

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
ORGANIZATIONAL/PUBLIC HEARING  
MARCH 20, 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 and Morel was present. Mr. Basilone was absent. Alternate member Gray sat in for a full-5 member Board. Chair Morel then explained the procedures of the hearing.

**Krause variance request-3552 Huffman Rd.**

Secretary Ferencz read the application into the record. The applicant is Adam Krause. Address of the property requiring the variance-3552 Huffman Rd. Present Zoning-RR. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:

4. Section 401.3.E. Minimum Side Yard Setback-25 ft. Requesting a 10 ft. variance. Pole building will be located 15 ft. from side yard.

Moving the building 10' closer to the property line will save a mature apple tree on the property. It will widen the opening between the house and the side of the building from 15' to 25'. The extra space between the house and the new building will help with drainage. I have a concern, that if they are too close, the new pad will divert water towards the existing low laying garage. Moving the building over ten feet further from the house would increase the distance from existing power lines attached to the side of the house. Finally, the new building would be aligned to the edge of the existing driveway.

5A. Possibility of water intrusion into garage upon heavy rain due to drainage. Possibility of having to cut down fruit bearing apple tree.

5.B.Drainage to lower garage is affected. Due to prior township zoning laws property is 150' wide. Also mature apple tree would be in direct line of building.

5C.The neighbor's house is set far off the road and only the driveway will be adjacent to the site of the new building. The drive and yard are elevated and drainage away would not be altered. Line of site to the road would also be unaffected due to the existing tree line. I have a great relationship with my neighbor, she has no issue with the proposed change.

The applicant, Mr. Adam Krause was sworn in. He stated he would like to move the building 10 ft. over closer to the adjacent property to save the apple tree that is 25+ years

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and still producing fruit. He added he would also like to open up the space between the house and the building from 15 ft. to 25 ft. in case of a need to access the back of the property. Mr. Krause continued that the drainage issues are probably the biggest problem. Everything from the north all drains down to a low-lying area. That is why the building is proposed to be built in that location to potentially prevent drainage issues coming into his garage, which is part of the basement. Mr. Krause commented he discussed his proposal with all his neighbors and none of them had an issue with what he wants to do.

Chair Morel asked Mr. Krause why he didn't want to build further back. Mr. Krause stated he just decided to move the building back another 10 ft. today. Chair Morel stated if the building were moved back and then further in... There is a lot of room behind the house. Mr. Krause stated the property really slopes down. It is a real low-lying area that is always wet. Everything runs to the one drain, which goes past the adjacent property and then drains into the next neighbor's pond.

Ms. Caroline Hlavsa (3530 Huffman Rd.) was sworn in. She stated that she is the neighbor to north of Mr. Krause. Her house sits back 900-1000 ft. She had no issues with what Mr. Krause was proposing.

Mr. Bob Armbruster (3565 Huffman Rd.) was sworn in. He stated that he was the neighbor across the street. By moving the building over 10 ft.; it would make Adam's driveway line up straight instead of making a jog which would look much better. There are no buildings on the other side of the property line so there is nothing to encroach on. It would be more appealing from the road.

Mr. Krause stated in one of the pictures with the green flags, it shows how the building will line up with the edge of the existing driveway. The apple tree prevents the building from being moved further south. Mr. West stated he understood the problem of moving the building further back; but added it really came down to whether or not you want to save a tree.

Mr. Blakemore stated if the building were moved closer to the house there is down slope to the house ... Mr. West stated that may be true, but since there are no elevations drawn it was hard to say how much of a slope. Chair Morel stated there definitely is a basin area where the property drops down quite deep i.e. 150-200 ft. Then the property comes up to a nice rise and flattens out. Mr. Krause interjected that behind the mound shown on the drawing, there is a pond back there as well.

Mr. West asked the size of the building. Mr. Krause stated 30x32 by 22 ft. in height. It will be two-stories.

Ms. Stogin, Zoning Commission Chair was sworn in. She asked the applicant why he didn't fix the drainage issues before building the pole barn. Chair Morel stated there is a sweet spot where the house is and then behind the house there is a pretty vast low lying

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area for quite a way across the whole property. Ms. Strogan asked why the building couldn't be moved further up closer to the road to get away from the tree. Chair Morel said the building is going to be next to the house or in front of the house. There is no room.

Mr. Krause stated he keeps bees and a fruit-bearing tree such as the apple tree that has been referenced is a major help in saving the bees.

Mr. Armbruster stated that the separation of the house and the building would look much better if there were a few feet more instead of crowding the buildings together. There is nothing on the adjacent property next door.

Chair Morel stated he usually does not like setback variances but in this case the building next door is complete. There is a house in the rear and there is never going to be a building next door.

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 it is 40%.
  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 based on where the house next door is located the answer is 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 stated the tree could be cut down, the building does not have to be built and a lot of dirt would need to be brought it.
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7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Blakemore made a motion to grant a 10 ft. side yard setback variance to erect a 30x32 pole building with a height of 22 ft. to be 15 ft. from the side property line for the property located at 3552 Huffman Rd. as presented. It was seconded by Mr. West.

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ROLL CALL-Blakemore-yes, West-yes, Watts-yes, Gray-yes, Morel-yes.

The variance request was granted.

The minutes to the Boards September 19, 2018 hearing and February 21, 2019 hearing were approved as written.

Having no further business before the Board, the hearing was officially adjourned at 7:30 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

A handwritten signature in black ink, appearing to read 'Ed Morel', is written over a horizontal line.

Ed Morel, Chairperson