

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
November 19, 2014**

Chairman Ed Morel 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, and Mike Stopa. Secretary Laurie Shoemaker and Zoning Inspector Elaine Ridgley was also in attendance. The Board members were introduced and Chairman Morel explained the procedure to all those present.

**VARIANCE REQUESTS**

**Legacy Homes of Medina, 2970 Sutton Lane, Medina OH 44256**

Chairman Morel reviewed the application and asked Secretary Shoemaker to read the request into the record.

*Applicant: Legacy Homes of Medina*

*Owner of property: Stonegate Properties, Ken Cleveland, 3991 North Jefferson St. Medina, OH*

*Present Zoning: Rural Residential*

*Previous Variances requested: no*

*Variance requested: Section 401.3 B, Minimum lot width 150 ft. at building Line. Asking for an 8.68 ft. variance (see topo)*

*The Reason: The building line for this property is zoned at 150 ft. We are asking for an 8.68 ft. variance. If we kept the house at the 150 ft. building line this house would only be 12.4 ft. away from top of bank. This variance will only affect the property owner and not the adjacent properties.*

Chairman Morel swore in Zoning Commission Chairman, Alliss Strogan, and asked if the setback was 150 feet because it was on a cul-de-sac. Ms. Strogan said no. She explained the wording on the application was not worded well. This subdivision was recorded when the minimum lot width at the building line was 150 ft.; currently it's 200 ft. Because it's not a regular lot shape (it's a pie shape), in order to get to the 150 ft. building wide, it had to go back 120 ft. This lot has a ravine in the back, if it went back 120 ft. the sunroom would be in the ravine. Ms. Strogan asked Mr. Cleveland, the owner of the property, if this was one of the last lots in the subdivision. Chairman Morel swore in the owner of the property Ken Cleveland, Stonegate Properties and he confirmed yes it was.

Chairman Morel asked Ms. Strogan to confirm that the definition of a building lot line is a line parallel to the right of way or it's the closest portion of the building. On the plan it shows a building line (which is an arc on the drawings) marked 120 ft. Ms. Strogan stated

due to the shape of the lot, the measurement was taken using an arc. Chairman Morel argued that if you go by the definition, you would measure from the closest point of the building.

Chairman Morel swore in David Lewis, 8691 Wadsworth Rd. Ste. 100, Lewis Land Professionals. Mr. Lewis stated his company drew up the plans for Stonegate Properties. Mr. Lewis stated they have been through the County Prosecuting Attorney on different subdivisions to calculate things like this ahead of time so they wouldn't have to ask for a variance. He said it has always been the determination of Bill Thorne that you use the curved line, not the straight line. Sharon Twp. zoning code is an exception. Ms. Strogen stated the County Planning Commission approved the building line for this property as an arc.

Mr. Cleveland stated, for the record, this is one of the nicest subdivisions in Medina Township and commented that Legacy Homes has been one of the premier builders in the area. Chairman Morel 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 it came down to about 7%
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 agreed the house fit the size of the footprint
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board agreed 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 build a smaller house or push it in the ravine.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? The Board agreed yes.

Mr. Blakemore asked Ms. Strogan to confirm what this was referring to, a setback or width of lot at the building line. Ms. Strogan stated it was the latter. Mike Stopa commented that if the house was made smaller to accommodate the ravine, it would look out of place in the subdivision.

**Boris Williams made a motion to approve the 8.68 ft. minimum lot width at building line variance for the purpose of building a new home on the property located at 2970 Sutton Lane, Medina, OH. Cary Blakemore seconded the motion.**

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

**Sal Rego, 3269 Wildwood Drive, Medina OH 44256**

Chairman Morel reviewed the application and asked Secretary Shoemaker to read the request into the record.

*Applicant: Sal Rego*

*Owner of property: Same*

*Present Zoning: Rural Residential*

*Previous Variances requested: no*

*Variance requested: Requesting 12' addition to existing garage to allow room in garage for car and pick-up truck. Section 401.3 D Requires 100 ft. setback; asking for 34' variance front yard setback; Asking for 12' side yard setback as per section 401.3 E, requires 25'. The Reason: A) Current garage will not accommodate car or truck due to insufficient depth. B) Garage depth is 13'3" currently. Wall was constructed across garage to allow access to basement stairs without going through garage area. Very cold in winter, great access for varmints. C) New addition will match existing structure. Other structures on street vary greatly in size set back, and design.*

A site plan was attached to the application with pictures from different views from the existing garage to the north, south and the right of way.

