

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
MAY 18, 2016**

Chairperson Ed Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Morel, Blakemore, West, and Gray were in attendance. Mr. Stopa was absent. Alternate members Boris Williams and Matt Payne were also in attendance. Mr. Williams sat in for a full Board.

Chair Morel explained the procedures of the hearing.

Vene variance request-3803 Hamilton Rd.

Secretary Ferencz read the application into the record. The applicant was Gary M. Vene. Address of the property requiring the variance-3783 Hamilton Rd. Present Zoning-RR. Previous variance requests-none.

Variance being requested-Section 401.3.E Minimum Side Yard Setback-25 ft.

Garage will be 14 ft. from west property line requesting 11 ft. variance.

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of 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.

Due to the bad soil conditions and deep fill in yard, the western edge is the only good building soil. I spent \$27,000 before the basement was built for fill, cement and block just to reach good soil.

The applicant, Mr. Gary Vene was sworn in. He said he was not too smart as he should have never built on this site given the very poor soil conditions. The only good area to build on is the western fringe of the property.

Chair Morel asked what was wrong with the soil? Mr. Vene stated he did not know, but thought it was full of humus. It would not pass the perc test and they had to go down even farther to dig the footers for the home. The whole property is like that. Chair Morel asked why Mr. Vene couldn't go back further than 20 ft. from the house. Mr. Vene responded that there was a swale for a subdivision that runs northwest to the southeast along the side of his property which was depositing bad soil onto his property.

Mr. West asked how wide the driveway was at the garage. Mr. Vene stated 24-26 ft.

Chair Morel stated if Mr. Vene went back 50-60 ft....Mr. Vene interjected he would start getting into the trees. Chair Morel stated he was not too worried about the trees because they are Elm and Ash and are going to die anyway. Mr. Vene stated he would run into the

same issue when he built the house, poor soil conditions in part due to the drainage from Sutton Place. Chair Morel stated it did not appear Mr. Vene had any evidence that he could not build where the code requires. Chair Morel continued that he would like to see the garage moved back further north and then over to the east. Mr. Vene again stated he could not do that as it would put the garage in the poor soil conditions. Chair Morel asked if Mr. Vene was saying he could not build the garage foundation on virgin ground? Mr. Vene stated with all the trouble he had building his house; the best place for the garage was on the western fringe of the property.

Mr. West asked if the existing garage was a three-car garage? Mr. Vene answered yes. Mr. West then asked how many garage stalls are required for a garage? Mr. Vene responded one accumulates a lot of junk and he needed the garage for storage.

Mr. West asked about this property being for sale. Mr. Vene stated it was not for sale; he was living there. Mr. Vene said he took it off the market a few weeks ago and just moved into the house yesterday. He said he had two houses next to each other for sale and whatever one did not sell he would move into therefore he is living at 3803 Hamilton Rd.

Chair Morel said this was a substantial variance and there was no evidence provided that the garage could not be built where required. There were no soil tests submitted. Again Mr. Vene stated if he went east he would run into the same problems he did when he built the house. He added he knew how much fill was back on the property. Chair Morel said Mr. Vene would be building on fill 20 ft. behind the driveway. Mr. Vene stated the further back you go the worst it gets. Chair Morel stated the further back you go the less fill there is. Mr. Vene stated if he goes to the east then he would be back into the swale area. Chair Morel stated if Mr. Vene went back further that should not be an issue. There is roughly 70 ft. to the swale and the garage is only 30 ft. deep.

Mr. West stated there was 290 ft. to the back existing edge of the garage. Mr. Blakemore said regardless how far it goes back, Mr. Vene would have to move the proposed garage 11 ft. over to the east. Mr. Blakemore stated stay where you are and move the garage over 11 ft. and there would be no variance needed. Chair Morel stated the request was over a 40% variance. There was no evidence provided that the garage could not be accommodated. There is a lot of fill on the property. When you go over to the west 15 ft. from the property line the fill tapers off. That soil does not look any different than the soil to the rear where it tapers off.

Hearing no further comments by the Board members, the Board considered 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.

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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?
Chair Morel stated right now there was nobody next door but the requirement is a 25 ft. side yard setback in the Rural Residential District.
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 Mr. Vene knew the zoning but maybe not the soil conditions.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated there was no concrete evidence that Mr. Vene could not build the garage 25 ft. way from the side property line. There was no engineering report submitted that this could not be accommodated. Mr. Vene stated it was fresh fill. Chair Morel stated he knew that but Mr. Vene put it there.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated everyone wants to push these structures to the property line. Yes there is a swale and some trees that would have to be knocked down and it would be convenient to have the garage 20 ft. away but that is the applicant's issue.

Mr. Blakemore stated he had really hard time seeing that the garage could not be moved over 11 ft. Mr. Vene stated if he moved the garage he would be in the same situation as when he built the house with all the fill issues. He added if the variance were not granted he would not build the garage.

Mr. West made a motion to deny the 11 ft. side yard setback variance for the construction of garage to be 14 ft. from the west property line for the property located at 3803 Hamilton Rd. It was seconded by Mr. Blakemore. Mr. West stated the burden was on the applicant to show there were practical difficulties in meeting the code and that has not been established this evening.

ROLL CALL-West-yes, Blakemore-yes, Williams-yes, Gray-abstain (friends with the applicant), Morel-yes.

The variance request was denied.

Westfall variance request-3317 Thomas Lincoln Pkwy.

Chair Morel stated he would need to recuse himself from this request because he and the applicant are friends. Mr. Blakemore took over chairing the hearing. Alternate board member Matt Payne sat in for a full board as a two to two vote would result in a denial of the variance request.

