

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
MARCH 18, 2020**

Vice Chairman (VC) Blakemore called the public hearing of the Medina Township Board of Zoning Board of Appeals to order at 7:02 p.m. Permanent Board members Payne and Gray were in attendance. Alternate member Matt Payne was also present on the Board. Permanent board members West, Watts and Morel were absent.

Lane variance request-4603 Fenn Rd.

The application was read into the record. The applicant is Justin Lane. Address of the property requiring the variance-4603 Fenn Rd. Present Zoning-SR. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:

Section 402.3.D - Minimum Front Setback - 80 feet. Requesting a 26 ft. variance for the construction of a new garage to be 54 ft. from the road right of way.

Reasons and Explanation for the variance requests:

Our family has grown since we bought the house 8 years ago. We would like to turn the existing garage into living space. The only place we can put the new garage is where we have it drawn up.

The applicant, Mr. Justin Lane was sworn in. He stated the standard road right-of-way in the Township is typically 30 ft. from the center of the road. In our case because we have a ditch in front of our house right next to the river; our right-of-way line is actually 58 ft. off of the road so we are actually losing 28 ft. of right-of-way because of the ditch. The land left of our house is all flood plain so that property can never be sold or developed on.

VC Blakemore asked how far the house was from the road. Mr. Lane stated 84 ft. from the road right-of-way is the garage and then...

Ms. Stogin Chair of the Zoning Commission was sworn in. She stated usually the road right-of-way is 60 ft., which means 30 ft. on either side of the centerline. Mr. Lane stated Fenn Rd. is wider only on the side where there is the ditch. I would like to build the new garage 110 ft. off from the center of the road. The new garage would technically be 112 ft. off the center of the road.

Ms. Stogin asked why the new garage could not be constructed close to the existing garage which would put it within the required setback. Mr. Lane stated the driveway

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already had a turn around built into it so he was trying to save the cost of all the extra concrete that would be needed.

VC Blakemore asked how large the existing concrete pad was? Mr. Lane it was fairly significant. VC Blakemore stated there also seems to be a fairly large tree next to the existing garage. Mr. Lane stated that was correct.

Mr. Payne asked if Mr. Lane had considered constructing the new garage next to the existing garage. Mr. Lane stated no, because of all the things that would have to be moved. There is already stamped concrete that goes into the back yard as well as the fact we have a swimming pool and that would put the new garage very close to it. Mr. Lane added that his landscaping is built up around that area so it would not be cost effective to do so. It would be another \$10,000-\$15,000 to move all of those items and extend the driveway up to make that area even usable. Mr. Lane commented that he wanted to build the new garage right up to the edge of the driveway.

VC Blakemore stated if the right-of-way were 30 ft. there would be no variance needed correct. Mr. Lane stated yes that is correct. The side of Fenn Rd. with the ditch has a wider right-of-way because of all the flooding in that area.

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 it is roughly 25%.
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 yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes, but at a substantial increase in cost.
7. Does the granting of the variance uphold the spirit and intent of the Zoning

Resolution? The Board stated yes.

Ms. Gray made a motion to approve a 26 ft. front yard setback variance from the road right-of-way for the construction of a new garage for the property located at 4603 Fenn Rd. as presented. It was seconded by Mr. Payne.
ROLL CALL-Gray-yes, Payne-yes, Blakemore-yes.

The variance request was approved.

Minten variance request-4561 Weymouth Rd.

The application was read into the record. The applicants are Mark and Kim Minten. Present zoning is RR. Previous variance requests-none.

Reasons and Explanation for the variance requests:

Section 401.3D. Minimum front yard depth - 100 feet exclusive of road right-of-way. Requesting a 79 ft. variance to construct a porch 21 ft. from the road right-of-way.

Pre-existing non-conforming house was built in 1928. This property falls under the RR District. Due to not having sewer the new front porch will be aesthetically pleasing to the eye and will increase the value of the house. It will not effect any utilities in any way.

The applicant Mark Minten was sworn in. He stated his current porch is falling down and in poor condition. He added he was looking to build a little bit bigger porch than the existing one. Not out further, but just length of the house. The steps would not be out front like the existing porch but would be on the side.

VC Blakemore asked how far the existing porch was from the right of way. Kimberly Minten was then sworn in. She stated she believed the existing porch was some 68 ft. from the road right of way. The depth of the existing porch is 8 ft. plus the steps. VC Blakemore stated so you're asking for the new porch to be 21 ft. from the road right of way. Ms. Minten stated she measured from the center of the road to the house. The new porch is going to be further from the street because the steps will be on the side instead of in front.

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 yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated no because with no variance they could not even put a new porch exactly the same size because this house is a pre-existing non-conforming use built before zoning was established in the Township.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Payne made a motion to approve a 79 ft. front yard setback variance to construct an 8' x 40' front porch for the property located at 4561 Weymouth Rd. as presented. It was seconded by Ms. Gray.

ROLL CALL- Payne-yes, Gray-yes, Blakemore-yes.

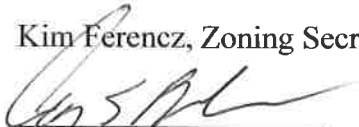
The variance was granted.

The minutes to the Boards public hearing for February 19, 2020 had to be tabled, as there was not a quorum of members present this evening from that hearing.

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

Respectfully Submitted,

Kim Ferencz, Zoning Secretary



Cary Blakemore, Vice Chairperson