permitted is 6 units per acre. They have approximately 5 acres for the residential which would permit 30 units. Mrs. Strogin asked if the commercial piece of property was part of the HUD project? Ms. Haggerty stated no it was not. Mrs. Strogin stated that if down the road Medina Creative Housing decides to sell that lot they could, but it still would have to be developed as a commercial use.

Mr. Mark Crumley Fire Chief of Medina Township was sworn in. Mr. Crumley stated he was also the Fire Marshall for the City of Medina. The first project Medina Creative Housing developed was in the City. When that plan was before the City for approval, he recommended that the units be sprinkled and they complied with that requirement. He added that Medina Creative Housing even went above and beyond and put in smoke detectors with strobe lights in some of the units for those residents who were hearing impaired. Fire Chief Crumley stated these proposed units in the Township would also be sprinkled as well. This provides great protection not only for the residents but the firefighters as well.

Mrs. Strogin stated because this was multi-family, if the plan was approved, the applicant would also be required to have Declarations and Covenants. This would delineate Medina Creative Housing's responsibilities for the roads and maintenance of the buildings. This document would also include deed restrictions and easements regarding the detention basin that Home Depot would have access to and be responsible for its maintenance. The Declarations and Covenants would be reviewed and approved by the Pros. Office. No zoning permits would be issued until this document is recorded.

Chair Morel stated the one issue he had was the commercial use on the front property. He added there was no commercial site at the corner of Reagan Pkwy. and Huntington. Chair Morel stated the way he saw it, was that the applicant wants to take the useable portion of the land and recoup some of the money from it by selling it off and then the applicant would develop the back portion of the property. Ms. Haggerty stated they were not going to sell the commercial lot. Chair Morel then asked what would be developed on the property? He commented, "You say it is going to be for the residents that will live in the

housing project but your other site does not have on site employment opportunity.” Ms. Hagerty interjected they did have a buildable site over by Huntington and Reagan Pkwy. and they were thinking about developing something commercially there as well for the residents to have employment opportunities. Chair Morel commented there was nothing in the zoning resolution that says every square inch of property has to be used/developed.

Ms. Hagerty stated the entire property was zoned commercial (BI District) so in actuality the entire area could be developed commercially. Chair Morel interjected that no one is going to be able to build on the retention basin and no commercial use would want to be located in the rear of the property.

Mr. Borrer stated that he mentioned before that he was working on the site of the other housing project on Huntington and Reagan Pkwy and has observed if these individuals have the ability to work within walking distance there would not be a need for busing like there is at this site which we all pay for. Also, it may be interesting to the community to see a retail use develop like a Goodwill or Hospice center on the commercial portion of the site which could be a benefit to the residents of the housing project as well the community in general. Mr. Bore stated he lived on the other side of Fenn Rd. for 28 yrs. and Grande Shops has been there for 8-10 yrs. and the lot in question has not even been mowed for the last 5 yrs. so at least with this project there would be landscaping.

Chair Morel stated that usually there is a level of give and take in these variance situations; and with no commitment to a use on the commercial portion of the property, the Township could end up with a 35 ft. tall, flat unattractive building in the Township.

Mr. Todd stated he understood Chair Morel’s concern that there is no definitive use for the commercial portion of the property and therefore no control as to if these variances are granted and what would then go in on that property. Mr. Todd continued that what needed to be considered was whether that property was in conformance with the best interest of our community.

Ms. Hagerty stated Home Depot has many restrictions on this lot and what can be built next to them. The reason she was not discussing what the commercial use may be is because they have not formalized what we are going to do. The units have to be built and funded and we don’t have the money to develop the commercial use at this time.

Chair Morel stated he understood Ms. Hagerty’s comments but he was looking at the overall lot and felt the concept was viable but the commercial portion bothered him with all the unknowns.

Mr. West asked about the roads. Mrs. Stogin stated the roads for this development would be private and therefore would be maintained by a private entity and that entity would be Medina Creative Housing. She added that is why she mentioned earlier and was part of the motion made last night at the Zoning Commission meeting; that Declarations and Covenants needed to be in place because there would be 4 separate parcels but there

needed to be the “umbrella” as to whom these entities were responsible to and what the main entity was then responsible for in terms of roads, infrastructure, utilities and building maintenance etc.

Mrs. Strogin stated nobody could question her stance that lower density was best but regarding these units, even though there were 34 units proposed the size of the units in terms of square footage was substantially less square footage than a traditional housing unit in Medina Township which ranged anywhere from 1400 sq. ft. at the low range to up to 5,000-6,000 sq. ft. on the high end.

Mr. West stated Ms. Hagerty’s reputation precedes her and he applauded her creativity and effort. He added he did not have an issue with the 540 sq ft. units or the variance for the parking spaces or the density; but he did have an issue with the side yard setback. Mr. Arnold responded the side yard setback was not an issue with the commercial portion of the property. It was only an issue for new parcels B & C. Mr. West asked the distance of the property line to the nearest residence to the west? Mr. Arnold stated it was approximately 130 ft. He added there was a heavy wooded barrier along the property line.

Mrs. DeHoff stated she was present at the Zoning Commission meeting last night when this project was originally presented. She stated she felt this was a good project to be located in Medina Township. Mrs. DeHoff added that when the commercial use was discussed to be able to provide employment to the residents, she did not picture a big obnoxious building but a use for employment for the residents to possibly make things that could be sold to customers. She added there used to be place in Rocky River that was such a store. Ms. Hagerty interjected that it is important for the residents to do something they gain pride in. The majority of the residents do not have employment but rather time on their hands which if left unchecked could lead them into difficult situations that she and her company would have to intervene in. Employment is an important thing for individuals with disabilities especially when family/friends are scarce.

Ms. Hagerty stated Medina Creative Housing has a mission and they would fulfill their mission in conjunction with what Home Depot is restricting because they don’t want a business competing against them. These restrictions would run with the land. Therefore there are a lot of assurances that would be in place. Ms. Hagerty stated they would not put a commercial use in that was not aesthetically pleasing or something that Medina Creative Housing would not be proud of being associated with. Ms. Hagerty stated Medina Creative Housing has a reputation that we value as well as the community support we get when we build our housing projects.

Mr. DeMichael asked where the people live now that would be moving into this housing project? Ms. Hagerty responded they had a waiting list of 160 individuals. They are all Medina County residents. These individuals are currently living in a variety of settings i.e. some place they would like to move out of; as well as parents looking to place their

children in a secure, independent setting before something happens to them and they can no longer care for that individual.

Mr. Becker stated he came to tonight's meeting looking at this as a massive rezoning but believed his mind has been changed. He added the only thing that bothered him as well was the commercial portion of the project and the unknown as to what will be developed there. Mr. Becker stated he would appreciate straightforwardness regarding the commercial portion of the project. Ms. Haggerty responded it was not that they don't want to talk about it; there were just no particulars as of yet. She added she did not want to say it would developed as x and then that changes.

Mr. Campo asked if spaces would be leased out in the commercial portion because if so then maybe the residents would not have the opportunity for gainful employment. There are some businesses that can't or won't hire individuals with disabilities so that would be a concern. Ms. Haggerty again stated they intend to do something with the commercial portion of the property but there were no particulars. The residents work very well with plants, animals and doing repetitive functions. Therefore the options for the commercial property would be limited.

Mr. Todd stated he was speaking as an attorney and did not know if the BZA had the authority to enforce a negative easement in order to make it part of the variance requests. If so it would be the way ease the concerns the Board had and allow them to move forward with this project.

Mrs. DeHoff stated it said previously that HUD would make a commitment to this project for 40 yrs. If for some reason Medina Creative Housing was dissolved, would that commitment still stand? Ms. Haggerty stated HUD would take it over and find another managing agent to run the operation. Mrs. DeHoff asked what if the funding for the other portions of the project do not come through? Ms. Haggerty responded then the land would just sit vacant.

The Board then reviewed the Duncan Factors regarding the square footage variance request of the living units:

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.
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 the applicant has an option to purchase the property.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated no.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution and would substantial justice be done in granting the variance?

The Board stated after listening to the testimony they believed the granting of the square footage of living space per unit variance would uphold the spirit and intent of the Zoning Resolution.

The Board then reviewed the Duncan Factors regarding the variance request for a reduction in the number of required parking spaces:

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, it was 50%.
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 the applicant has an option to purchase the property.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated no.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution and would substantial justice be done in granting the variance?

The Board stated after listening to the testimony they believed the granting of the parking variance would uphold the spirit and intent of the Zoning Resolution.

The Board then reviewed the Duncan Factors regarding the side yard setback variance request:

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, it was 60%.
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 the applicant has an option to purchase the property.
6. Whether the problem can be solved by some other manner other than the granting of

the variance? The Board stated no.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution and would substantial justice be done in granting the variance?

The Board stated after listening to the testimony they believed the granting of the side yard setback variance would uphold the spirit and intent of the Zoning Resolution.

The Board then reviewed the Duncan Factors regarding the reduction of acreage variance request (for new parcel "D" so 18 units can occupy 2.4 acres):

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 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 the applicant has the option to purchase the property.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution and would substantial justice be done in granting the variance?

The Board stated after listening to the testimony they believed the granting of reduction of acreage requirement would uphold the spirit and intent of the Zoning Resolution regarding the overall project considered.

Mr. West made a motion to approve the following variance requests for Medina Creative Housing to develop the site plan to be known as Medina Creative Living on PP# 026-06C-07-132 as a multi-family and commercial use as presented:

A 260 sq. ft. area variance of Section 3-7.A.1. Living Space to construct one-bedroom units consisting of 540 sq. ft. each; a variance of Section 503.A.2 Parking to allow 1.5 parking spaces per dwelling unit; a 45 ft. side yard setback variance of Section 406.3.D.2.a (1) on the western boundary line of new parcels B & C where it abuts the City of Medina R-3 District; a variance of Section 308.F.4. (a) to allow a reduction in required acreage for new parcel "D" to permit 18 units to be constructed on 2.4 acres. It was seconded by Mr. Becker.

ROLL CALL-West, Becker-yes, DeHoff-yes, DeMichael-yes, Morel-yes.
The variance requests were granted.

Meeting Minute Approval

September 16, 2009 meeting

Page 14 BZA 11/18/09

Mr. West made a motion to approve the September 16 2009 meeting minutes as written. It was seconded by Mr. DeMichael.

ROLL CALL-West-yes, DeHoff-abstain (not in attendance at meeting) Becker-abstain (not in attendance at meeting) DeMichael-yes, Morel-yes.

October 21, 2009 meeting

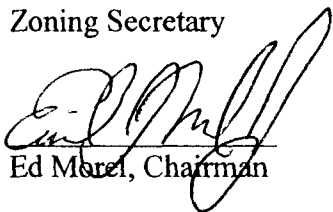
Mr. West made a motion to approve the October 21, 2009 meeting minutes as amended. It was seconded by Mr. Morel.

ROLL CALL-West-yes, Morel-yes, Becker-yes, DeHoff-yes, Michael-abstain (not in attendance at meeting).

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 9:28 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary



Ed Morel, Chairman