

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
HEARING
APRIL 18, 2012**

Chair Morel called the hearing to order at 7:30 p.m. All Board members were introduced and Chair Morel explained the hearing procedure to all those present.

Shotwell variance request-4537 Weymouth Rd.

Chair Morel reviewed the application. The applicant is Harris Builders on behalf of the property owner Frank Shotwell. A letter was received from FCPB Property Ltd. LLC giving authority to Harris Builders to represent them. The property requiring the variance-4537 Weymouth Rd. Present Zoning-UR. Previous variance requests-none. Variance Requested-Section 403.3D-Minimum Front yard Depth-80 ft. Requesting variance of 8 ft. to construct a deck at the property located at 4537 Weymouth Rd. Explanation for the variance request-House has door on east side where proposed deck is located. Without landing or deck door cannot be used. Deck would increase property value.

The applicant, Mr. Gary Harris of Harris Builders was sworn in. Chair Morel asked how far the house was from the road. Mr. Harris stated approximately 60 ft. The proposed deck would be 32 ft. from the sideline. A variance is needed from the 80 ft. front yard setback due to the age of the residence, which predates zoning.

Contiguous property owner Alvin Simpson (4032 Timber Trail) was sworn in. This property is to the east of the property requesting the variance. Mr. Simpson asked is the deck going to extend past the back of the house? Mr. Harris said no it would not.

Mr. West stated it did not appear the deck could be moved further back due to where the door entrance was located.

Mr. Becker asked what is located where the deck is going? Mr. Harris responded that nothing is there now.

Mr. Harris stated that the door is about 30 inches off the ground and according to the Medina County Building Code at that height there needs to be a landing not just steps. There would be steps down from the deck to the ground on the south side.

Chair Morel asked if the steps would be located within the window that Mr. Harris sketched. Mr. Harris responded that the deck is 10 feet by 12 feet so the steps would be outside of that.

Mr. Simpson said there is a sewer easement on the property 20 ft. off the house.

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Mr. Ruppelli made a motion to grant an 8 ft. front yard setback variance for the construction of a 10 x 12 deck for the property located at 4537 Weymouth Rd. It was second by Mr. West.

Chair Morel stated that the Board has done a number of these cases where the house predates the zoning if the house is not any closer to the street. It only makes good sense and it still has the side yard that is required and will then meet the building code. The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance? Yes, but the door would have to be removed.
2. Is the variance substantial? It's not really big, but it's getting there.
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 that it would not.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board determined that it would actually enhance delivery of safety services.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Yes he did.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated that it could not be if that access is maintained.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board determined that it would.

ROLL CALL-Ruppelli-yes, West-yes, Becker-yes, Stopa-yes, Morel-yes.

Minutes

The February 21, 2012 meeting minutes of the BZA hearing were approved as written.

Misc.

Lawyer for Township responded by brief to brief drafted by Laura Mills regarding lawsuit filed by PHN Motors (Doraty Case)

Reminder of Zoning Workshop-April 19, 2012 for zoning board members to be held at the Akron University Center-Lake Rd. Mr. Bill Thorne from the County Pros. Office is the scheduled speaker.

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Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 7:45 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman