

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
FEBRUARY 17, 2016**

PUBLIC HEARING

Chairperson Morel called the public hearing of the Medina Township Zoning Board of Appeals to order at 7:32 p.m. All permanent board members were present. Alternate member Matt Payne was also in existence.

Chair Morel explained the procedures of the hearing.

Davidson variance request-3359 Myers Rd.

Secretary Ferencz read the application into the record. The applicant was Rick Davidson. Address of the property requiring the variance-3359 Myers Rd. Present Zoning-RR. Previous variance requests-none.

#1 Variance request-Section 401.3D.Minimum Front Yard Depth 100 ft. exclusive of road right of way. Current Front yard Depth from Right of way to proposed garage-83. Variance needed-17 ft.

#2 Variance request-Section 401.3E.Minimum Side Yard Setback of 25 ft. Current Side Yard Setback from proposed garage-16.6 ft. Variance needed-8.4 ft.

#3 Variance request-Section 401.3F.Minimum Rear yard Depth of 40 ft. Current Rear Yard Depth-7 ft. Variance needed-33 ft.

- a) How does the strict application of the provision of the Resolution result in practical difficulties or unnecessary hardship that are inconsistent with the general purpose and intent of the Resolution.

Response: Home interior has limited square footage and this variance would allow for expansion of master bedroom and allow for a storage area using the now existing attached garage space.

- b) What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district?

Response: This property along with neighboring properties do not meet the now required three acre minimum.

- c) Why granting the variance will not be detrimental to the public interest or to property or improvements in such district and will not materially impair the purpose of the Resolution.

Response: This improvement will conform with the design and period of the home.

The applicant, Mr. Rick Davidson (3507 Weymouth Rd.) was sworn in. He stated that he is the owner of 3359 Myers Rd. and is in the process of selling this house to Vincent and Dana Salerri. They would like to add a 24x24 garage. The house is quite small; approximately 1,000 sq. ft. Mr. Davidson stated that the Salerri's builder Wayne Louis was also present to answer any questions about the design of the garage.

Chair Morel asked about the proposed lot split depicted on the application. Mr. Davidson stated he has been working with Zoning Inspector Ridgely and she helped him come up with the proposed split which was currently in process. Mr. West asked how the property could be split when the Township has a three-acre minimum to build a house? How does one take property that is not even one acre and make it smaller?

Alliss Strogin, Chair of the Zoning Commission was sworn in. She stated she was not all that involved in this case, but the original owners of the lot had the market pantry with apartments upstairs. Almost all of the houses in this area are preexisting, non-conforming lots of record. She added that Mr. Davidson wants to split the lot and sell off the house located on the rear of the property. In order to do that Mr. Davidson needs variances to build a new garage. She continued that a year ago, the Commission changed the code on non-conforming lots of record. The new language basically allows smaller pre-existing non-conforming lots of record to be combined to make bigger pre-existing non-conforming lots of record because there were so many small lots in the "Weymouth" area of the township. She then read Section 706 Nonconforming Lots of Record:

- A. In any district in which a single family dwelling is permitted, a single family dwelling and customary accessory buildings may be erected on any legal lot of record at the effective date of the adoption or amendment of this Resolution, notwithstanding limitation imposed by other provisions of the Resolution, provided all such lots are approved by the Medina County Health Department for on-site sewer and water facilities if applicable. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided the yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the current regulations for the district in which such lot is located. Variances of the requirements listed in this Resolution other than the lot area or lot width shall be obtained only through the action of the Zoning Board of Appeals as provided in Appendix I.
- B. A non-conforming lot or lots of record which do not comply with the area or width or both of the current Medina Township Zoning Resolution may be considered for replat or combination so long as any change in the area, width or

both of new non-conforming lots or lots resulting from said replat or combination does not create any lot less compliant with the current legal lot regulations. Any new, non-conforming lot or lots created as a result of this section must also comply with conditions as set forth in Section 706A.

Ms. Strogin continued that she did not see anything in the code that would allow a pre-existing, non-conforming lot of record to be subdivided which is what Mr. Davidson is proposing to do. Therefore there would need to be a variance request of Section 706 of the zoning resolution. If such a variance was granted; Mr. Davidson would be making two smaller non-conforming lots of record. Other variances would then have to be granted to be able to construct a garage.

Mr. West asked, wouldn't the lot with the market pantry on it need variances if the lot was split? Ms. Strogin stated because nothing was being done with that particular lot at this time; the answer would be no, not at this moment.

Mr. Davidson stated right now there are three lots. Two lots go with the ranch in the rear which address is 3359 Myers Rd. There is a third lot which is 3376 Meyers Rd. which consists of a 10 ft. strip. Mr. Davidson stated he wanted to combine the 10 ft. strip of property to the ranch. The property would then be made into two lots. This would allow the ability to put in a new septic system for the apartments. The septic system today is right up against the apartments so there is no room to accommodate a new system. Mr. Davidson added he wanted to give more land to the ranch to give it a bigger yard. See drawing (page 2) of the application. Mr. Davidson reiterated he was working with ZI Ridgely to split the lots, but as of today they have not been split.