Mr. Rego, 3269 Wildwood Drive, was sworn in and Chairman Morel asked him how far the garage was from the road now. Mr. Rego stated from the street it's 78 feet. Chairman Morel asked how long the house has been there. Mr. Rego said it was built in the 50's. Chairman Morel asked how much further the garage is going to come forward than the existing garage now. Mr. Rego said 12 feet. Chairman Morel stated, for the record, the existing structure is non-compliant because it predates our zoning.

Mr. Blakemore said that's why the 34 ft. variance seems large when it's not really 34 feet. Chairman Morel stated it was 34 feet from the existing but its 12 ft. from the front of the house. Chairman Morel commented that this was the natural place for the garage to be, and not the other side of the house, because that's where the driveway is. Chairman Morel asked Mr. Rego how long he has been in the house and Mr. Rego said twelve years.

Chairman Morel asked if any of the board members had comments. Robin Gray asked if this was going to be one story and Mr. Rego confirmed. Cary Blakemore ask if this was going to match the house and Mr. Rego stated yes.

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 agreed yes.
2. Is the variance substantial? The Board stated yes, roughly 12%
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 agreed no.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board agreed 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 no because Mr. Rego stated there was a wall on the other side at the entry to the basement.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? Chairman Morel felt that people should at least be able to move their property around a little bit to live comfortably. Rules are rules but that's why we have a variance board.

**Cary Blakemore made a motion to approve a variance for a 34' front yard setback and a variance for 12' side yard setback at 3269 Wildwood Drive, Medina, OH for an addition to an existing garage.**

ROLL CALL: Blakemore – yes, Gray– yes, Stopa – yes, Williams – yes, Morel – yes

Chairman Morel asked Ms. Shoemaker to read the second variance request from Mr. Rego.

*Applicant: Sal Rego*

*Owner of property: Same*

*Present Zoning: Rural Residential*

*Previous Variances requested: no*

*Variance requested: Variance requested for deck and pool. Built in 2005. Non-compliant without permit. Section 401.3 E requires 25' setback for deck and pool. Asking for 14'6" for deck and 10'6" for pool variance.*

*The Reason: A) Existing deck & pool cannot be moved on property to compliant area. B) Due to 100' property frontage and location of septic tank there is not space to locate deck & pool properly. C) Deck & pool is visible only to north neighbor from the pool deck on his property. South neighbor has privacy fence on property line. Rear property line is forest. Pictures were attached to site plan showing view from deck to north to neighbor's pool; from deck to south to neighbor's fence; from deck to rear property line.*

Chairman Morel asked Mr. Rego to explain the situation. Mr. Rego stated, obviously we need to try to get this into compliance. Moving it would involve taking out landscaping. The reason the pool is in this location is due to the septic and to be honest, both my neighbors have pools in the same place for the same reasons.

Robin Gray asked how the septic tank is cleaned. Mr. Rego said they did it last year. They park in the driveway and run a hose around the house and across the pool deck. Chairman Morel asked if the board had any questions. Mr. Blakemore stated, this was supposed to be 25' but it's only 10'. Mr. Rego confirmed yes. Chairman Morel said if it was in line with the house, there would have been a reasonable justification. Mr. Rego said there is a ravine behind the house and when the house was built, they would dump huge boulders in the ravine which now cannot be removed easily. Otherwise, the pool could have been moved another 2 ft. but that's it.

Chairman Morel stated taking a chain saw in there and cutting off two feet is not going to change it. He wished it wasn't there but it is. Mr. Morel said this will be referenced as an existing structure. Mr. Blakemore agreed and explained by stating it is existing - if something ever happens to the pool or deck and it has to be re-done, it will need to be re-done correctly.

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 agreed yes.

2. Is the variance substantial? The Board agreed 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 agreed no or else someone would be at the meeting.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board agreed no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chairman Morel said whether he did or didn't, the applicant previously stated he was not made aware.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chairman Morel said, you either take the pool down or the board grants the variance.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? Chairman Morel felt that this will eventually fall apart and if the board words it correctly as existing, it will have to be redone correctly.

**Cary Blakemore made a motion to approve a variance for 14'6" side yard setback for an existing deck and a variance for 10'6" side yard setback for an existing pool.**

ROLL CALL: Blakemore – yes, Gray– yes, Stopa – yes, Williams – yes, Morel – yes

**Minutes**

Vice Chairman Stopa made a motion to approve the October 15, 2014 meeting minutes as submitted.

ROLL CALL: Blakemore – yes, Gray– yes, Williams – yes, Stopa – yes, Morel – abstain

Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 8:47pm.

Respectfully Submitted,

Laurie Shoemaker  
Zoning Secretary

  
Ed Morel, Chairman

12/17/2014  
Date