

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
JULY 17, 2019**

PUBLIC HEARING

Chairperson Morel called the public hearing of the Medina Township Zoning Board of Appeals to order at 7:00 p.m. Permanent Board members West, Watts, Blakemore, Basilone, and Morel were present. Morel then explained the procedures of the hearing.

Deidrick variance request - 2833 Franklin Dr.

Secretary Ferencz read the application into the record. The applicant is Nathan Deidrick. Address of the property requiring the variance - 2833 Franklin Dr. Zoning - RR. Previous variance request(s) - No.

Variance being requested & Explanation of Requested Variances:

Section 401.3E. Minimum Side Yard Setback-25 ft. Pole barn will be located 5 ft. from the property line. Requesting a 20 ft. variance.

I am in need of this 20-foot variance due to the circumstances beyond my control. First, the location of the pole barn cannot be moved given the septic tank location (specifically the distribution box) as in pictures marked A. Originally I was going to build a much larger pole barn at 24x50, but went with a 20x50 to try to keep it away from property line and septic tank. However, I cannot go smaller because I need to have enough room to store my 40' camper. Picture B shows the location said pole barn would sit off the property line. Secondly, the location of a large maple tree (picture C) in the rear of the pole barn. Given the size of this tree and the root system, I cannot move the barn further back. Thirdly, pictures D & E shows the access from current driveway into barn. I cannot move the location of the barn given the driveway location. I will not have enough room to get around the back corner of my house with my motor home. The last picture displays what the barn will look like and the colors I will be using. It will match the house.

The applicant, Mr. Nathan Deidrick was sworn in. He stated moving the barn back...his distribution box is 10 ft. off and it goes further back to the left so the whole back of the yard is the leach field so I don't want to move the building further back and over as it will be on top of the leach field. Everything else is explained in the application. I took as many pictures as I could.

Chair Morel asked what about cutting down the tree. Then you could move the building back and over. Mr. Deidrick responded to move it over...that was where his leach field was located. Its 10 ft. and goes straight out and all to the left.

Chair Morel stated this was a huge variance. You're right next to your neighbor and they have a pool, a nice house and they were 25 ft. from the side yard. Mr. Deidrick stated he did talk to his neighbor and they had no problem with this request. He added he asked them to come up this evening but they could not make it. They said the building would give them a bit of privacy with their pool. Mr. Deidrick continued he showed them the material the building would be built with which would match the house and they had no problems with it.

Mr. Basilone asked why the building could not be built way to the left? Why could it not be moved down by the lake? I know there would be an extra cost involved but in terms of the septic system...the lot is 400 ft. in depth. Mr. Deidrick stated he was a plumber and camera's the entire leach field and it goes back to the barn.

Mr. Basilone stated the leach field goes straight back to the lake? Mr. Deidrick stated yes; there are three lines. Mr. Basilone commented it was a beautiful home. However he thought the building could be moved farther back but yes it would block the view of the lake.

Mr. Deidrick stated if the requirement was 25 ft. from each side yard line then he would not be able to maneuver his motor home into the building. Chair Morel stated if you cut the tree down you would have more room to maneuver the motor home to the center of the lot. Mr. Deidrick responded then he would be over his leach field.

Mr. Basilone commented he wished the neighbor would have attended this evening because when he considers a variance that factor weighs heavily for him. He stated that was an awfully big building that was close to the neighbor's house and pool; if I lived next door I would not want the variance to be granted. Mr. Basilone stated he would like to hear comments from the individuals present in the audience if they would like to speak.

Mr. Peter Elliot (2823 Franklin Dr.) was sworn in. He stated he was the neighbor to the west of the applicant. I went through this 4 years ago with a variance request myself. I had 2 parcels. I understand the 25 ft. setback requirement. I went around and talked to my neighbors. I knew nothing about this variance request until my neighbor across the street told me. I never got a letter but I know your secretary mailed one out to me. I was on vacation all week so...I only had 2 pieces of mail for the whole week while I was gone so there is no doubt the Secretary mailed a letter out to me. The height of the barn is going to be 22 ft. to get the pitch right. Put it in the back down the hill where nobody is going to notice it. Trees have been cut down on that lot before...that's cosmetic and if you let him do it then there is a precedent set. Before you know it's going to look like Brookpark where we are living on top of each other. When I put up a privacy fence I put it a foot off my property line just out of consideration. This is a massive building. It's going to be 1,000 sq. ft. The house maybe 1200 sq. ft. Yes there are other neighbors who

are concerned but they don't want to cause any trouble. I would never encroach that close to somebody especially when they have a pool.