Chair Morel stated he understood that the 10 ft. strip could be added to make the lot bigger but the two lots could not be split. He then asked how the County was going to be able to approve the split? Ms. Strogin stated she honestly did not know for sure how or if it could be done. The zoning code was changed to address pre-existing, non-conforming lots and to be able to give the opportunity to combine lots but not to make such lots even smaller and non-conforming. Ms. Strogin stated adding the 10 ft. strip to the existing house was fine but cutting the front off to attach where the pantry was... Again she stated she did not know if that could be done legally and if the County would accept it.

Chair Morel stated that there were two main buildings i.e. the market pantry and the ranch on two separate lots. If those two lots remain the same as they are with no lot split the proposed garage could be put on the other side. Ms. Strogin interjected that if Mr. Davidson added the 10 ft. strip to the proposed second lot and the Board grants variances for the garage it could be done. She continued that Mr. Davidson is proposing to take the front part of the second lot and adding it to where the pantry is located but he is taking the land from a pre-existing, non-conforming lot.

Ms. Strogin continued that another issue is where Mr. Davidson wants to cut off the lot and add it to the second lot, there is a water trough that belongs to the Township. There is a document that says the property surrounding it was to be dedicated to the Township so the water trough would stay in perpetuity as part of Weymouth history. The preservation society is very interested in this area; and were successful in getting the surrounding property owners to sign off in order for this to happen, but it appears the paperwork to do accomplish this was never recorded. Currently it shows that Mr. Davidson is the current owner of the property and therefore still has control of this area.

Chair Morel asked if the Township was going to get a deed for that small area of land with the water trough and monument? Ms. Strogin responded that was the intention.

Ms. Susan McKiernan (3306 Old Weymouth Rd.) was sworn in. She read a document stating the timeline of events regarding the water trough area.

Timeline of donation of 18' by approximately 18' of land for the Weymouth watering trough.

September 10, 1984 Mr. and Mrs. Sellars wish to donate a parcel of land to Medina Township for one specific purpose; to become the permanent home of the historic Weymouth watering trough. Both of them sign the document.
Trustee Charles Riddelbaugh draws up the plans.

September 12, 1984 Trustees voted unanimously to accept the donation of property at the SE corner of lot 9.

Undated article says that Mrs. Dorothy Crooks donated the Weymouth trough and the ground will be dedicated on Weymouth Day-September 15, 1984.

September 15, 1984 Dedication ceremony held. The completed trough, marker, fence etc. follow exactly the plans drawn up by Trustee Riddlebaugh, and it still looks the same today, with the plot still demarcated by a wood and chain fence.

At least 26 community members and local businesses donate labor, materials and money toward the project (see list of donors)

November 9, 1984 Santee Associates bids \$350 to survey donated area

November 12, 1984 Trustees agree to pay for survey of the plot

January 14, 1985 Santee Associates is paid for survey of the plot

June 2014 Daughter Donna Sellars called me to meet with her; she gives me copies of all the paperwork and tells me that the land belongs to the township, explaining how civic and history minded her parents were and how important this was to her.

Ms. McKiernan stated this specific spot which is 18'x18 was to have a parking spot so that one could pull up next to the trough. She added she did not think the new owner wouldn't want to save it as such, but the preservation society wants to see that area of history protected forever.

Carol Feron (3335 Myers Rd.) was sworn in. She stated she was present this evening because she was interested in the trough area and also curious about the proposed garage. She stated many of the neighbors present this evening thought the garage was going to be built on the pantry property not the ranch property.

Mr. West stated the Board was being asked to consider variances on a proposed lot that does not exist at this time. In order to consider the lot split, a variance request of Section 706 Non-conforming lots of record would be required which has not been noticed for this evening.

Mr. Davidson asked if the lots remain the same as they are today right now (with the 10 ft. strip going with the ranch) could the requested variances on record be voted on this evening? Mr. Blakemore stated the requests would have to be different because the front yard depth setback would change. Mr. West questioned if the Board should even consider this application at this time.

Ms. Testa Georgann (3356 Myers Rd.) was sworn in. She stated that when one moves into an historic district like Weymouth, you have to go along with the architecture of the area if you want to be welcomed into the community. She added she was directly affected by this proposal and had no idea what the new owners have proposed for a garage. That would make a big difference as to how she would support these requests. The proposed spot for the garage is where the blacksmith shop used to be. This is a historic spot in the Township.

Colleen Nealy (3313 Myers Rd.) was sworn in. She stated yes, it could be a hardship if somebody does not get the size house they want. However this area does have small lots and that is the nature of this area.

Wayne Louis (3651 Sleepy Hollow Rd.) was sworn in. He stated he was the contractor who has worked with Vince Salerri on the design of the garage and really took into consideration the architecture of the area. He continued that when you pull down the driveway you will see the gable end, carriage garage doors and reverse gable going back to the original house. The garage would also be sided in wood. Mr. Louis produced a sketch of the design of the garage for Ms. Georgann and the rest of the audience to review.

