

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
JUNE 19, 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, Basilone, Blakemore and Morel were present.. Alternate member Gray sat in for a full-5 member Board. Chair Morel then explained the procedures of the hearing.

Barth variance request-3378 Remson Rd.

Secretary Ferencz read the application into the record. The applicant is Jim Barth. Address of the property requiring the variance-3378 Remsen Rd. Present Zoning-RR. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:

5. The reason we are asking for a 50 ft. variance to build a garage next to our home is because the house was built in 1943 and is non-conforming. Our house sits 80 ft. from the center of the road. The property slopes significantly behind the house. Builders have requested us to obtain a variance to be able to build the garage next to the house as they will not build the garage further back due to the slope in the yard. In 2002 the law was changed from an 80ft. frontage to 100 ft. frontage where I would have only needed a 30ft. variance. Due to that change we need to request a 50 ft. variance. Not having a garage lowers the value of our home. When we purchased the property we were not aware of this restriction. This will not be detrimental to other homeowners on our road as other homes were built prior to 2002 and are non-conforming as well.

The applicant, Mr. Jim Barth was sworn in. Chair Morel asked the size of the garage. Mr. Barth stated 32x40. Chair Morel asked the height. Mr. Barth responded 20 ft. The garage is going to be even with the front of the existing house.

Mr. West asked how far the back was the house was. Mr. Barth stated 80 ft. from the center of the road.

Mr. Basilone stated there was a slope in the rear of the property. He added there would need to be a variance from the road. Aesthetically it would look better the way it is laid out which is even with the front of the house.

Mr. Basilone then asked if there were any regulations as to distance between buildings such as from the house to the garage.

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Ms. Strogan, Chair of the Zoning Commission was sworn in. She stated there was no regulation regarding how far the garage had to be from 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 it is 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 stated he did not.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes, but for very little gain. The garage would look odd if it were set back 20-30 ft.
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 50 ft. front depth variance to erect a 32'x40' garage for the property at 3378 Remsen Rd. as presented. It was seconded by Mr. West.

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

The variance request was granted.

Reichheld variance request-PP#026-06B-10-013

Secretary Ferencz read the application into the record. The applicants are Charles & Deborah Reichheld III. Address of the property requiring the variance-PP# 026-06B-10-013. Zoning-RR. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:

Section 401.3D.Minimum Front Yard Depth-100 ft. Requesting front yard depth to be reduced to 60 ft. Requesting a 40 ft. variance for the construction of a new home on the east side of Plumcreek Parkway +/- 500 feet from Hamilton Rd.

Lack of adequate building space between existing 100 ft. setback requirement and existing lake.

This property was purchased by Charles and Deborah Reichheld II, in 1976 with the intent of building a house facing Plum Creek. A driveway entering from Plum Creek was constructed at that time.

In 1979, they built a house on adjacent property along Hamilton Rd. where Charles and Deborah have lived for 40 years. The adjacent property continued to be a part of their Medina Christmas Tree Farm. That house, due to its multiple levels, will no longer accommodate them as they age and they wish to live out their active lives on their farm.

1. The owners are requesting a variance from the front yard setback requirement along Plum Creek Pkwy. At the time of purchase of this property, the setback requirement was 80 ft. This setback requirement was increased to 100 ft. in 2002.
2. Without a setback variance, only a very limited house is possible on the property. A small area exists between the 25 ft. lake avoidance requirement. The 100 ft. setback requirement severely limits the building opportunities. Other building site locations on the property are not viable without a very long drive crossing swampy land and would fail to take advantage of the natural beauty of the lake.
3. The angular design of the proposed residence is a compromise between the terrain, garage entry elevations, and setback requirements. The northwest corner of the proposed garage is 60 ft. from the road right of way; the front entry of the proposed house is 85 ft. from the road right of way. This location also takes advantage of an existing driveway installed in 1976.
4. The property is a large 7-acre parcel with a 478 ft. frontage and few neighbors. There are no other properties on Plum Creek Parkway to the South and only one neighboring house to the North located 280 ft. from the proposed residence.