Kathleen Van Tilburg (2838 Franklin Dr.) was sworn in. She stated she lived directly across the street and the properties in this area are very long and narrow. If I were a neighbor right next door I would not want a motor home right next to me.

Mr. Blakemore asked why everybody wants to move the motorhome back. Why? Is there that much room in the back? Mr. Deidrick responded no, I cannot move it any farther over because of the leach field. How visible would it be from Ms. Tilburg's home. Mr. Deidrick stated I don't know because her house is in the woods.

Mr. Basilone stated one would see part of the building from the street.

Chair Morel stated we heard a variance request for a person who wanted to build a shed on Foskett Rd. and we denied it. The individual stated it was impossible to be built any place else and it is standing today.

Mr. Deidrick stated the building would match the house...I am very neat and clean. I would like to have my RV at home. Right now I pay for storage. Ms. Tilburg interrupted stating that he stores the RV in the driveway. My other concern is I feel the RV devalues the other properties on the street especially if this is set as a precedent.

Mr. Basilone responded parking a motor home at the applicants' property is his privilege to do so unless there is an HOA provision that says he cannot. The applicant has a very nice home and appears to take care of his property. There has to be another way. There is an awful large amount of property there that I think you can get around the house...but then that would block the applicant's view of the lake, as now he would be looking at the side of the building just like what your neighbor would be looking at if the variance was granted.

Mr. West asked how far back the leach bed went. Mr. Deidrick answered per picture A of the application the leach bed goes back to the fire pit.

Mr. Basilone asked, one could not build a structure on top of a leach bed? Mr. Deidrick responded no.

Mr. Blakemore asked if the motor home could be driven over it. Mr. Deidrick said no. I cannot move the building further over or back. It has to be off the property line the distance I requested. The distribution box for the leach field is there and goes off in a triangle.

Mr. Basilone stated if the tree were cut down...I know there would be an extra expense to extend the driveway down further but then you could put it more than 5 ft. away from

your neighbors property line...Mr. Deidrick interjected he could probably move it over 5 more feet but that would be it.

Chair Morel stated sometimes things just aren't buildable. If you can't build it or move it over, in his opinion then it can't be built. I am not going to support a building being built 5 ft. from someone's property line.

Mr. West asked what the height of the building would be at the peak. Mr. Deidrick responded 20 ft. The same height as the house.

Hearing no further comments by the Board members, the Board considered the Duncan Factors:

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance? 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 majority of the Board stated yes it would.
4. Will the granting of the variance adversely affect the delivery of governmental services? The majority of the Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated the yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The majority of the Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated he did not see any compelling reason to grant this variance. The Township doesn't even permit 5 ft. to build a shed on the properties behind Home Depot.

Mr. West stated there are really two pieces to Duncan Factor #7. If the variance is approved does it uphold the spirit and intent of the zoning requirement. The zoning requirement is there for a reason. The powers that be wanted certain setbacks for certain areas in the Township. I don't believe this variance request does preserve the spirit and intent of the zoning requirement. In regards to justice in granting the request, I agree with Chair Morel that some things just can't or should not be built given the setbacks that have been determined for the area.

Mr. Blakemore stated he did not feel the building would be an eyesore nor was the motor home itself. However Mr. Blakemore stated he agreed that the variance was extremely substantial and the reasons for the setback requirements were so that we don't have people living on top of one another.

Mr. West made a motion to deny a 20 ft. side yard setback variance for the construction of a pole barn for the property located at 2833 Franklin Rd. It was seconded by Mr. Blakemore.

Mr. Basilone stated he agreed with Mr. West comments about the setback requirements but added he also looked at the surrounding area. If there were woods or green space he would be more apt to consider the request but this not being the case and how close it sits to a residential home...I cannot support the variance as requested.

ROLL CALL-West-no, Blakemore-no, Basilone-no, Watts-no, Morel-no.

The variance was denied.

The minutes to the Boards May 15, 2019 hearing were approved as written. The June 19, 2019 hearing was tabled until next month.

Lastly, Secretary Ferencz stated there would be a mock BZA hearing held by the CPC at Montville Township on July 25, 2019 at 6:30 if anyone was interested or needed their training hours.

Ms. Strogan stated APA would not be holding their annual 1-day regional meeting in the fall. Instead they would be hosting the State Planning Organization's 100th anniversary conference. It was a 3-day event to be held downtown and the cost was probably prohibitive for the Trustees to approve attending so it would behoove the BZA members to attend the workshop in Montville Township for training credits.

Having no further business before the Board, the hearing was officially adjourned at 7:37 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

Ed Morel, Chairperson



Cary Blakemore