

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
APRIL 17, 2013**

Chair Morel called the public hearing of the Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Dufala, Stopa, Blakemore and Morel were present. Mr. West was absent. Alternate BZA member Williams sat in for a full Board. Alternate BZA member Gray was also not in attendance this evening. All Board members were introduced and Chair Morel explained the hearing procedure to all those present.

VARIANCE REQUESTS

Johnson variance request-3298 Foskett Rd.

Chair Morel reviewed the application. The applicant and property owner is Charles Johnson. The address of the property is 3298 Foskett Rd. Present Zoning: RR. Previous variance requests-No. Variance being requested of Section 401.3 D Front Yard Depth Required-100 ft. Requesting 50 ft. Reason for variance request: A. Due to the geographic natures of our property we cannot build an outbuilding behind our house like we would want to. If we follow the strict guidelines of the resolution we would not have a workable placement for the building. With the presence of children, all boys ages 5,6 and 9 we cannot place the building right in the front of the house for safety reasons. Having the building nestled up front will provide a safe environment for the children to play between the home and outbuilding without line of sight being lost from the house. A need has arisen for the extra storage space to store tractors, vehicles and other personal property we do not want left in the yard.

B. The exceptional circumstances/conditions that apply to this property are the presence of a pond and creek in the back yard with steep hills on both sides. These features make it impossible to build behind the house.

C. The granting of the variance will not be detrimental to the public because we have the privacy of hills on both sides of the property. We will also have landscaping done to enhance the image along with a premium design of the building to give a quaint country feel.

The applicant, Mr. Charles Johnson was sworn in and presented design pictures for the outbuilding. He stated he was looking to construct a 32' x 48' outbuilding for storage. Originally he was looking to place the building off the driveway but there was a building buried under the ground in that location. The rear yard has a creek which floods and there is a pond on the property as well.

Mr. Johnson stated he moved to Medina Township a year ago and owns 3.6 acres of property. He added it takes a lot of equipment to maintain the land so he needed an outbuilding to store all the vehicles and equipment. Mr. Johnson commented that he does not even park his cars in the garage because it is currently used to store a four wheeler,

trailer and riding lawn mower. He stated that the outbuilding would also be used to store various saws, as his hobby is woodworking.

Chair Morel asked why the outbuilding could not be 100 ft. off the road? Mr. Johnson stated 100 ft. back there are existing trees. Chair Morel stated the trees could be cut down. Mr. Johnson responded they were big trees with deep roots and added he felt those roots were what were preventing the creek from being in the middle of his yard. Mr. Johnson stated he just put 12-tons of boulders along the creek as he already in one year has lost four feet of land due to the creek.

Chair Morel asked if the outbuilding could be placed where there were existing evergreens. Mr. Johnson stated no, because that was where his septic tank was located as well as the piping for the geothermal system for the home. He stated he has walked the entire property and because of the unique features of the property this is the only place an outbuilding could be located.

Chair Morel asked if the outbuilding could be placed on the other side of the creek? Mr. Johnson stated no, there was no real level land in that area to be able to build an outbuilding. Chair Morel asked, what about a bank barn, which would have two different floors. Mr. Johnson again reiterated that the creek would prevent an outbuilding being built in that location.

Chair Morel stated the request was for a 100% variance and that is huge. Mr. Johnson stated he realized that and scouted out the entire property and unless he took out a lot of trees or put the building right in front of the house there was no real feasible area to locate the outbuilding. Mr. Johnson stated the outbuilding would be built with aesthetically pleasing material and a quaint design.

Mr. McComsey (3306 Foskett Rd.) was sworn in. He stated he owned the property next door and would be building his home very soon. Mr. McComsey stated it appears the Johnson's take very good care of their property. However his concern is how close the proposed outbuilding would be to the road. He was concerned how that would look over time and affect the value of the surrounding properties. Mr. McComsey stated he has seen the property in question change hands 4 times in the past 11 years. He added he was concerned about the future that potentially that building could then be altered or expanded. There are two more outbuildings that are adjacent to the proposed building in this area, however materials seem to be piled up and stored outside. This can be an eyesore over time. Mr. McComsey stated the Johnson's seem like nice well-intentioned people but he did not want to see that happen with this building so close to the road.

Mr. McComsey asked if Mr. Johnson considered changing the footprint of the outbuilding and rotating it 90 degrees so instead of length wise facing the road, it was brought back a little bit and the width just faces the road? Mr. McComsey added that would offer less exposure from the road.

Mr. Carpenter (3295 Foskett Rd.) was sworn in. He stated he too had mixed feelings about the proposed outbuilding. Mr. Carpenter also commented that Johnson's have been great neighbors but he too was concerned that the property has changed hands several times since he has lived there. Mr. Carpenter stated he built his home here 12-13 yrs. ago. He stated he works in Willoughby but lives in Medina Township because he loves the area. Mr. Carpenter stated he would encourage the Board to work with the Johnson's to allow for an outbuilding somewhere on the property. Mr. Carpenter stated he was also concerned if the Johnson's move out and then there was this outbuilding close to the road. He did not want to see this property become filled with materials and cars, etc. like others in the area.

Mr. Porter (3297 Foskett Rd.) was sworn in. He stated he has lived on Foskett Rd. since 1955. He has seen a lot of changes in the area. There are some old homes that only sit back 50 ft. from the road. Mr. Porter stated he personally did not have any issues with the proposed outbuilding. The building would look better than cars and equipment sitting outside.

Mr. Johnson stated he understood the comments by both gentleman and first looked at his proposal by saying what if it was my neighbor who was asking for a variance? Mr. Johnson continued that he owns his own company, which has been in business for the past 33 yrs. He and his wife just sold their house in Strongsville. They moved to Medina Township to raise their children and have no intentions of moving again. Mr. Johnson stated he loved his property and the reason for the outbuilding is so his neighbors don't have to see various equipment, vehicles etc. in the front yard. I want to keep my property neat and clean.

Mr. Blakemore stated from the pictures Mr. Johnson presented it looked like trees were going to have to come down even at a 50 ft. setback. Mr. Johnson stated no, the outbuilding could be nestled in the triangle area on the diagram he presented. He added he did not want to get too close to the creek because of fear of erosion and flooding. I have been all over the property to find the best level location.

Mr. Dufala suggested if the building were approved that Mr. Johnson put up a landscape mound and some 5-6 ft. evergreens. Mr. Johnson stated he has looked at staggering trees to create a barrier. Mr. Johnson stated he started to do a mound with the little bit of dirt he had and it takes an amazing amount of dirt to make a mound.

Mr. Dufala asked if Mr. Johnson could take out one tree and be a bit farther back from the road like 70-75 ft. Mr. Johnson stated yes, any relief would help, as this really was the only area for the outbuilding.

Mr. Blakemore stated he was looking at turning the building sideways and back farther. Mr. Johnson stated he did twist the building and it really fits in that nestled area by the trees.

McComsey asked if there were any plans for livestock? Mr. Johnson stated no. He had a dog and that was enough for him. The materials for the outbuilding would match the house.

Chair Morel asked how far the residence was from road? Mr. Johnson stated he believed 220 ft.

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? 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 the essential character of the neighborhood would be altered. Would the adjoining property owners suffer a substantial detriment if the variance were granted is questionable.
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 trees would have to be removed.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated question is does this fit in the over all plan for the Township and are there compelling circumstances that there is no other way to use this property except for the granting of a variance.

Chair Morel stated sometimes compromises have to be made and he personally would have a hard time supporting such a large variance. It is not impossible to build a barn that meets the zoning requirements but it would take more money and effort to do so. Also, the granting of a variance does not set precedent. Each case is heard on an individual basis and based on the unique circumstances involved.

Mr. Johnson stated he was willing to compromise but still would like to have an area for his children to play in between the house and the outbuilding. He added he could move it just a bit closer to his driveway.

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Ms. Dana Johnson was sworn in. She stated that the creek goes to a waterfall and the ground is very unstable to go back further.

The Board and applicant discussed back and forth a compromise so the variance request would not be so substantial.

Mr. Dufala made a motion to grant a 25 ft. front yard depth variance for the construction of an outbuilding to be located at 3298 Foskett Rd. It was seconded by Mr. Blakemore. ROLL CALL-Dufala-yes, Blakemore-yes, Williams-yes, Stopa-yes, Morel-no.

Minutes

The March 20, 2013 meeting minutes of the BZA hearing were approved as written.

Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 8: 20 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman

MEDINA TOWNSHIP

BOARD OF ZONING APPEALS

MEETING HELD 4-17-13

<u>NAME</u>	<u>ADDRESS</u>
DAVE DUFALA	HAMILTON M.
CHUCK & BARBARA PORTER	3297 FOSKETT RD
BORIS WILLIAMS	2875 CYNTHIA DRIVE
KEVIN MCCOMSEY	3306 FOSKETT
DEMMIE MCCOMSEY	8400 EGYPT RD.
CHARLES JOHNSON	3298 FOSKETT
ALLISE STROGIN	STAFF
MIKE STORA	5198 SILVER MAPLE
ED CARPENTER	3295 FOSKETT RD.
DANA JOHNSON	3298 FOSKETT
ELIZABETH RIDGLEY	131
CARY BLOHMAN	3593 WATHEIM RD