Secretary Ferencz stated there was also applicable information for a zoning permit to be written attached to the application.

INFORMATION FOR ZONING PERMIT FORM
Will be needed by your contractor/builder

Zoning Classification: RR
Permanent Parcel No. 026-06B-10-013
Lot Data
Acres: 7.084
Frontage: 477.68
Depth: 430.61/851.61

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Setback from Right of Way

Side Yard N: 158.35

Side Yard S: 257.68

Project

Width: 84 ft.

Depth: 111 ft.

Heights: 34 ft. in rear, 28 ft. in front

Note: Tower roofs and cupola exceed 35 ft. limit if measured in rear by +/- 3 ft. but are well within 35 ft. limit if measured in the front. Main roof is within limits

Project Information

No. of Floors (3)

Basement 3,120 sq. ft.

First Floor 3,315 sq. ft.

Second Floor 1,629 sq. ft.

Deck 720 sq. ft.

Total Sq. Ft. 8,8784 sq. ft.

The applicants, Charles and Deborah Reichheld III were sworn in. Mr. Reichheld stated they were long time residents of Medina Township (40+ years) and both he and his wife were professors. He continued that he originally purchased this property with the intent of building a home in that location but instead ended up building a house at the other end of the property. Since we had a family they ended up adding on to the house. Mr. Reichheld continued now they have come to a point that the existing house no longer fits our needs. There are 6 staircases in it and my wife and I are loosing some of our mobility so we need a house to accommodate our ages and needs.

Mr. Reichheld then showed the blue prints for the new home they wanted to build which would be approximately 5,000 sq. ft. It would include an elevator and a walkout basement.

Mr. Basilone mentioned there were pine trees that would need to be removed. Mr. Reichheld stated he hated to do that but he already lost 6 pines in the winds storms that occurred late winter/early spring. He added the reason for choosing this site is that it is the top of the hill. If you go back 100 ft. and toward the lake there is a very small area to accommodate any building at all let alone a 5,000 sq. ft. house. The land behind the lake is swampy and it would not be economical to build there and still have the view of the lake that we want to have.

Mr. Blakemore asked if the variance request is to be 40 ft. away from the lake? Mr. Reichheld stated the 40 ft. would keep the house the required 25 ft. from the lake. This is

a Christmas tree farm with lots of buildings, and is not desirable to build anywhere else. Our land goes back but we are trying to avoid a very, very long driveway.

Chair Morel stated to him it looked like the land dropped off and it was a very swampy area that was almost level with the lake. The place to build is on the hill. Variances were granted to the property owners across the street to build a barn and they were 60 ft. from the road and the barn would be 70 ft.

Chair Morel asked what the front yard setback was in 1976? Ms. Strogan answered zoning was initiated in the Township in 1950's. The major re-write was in the 80's and the front yard depth was 80 ft. with a minimum 2-acre lot. In 2002 the lot sizes in the RR district were made larger i.e. 3-acres and the front yard depth was changes from 80 to 100 ft. so as to preserve the rural nature of the area.

Chair Morel stated he would support the variance request. This is a 7-acre parcel that will have one home on it. It has 478 ft. of frontage. The top of the hill is the obvious place to build the house. If you go back further....yes it could be done but it doesn't make a lot of sense.

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 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 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? The majority of the Board stated yes. Mr. West stated it was a beautiful home and would look wonderful on the property but he believed the strict application of the Duncan Factors does not allow approval of the variance.

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Mr. Basilone made a motion to grant a 40 ft. front yard depth variance for the construction of a new home at PP# 026-06B-10-013. It was seconded by Mr. Blakemore. ROLL CALL-Basilone-yes, Blakemore-yes, Gray-yes, West-no, Morel-yes.

The variance was granted.

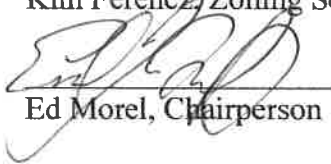
The minutes to the Boards May 15, 2019 hearing were tabled until next month.

Ms. Stogin 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.

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

Respectfully Submitted,

Kim Ferenczy Zoning Secretary



Ed Morel, Chairperson