Mr. Vince Salerri (3967 Dogwood Trail) was sworn in. He stated he was the one purchasing the house. He stated that right now there are two buildings on three lots. The only change being proposed is two buildings on two lots. Aesthetically really nothing will change except the addition of a garage.

Ms. Strogin produced the overhead of the properties for the Board to view on her phone. She pointed out where the water trough was located. Mr. West asked what did that have

to do with the requests this evening? Ms. Strogina stated the members of the Weymouth Historical Society were promised and had documentation for this trough area to be preserved. She added the Board could add as a condition in considering the variance requests; and for Mr. Davidson to move forward with the proposed lot splits, that the 18 x 18 area remain in perpetuity.

Chair Morel asked how could the Board enforce that condition? Mr. Blakemore said it appears the Board was being asked to consider variance requests on property lines that currently do not exist. Chair Morel stated the lot split would have to be done first. Mr. West interjected that depending on how the lot split was done that would require a variance. Mr. West continued that he did not know how the Board could move forward this evening. He added he felt this request should be tabled and any additional fees would need to be addressed by the Trustees.

Mr. Blakemore stated depending on the property lines once the lot splits are done the variances would change. The only way they would stay the same is if the applicant received a variance to combine all three lots and split them into two which would need to be done before Mr. Davidson would come before this Board. If the applicant combines the ten foot strip to the one lot it would be cut and dry but the variance requests would change. Mr. Stopa agreed.

Chair Morel asked the applicant if this was the first time he has heard about this 18 x 18 area? Mr. Davidson said he was aware of it but did not want to make any promises until he knew where the septic was going to go. He added he has put money into this area to make it better. Mr. Davidson continued that he lived in the area and did not want to do anything that would hurt the community. He stated he might even make the 18 x 18 area larger if he has the room but did not know how much area he will need until EPA approves the septic system.

Chair Morel asked could the EPA approve the septic without knowing the true lot lines? Mr. Davidson responded he has been working with ZI Ridgely and she gave verbal approval that the properties could be split. He added he then went to Rolling and Hocevar to have a survey written up to be submitted to the County. He commented he thought he was moving forward in the right direction. He was unaware that this could not be done.

Mr. Louis asked in a perfect world if the lot splits were approved would the variances be granted to build the garage as that affects the sale of the house. Mr. Blakemore said the Board could not make that decision until the lots were split as the variance requests would change.

Mr. West stated it would also be helpful if the neighbors saw the design of the garage and were supportive of the variance. He added he did not hear any loud objections to the

variance requests but questioned that they could be considered with all the unknowns at this time.

Mr. Salerrio stated he was directly affected because his house is sold. This is a definite hardship for him. Chair Morel stated he did not know how Mr. Salerrio would buy a house...Mr. Salerrio interjected he did so with the belief the variances would be granted. He really didn't think it was going to be an issue. He added he had very specific plans for this house. We love the yard and the neighborhood. Mr. Salerrio concluded he knew the 18 x 18 area was to be preserved and it is a lovely view from the house.

Chair Morel stated the Board could not consider variance requests until the lots were split. Mr. West stated that due to the unique nature of the area it was important the Board do what is in the best interest to preserve the uniqueness of the community.

Mr. West then asked that this request be tabled and fees waived if possible until the split was determined. Chair Morel stated the septic system would also need to be addressed. The rest of the Board agreed.

Mr. West stated he would like to see this reviewed at the Board's meeting next month assuming all the details can be dealt with in that timeframe.

Mr. West made a motion to table the Davidson application as presented until it is amended with all the information necessary for the Board to make a decision until the Boards March 16, 2016 or such future meeting. It was seconded by Mr. Blakemore. ROLL CALL-West-yes, Blakemore-yes, Stopa-yes, Gray-yes, Morel-yes.

Secretary Ferencz stated the deadline for submittal for next month's meeting is January 26, 2016. She stated that if the application is amended a legal notice would have to be placed in the newspaper. Mr. West stated he had no issue tabling the hearing until a future meeting date to make sure all information needed to consider any variances i.e. lot splits, septic location and the issue of the 18 x 18 area were resolved, so the Board knows exactly what they are to consider. Any fees to be waived would have to be determined by the Township Trustees.

Mr. West asked that the information on Non-conforming Lots of Record be forwarded to the Board as well.

Secretary Ferencz stated there were meeting minutes to approve. The Board approved the September 15, 2015 and January 20, 2016 meeting minutes as written.

Having no further business before the Board, Mr. Stopa made a motion to adjourn. It was seconded by Mr. West.

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ROLL CALL-Stopa-yes, West-yes, Blakemore-yes, Gray-yes, Morel-yes.

The hearing was officially adjourned at 8:25 p.m.

Respectfully Submitted.

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman