

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
JULY 21, 2010**

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:35 p.m. Board members Morel, Becker, West, DeMichael and Karson were present. Alternate Board member Linda De Hoff was also in attendance as well as alternate member Mike Stopa. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

**VARIANCES**

**Harth variance request-4163 Bentwood Trail.**

Chair Morel reviewed the application. The applicant is Northcoast Builders Inc. (Mr. Mike Hessemann) representing the property owner Mr. George Harth. The property requiring the variance-4163 Bentwood Trail. Present Zoning-UR. Previous Requests-No. Variation Requested: Section 403.3.D. Front Yard Depth-Requesting 40-ft. setback in order to meet rear yard pond setback. Request 10' variance. Reasons for the variance request: A. Can not fit the house in the current building envelope. B. Depth of envelope in extremely shallow. C. This variance would blend in well with surrounding properties.

The applicant, Mr. Hessemann from Northcoast Builders Inc. representing the property owner Mr. George Harth, was sworn in.

Chair Morel stated there are stakes all over the property in question and asked if those were the legal building lines or where the proposed house would be built? Mr. Hessemann stated the property was recently re-staked and that is where we propose to build the house. The proposed garage is in line with the house next door to the west. Mr. Hessman believed the neighbor was at a 44-ft. setback and they were proposing to be at a 40-ft. setback. Mr. Becker stated then the stakes were not placed where the house was going to be built; the house would still be brought forward another 10 ft. Chair Morel stated what was the issue of putting the house where the stakes are currently and chopping off the 12 ft. extension that goes to the rear. Mr. Hessemann responded that really was not the problem. The problem is the back corner of the garage. The house was originally flipped so the 10-ft. section on the back would be on the other side of the property to fit the house better but there was still the issue of the corner of the garage.

Mr. Becker stated if the house were brought forward it would not line up with the other homes on the street. Mr. Hessemann stated it would line up within 2 ft. to the house to the west. Mr. Hessemann stated he believed that the house to the west was at 42 ft. not 44 as he stated previously. Mr. Becker stated the proposed house would still not line up with the other homes on the street. Mr. Hessemann stated he could push the home back another 2 ft. because he had 27 ft. in the rear and the code only calls for 25 ft.

Mr. Becker stated the side yard stakes are at 14 ft. and the code calls for 15 ft. Mr. Hessemann stated the house would be built with 15-ft. sidelines. The overall width of the house is 60 ft. Mr. Becker stated the dimensions on the plan add up to the house being 70 ft. in width. Chair Morel asked how wide was the lot? Mr. Hessemann stated 110 ft. Chair Morel stated the house would fit on the lot if placed sideways.

Chair Morel then asked the size of the proposed house? Mr. Hessemann responded approximately 3,000-sq. ft. total living space. Chair Morel stated it was not an extremely large house for this development but it is for the lot. Chair Morel added he did not see allowing this house to be in front of the house to the west when the front yard setback is 50 ft. and the house to the west has a 44-ft. front yard setback. He stated he did not feel he could support the variance request. This is a lot the developer created that is "difficult" to say the least when 1/3 of the lot is in the water and goes almost to the other shoreline. The developer then leaves the property owner with a lot that could barely accommodate anything.

Mr. Becker commented that to move this house even closer in front would make it stick out like a sore thumb. Chair Morel agreed and stated that even though the road right of way was wide in this area this house would be in front of the other homes and did not feel it would be fair to the neighbors to grant this variance.

Mr. Hessemann stated the house next door has a 44-ft. front yard setback. He said he could get the proposed house to 42 ft. and still meet the rear yard setback of 25 ft. Chair Morel and Mr. Becker stated they did not want the house built in front of the house to the west which was already at a 44 ft. front yard setback. Mr. Hessemann stated he could move the house to be built at 44 ft. to accommodate the corner of the garage but then the rear yard setback would be 23 ft.

Mrs. Strogin Chair of the Zoning Commission was sworn in. She asked the applicant if the property had been purchased already? Mr. Hessemann stated yes. She then asked didn't the owner who purchased the property realize half the property was the lake? Mr. Hessemann responded yes he did but he did not realize the rear yard setback of 25 ft. Mrs. Strogin stated shouldn't it have been the purchasers obligation to have checked on the zoning before he purchased the property? Mr. Hessemann stated yes. Mrs. Strogin asked what the 12-ft. dimension was on the house plan? Mr. Hessemann responded a sunroom. Mrs. Strogin asked if it could be made smaller? Mr. Hessemann stated that was not the problem it was the northwest corner of the garage that was the issue.

Mr. West stated he would like to see the setbacks be consistent. Chair Morel asked if Mr. West would support a 44-ft. front yard setback like the house to the west? Mr. West stated yes as well as Mrs. Karson and Mr. DeMichael.

Mr. Ron Mead (4175 Bentwood Trail) was sworn in. He stated his house was the home to the west with the 44-ft. front yard setback. Mr. Mead continued that he was granted a

variance for his front yard setback because  $\frac{3}{4}$  of his property was the pond as well. Mr. Mead stated he wanted to build a ranch-style home. The only way that could be done was by requesting a 6-ft. front yard setback variance. He added he did not purchase the property until the variance request was granted. The hardship was the developer could not sell the property unless the purchaser built a 2-story home. Mr. Mead stated the variance was then granted for him to build his home at a 44 ft. front yard setback. The proposed house could be made any size because it is a 2-story home therefore he personally did not see a hardship. The house size could be reduced. Chair Morel asked Mr. Mead what was the square footage of his home? Mr. Mead stated 2,000 sq. ft.

Mr. Becker stated he could not support moving the house forward 10-ft. as it would stick out from the rest of the homes on the street. He added he would abstain. Chair Morel stated the size of the house could be reduced but this was not a neighborhood of small homes. The proposed house is 3,000 sq. ft. but not extravagant. The lot is going to be a problem whether somebody wants to 2,000 sq. ft. ranch or a 3,000 sq. ft. 2-story home. Problem lots come up time and time again and the Board tries to deal with them in the best manner possible through the granting of variances and still allow a homeowner to build what they have worked their whole lives for. Chair Morel stated he could support a 6-ft. front yard setback variance and 2 ft. rear yard variance.

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 6 ft. out of 50 ft. is better than a 20% variance. A 2-ft. variance in the rear is not substantial. .
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. There was still 23 ft. in the rear over by the garage to get behind by if you need to fight a fire back there.
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.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated the spirit and intent would be preserved if a 6 ft. front yard depth and 2 ft. rear yard setback was granted.

Mr. West stated he was troubled by the developer creating this mess and then the Township has to make a house fit into the requirements. Would a 6-ft. variance put the house at the same setback as the house to the west? Mr. Mead stated yes but a 10-ft. variance would put the proposed house in front of the neighbor on the other side. Chair

Morel stated a 6-ft. variance in the front and a 2-ft. variance in the rear would make the house more in line with the neighbors.

Mrs. Karson stated it was the same situation where a house is built right to the envelope line. The options are to reduce the size of the house or grant the 6-ft. variance for this house to be inline with the neighbor to the west but the house would still be in front of the house to the east.

Chair Morel made a motion to grant a 6 ft. front yard depth variance and a 2 ft. rear yard variance from the pond for the construction of a home at 4163 Bentwood Trail. The house to have a 44 ft. front yard depth setback and a 23 ft. rear yard depth setback from the existing pond. It was seconded by Mr. Becker.

ROLL CALL-Morel=yes, West=yes, Karson=yes, Becker=abstain, DeMichael=yes.

**Russell Park variance request-3848 Medina Rd.**

Chair Morel reviewed the application. The applicant is J&RR Investments. The property owner is Mr. Ron Russell. Address of the property requiring the variance-3848 Medina Rd. Present Zoning-BL. Previous Requests-Yes, for signage. Variation Requested: Section 503.D.1.C-Parking Spaces, Business/Office Required: 4 spaces per 1,000 sq. ft. Variance request-21 parking spaces. Reasons for request: A. We are trying to market our lower level to potential tenants in the area. Right now we are only able to lease 2500 sq. ft. of 7800 sq. ft. We are currently being taxed on the entire amount as usable space. We would like to market this space to potential office/medical tenants that would desire to be close to the new hospital behind our property. Total approved parking spaces=63. First Floor-13,200 sq. ft. requires 52.8 parking spaces. Lower Level-2,550 sq. ft. of the total 7,800 sq. ft. Lower level. The lower level requires a variance for 21 parking spaces.

The applicants, Mr. Ron and Jeff Russell were sworn in. Chair Morel stated he was confused by the numbers. He stated the building was 13,500 sq. ft. and there needed to be 4 parking spots for every 1000 sq ft. Mr. Russell stated the square footage was actually 12,500 sq. ft. He added they had to remove 6 ft. of the building all around the sides but the taxes on the property were not amended. Mr. Becker asked if Mr. Russell contested the amount of the taxes owed since the square footage was not correct. Mr. Russell stated he did, and the Medina County Auditor said too bad. When the building was being constructed, the building inspector stated the building had to be moved over 6 ft. because of the drop off or the building could not be built. Therefore they lost almost a 1000 sq. ft. The new building dimensions were never reflected on the tax bill.

Mr. Russell stated they also sold property in the rear to Summa Hospital but retained the right to park on the property but did not own the property. As a result they decided to move the parking to the side of the building. The reason they sold the property to Summa was so they did not have to pay taxes on the property. Summa does not want to sell back the property. Mr. Russell stated he could not understand why he could not park on property that he owns a fee simple deal on. The Pros. Office has stated that he could not

park on the property unless he owned it. Mr. Russell stated he was now before the Board wanting to use the building he was paying taxes on but he needed a variance for the parking.

Mrs. Stogin stated when the site plan was presented for the building the 12,500-sq. ft. was only the upper level of the building. The downstairs of the building was never discussed to be used as office space. It was stated that the basement was going to be used for storage. That is why the parking spaces for the useable building space were approved. There are a total of 63 parking spaces currently and the building as it is currently being used requires 52 parking spaces therefore there were 10 extra spaces. However if Mr. Russell wants to use the entire basement (7,900 sq. ft.) for office space a variance would need to be granted for 21 additional parking spaces. Mr. Russell stated he could not use the basement for storage because one could not store papers, etc. in the basement with offices above per the law.

Chair Morel asked if Mr. Russell owned more property? Mr. Russell stated they owned the property behind their building and Summa bought a 1/3 of it. The land really could not be used for parking because it is where the retention area was located. Mr. Becker asked if Mr. Russell could lease parking spaces from Summa? Mr. Russell stated Summa's building and parking was even further back (approximately 1,000 ft.) so that would not make sense to have individuals park that far and then enter their building.

Mr. Russell again inferred that the Township was taxing the entire building and he was not using the entire building for office space. Chair Morel clarified that the Medina County Auditor's Office was responsible for the tax bill not the Township. Mr. Russell stated he was not expecting the entire 21 parking spaces to be granted but if not then let him use the basement as storage. Mr. Russell stated he would be willing to put sprinklers in the basement. Chair Morel stated variances run with the property and that would be considered a use variance to be able to use the basement as storage and the test to grant a use variance was very strict. The law preventing use the basement for storage and office above was probably a fire code or building code or even a health department standard. It was not the Township's requirement.

Mr. Becker stated there were already variances granted for this property for signage and questioned where Mr. Russell would obtain space for additional parking spaces. Mr. Russell stated they already had extra parking spaces by the building. There is plenty of parking available. The tenants in the building are a good mix. There is a bank, a chiropractor and Russell Realty. Mr. West stated he was not in favor of granting the variance request for 21 parking spaces out of 63. Mr. Russell stated he agreed but added for no variance whatsoever to be granted for this building was not reasonable either.

Mr. Russell continued that regarding the sign variance they were compliant. Yes he did request a 2-ft. height variance but it was denied. Then he moved the sign to the parking lot and now he had a 30 sq. ft. sign. There is no variance for signage.

Chair Morel asked about the retaining wall to the east rear of the property? Mr. Russell stated there was a rock retaining wall that drops down 10 ft. They have an easement on this property to the retention pond. The issue is it is too big of drop to use that area for parking. To be able to use the area for parking would be very expensive. Mr. Russell stated the bigger issue was that they did not own the property. Mr. Russell stated this issue was discussed with the Pros. Office and yes they have an easement to use the land for parking but because they did not own the land the Pros. Office stated they could not park on it. The part of the deal with Summa was a perpetual easement for parking. Mr. West asked, can't you buy the land back? Mr. Russell stated Summa won't sell it back. The deal is done. He added he did not know of any other Township where he could not park on property he had an easement to do so.

