

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
October 15, 2014**

Vice Chair Mike Stopa called the public hearing of the Board of Zoning Appeals to order at 7:31pm. The sitting Board this evening consisted of Cary Blakemore, Robin Gray, Boris Williams, Mike Stopa and William West. Secretary Laurie Shoemaker and Zoning Inspector Elaine Ridgley was also in attendance. The Board members were introduced and Vice Chair Stopa explained the procedure to all those present.

VARIANCE REQUESTS

Jeff and Rose Walker, 2828 Matthew Lane, Medina OH

Vice Chair Stopa reviewed the application and asked Secretary Shoemaker to read the request into the record.

Applicant: Jeff and Rose Walker, 2828 Matthew Lane, Medina OH

Owner of property: same

Present Zoning: Urban Residential PUD

Previous Variances requested: no

Variance requested: Section 403.4 D 4 Urban Residential PUD side yard setback required 10 ft. – Side yard setback asking for 3 ft. Variance requested needed 7 ft.

The Reason: Our lot is fairly small and it is almost all a steep slope downwards. The yard below the current structure is part of a large catch basin and it floods fairly quickly. Attached photo shows that the water level was very near the current outbuilding after a 3 hour rain storm. This has happened several times since we moved here. We measured several places around the property and this is the only spot level enough for an outbuilding. We are older and need easy access to take care of our property.

Vice Chair Stopa then swore in Mr. and Mrs. Walker. Vice Chair Stopa then stated that after reviewing the application, he saw there was an existing shed on the property. Mr. Walker stated yes, and according to the Auditor's website, the shed has been there since 1995 when the house was built and it's not in good shape. The ground has settled and it is tipping over. Mr. Walker called around to see if someone could build a foundation underneath and found someone in Seville. The contractor would not build without a permit. Mr. Walker also explained the shed will be a bit bigger to fit their lawn mower and all the seasonal tools, etc.

Mr. West asked how far from the property line is the existing building. Mr. Walker stated it was 4 feet off the line. The neighbors have a fence right on the line. Mr. West commented

they were putting the building a foot closer to the line and asked why. Mrs. Walker stated it will make it easier to pull the lawnmower in. Mr. Blakemore stated the building is 48 feet from the back of the property line and asked where the fence and building will be located as the picture he was looking at he couldn't tell. Mr. Walker stated the water comes right up to the neighbor's fence which is right beyond the building. Mr. Walker pulled a picture from Google Earth showing a close up of the existing building and the distance from the back property line and the fence on the side yard. Mr. Blakemore stated they are basically replacing the existing building and making it a little longer. Mr. Walker again stated they are making it bigger to fit their equipment.

Vice Chair Stopa then swore in Alliss Strogan, Chair of the Zoning Commission. Ms. Strogan stated, from the picture it doesn't look like there is any interference, and asked why they couldn't just pull the lawn mower directly. Mr. Walker explained the door is on the side. Ms. Strogan asked what is preventing them from moving it in closer to the house. Again, Mr. Walker explained it would be even more difficult due to the side entrance. Ms. Strogan was not aware the new building had a side entrance.

Vice Chair Stopa asked if anyone had any more questions. He then closed the floor for public comments to discuss the Duncan factors amongst the board.

The Board then discussed 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, but there is an existing structure that is there illegally.
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 agreed yes.

6. Whether the problem can be solved by some other manner other than the granting of the variance? The board agreed yes, they could push it closer to the house.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? The Board agreed yes.

Robin Gray asked if this would create a problem in the future with other people coming in to get the same type of variance. Vice Chair stated due to the amount of properties that have structures already there illegally, probably. Mr. West stated there is a five to six foot fence on the property line and has a very sharp slope to the back into a retention basin. With this particular property, there are other factors, it's very difficult to move in a different direction due to the lack of space. There are sufficient factors to show this would not be precedent in other cases. The board agreed.

Mr. Blakemore made a motion to approve a variance for a side yard setback of 7' at 2828 Matthew Lane for the purpose of replacing an existing outbuilding. Boris Williams seconded the motion.

ROLL CALL: Blakemore – yes, Williams – yes, Gray – yes, West – yes, Stopa – yes.

Minutes

The September 17, 2014 meeting minutes were approved as submitted.


Misc.

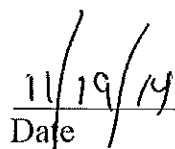
Ms. Shoemaker reminded the board of the Grand Opening for Berkshire Hathaway on October 23, 2014 at 5:00pm.

Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 7:51pm.

Respectfully Submitted,

Laurie Shoemaker
Zoning Secretary



Mike Stopa, Vice Chairman

Date

MEDINA TOWNSHIP

BOARD OF ZONING APPEALS

MEETING HELD Oct 15, 2014

NAME

ADDRESS

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5116 MORNINGSTAR

NORMA DAWSON

2818 MATTHEW LN

ROSE WALKER + JEFF WALKER

5828 MATTHEW LN

ALLISS STUBBS

SHU

CARY BLAKEMORE

3393 WATKINS RD.

MIKE STOPA

5198 SILVER MAPLE LN

BORIS WYLLIAMS

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JOHN GRAY

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AL VANCE JR

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