Mrs. Strogin stated legal counsel has stated that Mr. Russell cannot park on property he does not own. She added even with no variance granted, Mr. Russell could still lease out 2,550-sq. ft. of the building and have adequate parking. This hardship is one of the property owner's own making because they sold off their land they had for parking.

Again Mr. Russell stated he was being taxed on the entire building as if he could use the whole building and he cannot. Chair Morel stated that the whole building was not even rented. Mr. Russell stated in the back of the building is a retention pond. The closest parking spaces he could utilize were so far from the building that it was not feasible.

Mrs. Strogin stated 52.8 parking spaces were required for the first floor level of the basement. Ten parking spaces would be required for the additional 2,550 of useable building space and an additional 21 parking spaces would be required for the entire lower level. Therefore the total number of parking spaces needed would be 83 and Mr. Russell was short approximately 21 parking spaces. Mr. Russell stated he was not suggesting for the entire variance request to be granted but asked the Board what would you be willing to approve?

Chair Morel stated doing the math  $\frac{3}{4}$  of the building could be rented out. Mrs. Strogin interjected that if Mr. Russell had told the Zoning Commission that he wanted to rent out the basement the Commission probably would not have approved the plan because they would have had to have more land to accommodate for the parking. What was presented was for the first floor of the building to be used as office space. Then Mr. Russell sold off the property he could have potentially used for the additional parking.

Mr. Russell asked the Board to review the Duncan Factors.

The Board reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? The Board stated yes. Mr. Russell stated there was no return for the taxes once they appeal the Auditor's determination. Chair Morel asked if Mr. Russell was

currently renting out part of the building? Mr. Russell stated yes but without the variance there was no return for the entire building.

2. Is the variance substantial? The Board stated yes. Mr. Russell asked, what number of parking spaces was substantial to request? He stated he agreed 21 parking spaces were too many but what number wasn't?
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 in effect 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? Chair Morel stated a substantial portion of the building could be rented. Mr. Russell stated his response to this factor was no.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated not 21 parking spaces. Mr. Russell stated he agreed.

Mr. Becker stated when you built the building you did so with a basement and knew you wanted to use it for something why didn't you say that when you originally came to the Township for approval? Mr. Russell responded the only reason the building has a basement is that there was a drop off, which was very substantial. There were two choices at that point, dig a hole and fill it with premium fill or build a basement. It was too expensive to dig a hole and fill it with premium fill. That was the topography of the land. Mr. Russell added Mrs. Strogin's comments were correct. When we first came with the plan for the building there were not going to be any businesses in the basement.

Mr. Russell stated similar variances were granted to other businesses. To grant no variance was really pushing it. Mr. Russell said yes he did request 21 parking spaces but those numbers change all the time once one comes to a meeting. He continued the applicant before requested a 10-ft. variance for the house and the Board granted 6 ft.

Chair Morel asked what was Mr. Russell looking to get approved? Six spaces? Ten spaces Mr. Russell stated 6-10. A number could be compromised.

Trustee Gardner was sworn in. She asked about the church next door and was there anymore property that could be purchased from them for parking for Mr. Russell? Mr. Russell stated the church may have a problem with its square footage and if they wanted to expand. He added he did have an agreement with the church that they could use his property for parking on Saturday and Sunday but they did not own the property. In return the church has stated we can use their property during the week. Mr. Russell said he had a great relationship with the church. Trustee Gardner stated where the drive-thru was located for the credit union in the back, there is some parking back there. Then there is

some property in the back that Mr. Russell owns. There is a retention wall to the east. Is there any parking available at all along that driveway where some parking spaces could be accommodated? Mr. Russell stated no because of the layout of the ingress and egress and it then drops off into the retention basin. He added he had looked at that area and there is not enough room for BFI trucks to get the trash if parking was put there. To move the trash receptacle would prove difficult for the tenants to utilize for their trash.

Chair Morel stated he could support 6 spaces or a 10% variance. Mr. West asked what would the Board be granting a variance for? Chair Morel stated the motion could be based on the number of parking spaces the Board was in agreement to give and therefore that would correspond to the amount of useable square footage of the building Mr. Russell could utilize. Chair Morel stated based on the Board's discussion Mr. Russell could rent out 17,200-sq. ft. total with 63 parking spaces instead of the 69 spaces that would be required. Mr. Russell would be able to rent out 4000 sq. ft. of the basement.

Mrs. Strogin interjected that the uses in the basement would be critical to make sure there are enough parking spaces as the variance goes with the land. Mrs. DeHoff was sworn in and stated she agreed with Mrs. Strogin's statements and added if the use was a doctor's office then there was the potential for parking spaces to be utilized at one time. Mr. West stated he felt the parking requirement of 4 spaces per 1000 sq. ft. was a reasonable requirement.

Mr. Becker and Mr. DeMichael stated they could support a 6 parking space variance. Mrs. Karson stated she was not sure. Mr. West stated he was concerned how a motion would be made but could not support a 6 parking space variance.

Mr. Becker made a motion to grant a parking variance for 6 parking spaces for a total of 69 parking to accommodate an additional of 1500 sq. ft. of usable square footage for Russell Park Office Bldg. located at 3848 Medina Rd. as presented. It was seconded by Mr. DeMichael.

ROLL CALL-Becker-yes, DeMichael-yes, Karson-no, West-no, Morel-yes.

**Specht variance request-2872 Franklin Dr.**

Chair Morel reviewed the application. The applicant/property owner is Eric Specht. The property requiring the variance-2872 Franklin Dr. Present Zoning-RR. Previous Requests-No. Variation Requested: Section 401.3-Lot and Yard Requirements specifically Section 401.3.E-Minimum Side Yard Width, Section 401.3.D. Minimum Front Yard Depth and Section 401.3.F.-Minimum Rear Yard Width. I desire to build a garage/barn like structure that will sit 60 feet off my east property line and 25 ft. of my south property line.

The county divided the property into two parcel numbers when the plots were laid out in the early 1960's. This division occurred in past when William and Ann Stoen had owned three parcels and built a house on two of the parcels. According to the county records, parcel -26-06B-03-016 (See Exhibit A) has a house built on it, where as parcel number



26-06B-03-017 (See Exhibit B) is listed as vacant. The house was built in 1965 when there was no zoning in the township.

I desire to build the garage/barn structure on parcel 26-06B-03-017. This garage/barn is 30 feet by 50 feet and will be build 25 ft. off the south property line and 65 ft. of the east property line. (See diagram).

The parcel is unique and oddly defined. The front is 100 ft. running east/west. This line then continues as a sideline for 979 ft. to the west. The east property line is 115.08 ft. running north/south. The south, east/west line of 1083 ft. The far west property line, running north and south is 115.47 feet in length. (See diagram).

The township resolution Section 401.3 would never permit any structure to be constructed on this parcel. The definition in Article II defines the frontage as a line that is at a right angle with the street. The county has determined that the front property line is 100 ft. running from the east/west from the northeast corner of the parcel. Since the adjacent north/south sideline is about 115 ft.; no building could be built since there only remains 15 ft. available if Section 401.3.D. is applied. Similarly, given the defined front line as decided by the county this means the rear line is the long east/west line of 1083 ft. If this is true, then the building must be 40 ft. of the rear line according to Section 401.3 F. As can be seen, a physical impossibility exists for a building being 100 ft. back from the front yet 40 feet from the rear in a space of 115 ft.

Alternatively, if the east property line (running north/south) is considered a side line of the 115 ft. and the south property line (running east/west) is considered a side line, then the garage may be built 25 ft. off each of these lines. This is my proposal.

I desire to build the garage in the southeast corner of the parcel, 65.4 ft. off the east property line and 25 ft. off the south property line sideline. The garage is 30 ft. by 50 ft. with the 50 ft. side running north and south and the 30 foot side running east and west. (See Diagram). If the front line is the one defined by the county, and given the width of the property as 115 ft. then I request a variance of 60 ft. from the front line per Section 401.3.D.

Additionally, if the board determines by rear property line is the east/west line of 1083 ft. that is the southern property line of the parcel, then I request a variance of 15 ft. per Section 401.3.F. However, if the board determines that this southerly property line is a sideline, then no variance is needed.

Reasons for the variance request: A. As stated above the strict application of the provision of the Zoning Resolution Section 401.3.D. and Section 401.3.F. would make impossible to build any structure 100 ft. from the defined front line and 40 feet from the defined rear line in a space of 115 ft. The parcel was defined before any zoning regulation was in effect and when the only criteria were 15 ft. off any line.

B. As stated above the parcel was surveyed and laid out in the early 1960's. before any zoning was in effect in the Township. Further the parcel is unique in that it is comprised of one-half of the end of Franklin Dr. When this area was developed the front requirement was only 100 ft. Further when the developer Ken Cleveland developed this

street, anyone could purchase adjoining parcels and build on all the parcels. This is not only double the parcel that is built on Franklin Dr. Additionally, the topography of the parcel renders it impossible to build the garage/barn anywhere else. (See diagram and photographs).

C. The area is defined as rural/residential. Further this parcel compromises the end of the street and is a wooded lot. Such a garage/barn will not detract from the rural setting in them neighborhood. In fact many will homes on Franklin Dr. have similar such buildings. It must be remembered that when this area was developed the zoning resolutions were not in effect.

The applicant also responded to the Duncan Factors as follows:

1. Will the property yield a reasonable return or a beneficial use without the variance request? Yes.
2. Is the variance substantial? That depends on what definition is applied. If the front line is, considered as the line defined by the County Auditor, then yes it is substantial. Moreover, if the rear line is defined as the long southern property line then the variance requested under Section 401.3 F is similarly substantial. Further if the application of Section 401.3D and similarly Section 401.3F would lead to a practical impossibility and an unjust result.
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? No. The area is rural and many houses on Franklin Dr. have many garage/barn like structures on the property.
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? No. I discussed this issue with real estate agent who researched the issue and indicated that there were no restrictions. When I looked at the property, I considered the east property line and the south property line to be the sidelines, not a side and rear, with the front line to be 100 feet away.
6. Whether the problem can be solved by some other manner other than the granting of the variance? No. The strict application of the zoning resolution would create impossibility. There is a lake behind the house that fills in a large ravine that prohibits the building of this garage behind the house. Further, this typography of the parcel limits access to the back of the property.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Yes. This is an unusually placed lot. Strict application of the regulation would lead to an impossible unjust situation. Further, there were no zoning regulations in effect when the area was developed.

The applicant, Mr. Eric Specht was sworn in. Mr. West stated the Board needed to consider what is the front line of the property. Mr. Bostwick was sworn in as he prepared the application and subsequent documentation. Mr. Bostwick stated when Mr. Specht purchased the property he thought it was all one piece of property.

It was when Mr. Specht went to the Building Dept. to get a permit that he realized he had another 100 ft. of frontage. The two parcels were never joined. Mr. West stated what needed to be agreed on is that Mr. Specht is seeking a 60 ft. front yard depth variance on PP # 026-06B-03-017. The Board agreed with the Auditor's definition of the front line. The rear yard depth would need a 15-ft. variance.

Mrs. Strogin stated the issue is the property is actually two different parcels. The applicant could combine the two parcels there would be no issue. Chair Morel stated to do so would cost around \$3,500-\$4,000 which was ridiculous to build a barn/garage especially since the house was built before there was zoning in the Township. The Board agreed.

The Board 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 it was fairly substantial in terms of the variance but not in terms of the reality of the property layout.
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 in effect 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 this was an unusual lot.
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? The Board stated yes especially since the house was built before zoning was enacted in the Township.

Mr. West made a motion to grant a 60 ft. front yard depth variance and a 15 ft. rear yard depth variance for the construction of a garage/barn for the property located on PP# 026-06B-03-017 Franklin Dr. It was seconded by Mrs. Karson.

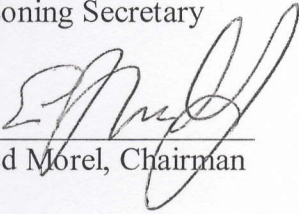
ROLL CALL-West-yes, Karson-yes, Becker-yes, DeMichael-yes, Morel-yes.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 9:23 p.m.

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Respectfully Submitted,

Kim Ferencz  
Zoning Secretary



Ed Morel, Chairman