Secretary Ferencz read the application into the record. The applicant is Jeffrey Westfall. The street address requesting the variance is 3317 Thomas Lincoln Pkwy. Present zoning is RR. Previous variance requests-none. Variation requested: Relief from Section 401.3D. Minimum Front Yard Depth-100 ft. 79 ft. variation from 100' setback. 21 ft. from Remsen ROW. Topographical relief due to severe slope to pond. Flat area is in variation requested.

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of 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.

The response is as follows:

- A. The severe slope of my property to a pre-existing pond hinders placement of any structure except at the outer extremes of the property. A storage shed will slope and leave the pond if placed in compliance making the storage shed unusable.
- B. The property has unique pre-existing mature trees that would deem a storage shed virtually unseen from the closest point of variance
- C. The placement of the shed and general upgraded appearance and quality of the shed will be an enhancement to the existing property. I have discussed placement of the shed with my closest neighbor (Roy Rosso 4170 Remsen Rd.) He has no complaints. He approves.
Shed will be 14'x20' white vinyl with black shutters and a black steel roof constructed by Alpine Structures.
HOS states "Any unattached storage building sheds, barns etc. must be the same exterior material and same architectural design as the home on the lot." (See picture of home) shed to comply with this view.
No emergency access will be hindered. See pictures of clear access to fire hydrant on Remsen Rd.
No structures, homes nearest the shed (across Remsen) see pictures.
Shed would be 82'9" from 4170 Remsen Rd. property line.

The application also contained pictures of the proposed shed and the property in general.

The applicant, Mr. Jeffrey Westfall was sworn in. Mr. Westfall stated he wanted to build a shed. It would sit on skids (produced picture of shed). He said he knew it was a substantial variance but the property was unique because Remsen Rd. has mature trees so no one will see the shed. (produced pictures). There is also a pond on the property. The shed would be secluded from the mature trees. Mr. Westfall said he felt his variance request is supported because it will not hinder any sight line from the road. Mr. Westfall also produced a picture from across the road which shows no buildings. He added his residence was on the corner of Remsen Rd. and Thomas Lincoln Parkway.

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Mr. Westfall continued his property slopes to the existing pond. The pond was the original water source for the old Butterspoon Farms. There is a pre-existing pottery shed and that was the only flat area of his property as the rest is drainage to the pond. Mr. Westfall stated he thought he was supposed to measure from the middle of the road. It is 51 ft. from the center line of Remsen Road. Therefore his request was for 49 ft. Mr. West asked if the variance request could be reduced? Mr. Westfall said he could go another 10 ft. but then he starts to drift to the pond.

Mr. Blakemore stated, if it's not a permanent structure then it could be leveled. Mr. Westfall said he could add more gravel and try to level it. He added he was hoping to place the shed on the flat area of the property.

Mr. West said looking at the topo the shed could be moved further up Remsen Rd. Per the topo lines the shed could be moved further in and then a variance would not be necessary. Again, it is the applicants' burden to show the Board the practical difficulties in complying with the code. It appears per the topo the shed could be moved in another 10-15 ft. Mr. West commented that it appears over the years since he has sat on the Board that everyone wants structures on the edge of the property but the Township has made clear, through the zoning code, where it deems such structures to be placed. In order to grant a variance there has to be a practical difficulty established. Why does the shed have to be located out at the edge of the trees. Mr. Westfall interjected because that was the flattest part of his property.

Alliss Strogan, Chair of the Zoning Commission was sworn in. She stated the drawings submitted have been stamped and certified by a survey engineer. The scale shows 1 inch equals 60 ft. She continued that as Mr. West pointed out, the topo lines are almost 1 inch apart. There is no exaggerated slope but on the other side the lines were practically on top of one another.

Zoning Inspector Ridgely was sworn in. She stated a corner lot has two fronts. The one on Remsen is not a side yard like a normal 25 ft. When this house was built the setback was 80 ft. Now anything new the property owner wants to build would have to meet the 100 ft. setback. So there is 20 ft. difference just due to the change in the zoning code.

Ms. Gray stated she lives on Remsen Rd. and walks past Mr. Westfall's property every day. She added that Mr. Westfall is right that the pine trees would shield any view of the shed. She continued that it is extremely hilly throughout Mr. Westfall's property and the proposed area really was the only flat place the shed could be placed.

Mr. Westfall stated he would like to be in compliance with the code but was hoping there could be some kind of resolution so he did not have to put the shed in the middle of his yard where there is too much of a slope. He added he could add another 10 ft. if the Board would be obliged to consider his variance request. Mr. Westfall said he felt he met the Duncan Factors as well and was asking for a variance for relief from the zoning code

due to the unique topography of the trees. The variance should be considered to keep the unique aesthetic view of the property.

Mr. West stated he understood but it appeared Mr. Westfall believed the 100 ft. setback was for an aesthetic reason and that was not necessarily the case. Mr. Westfall stated he was asking for relief from the code due to the visual aspect. He added he could not place the shed 100 ft. from the road right of way and be in complete compliance with the code. The shed would almost be in the water.

Mr. West stated the drawing submitted shows the topography lines and the distance between them. The closer the lines the greater the slope; the further the lines the smaller the slope. Mr. West stated the Board's job is to determine the practical difficulties the applicant has in placing the shed in compliance with the code. The topo provided by Mr. Westfall shows the shed could be moved a minimum of 20 ft. from the variance being requested. Ms. Gray stated she disagreed. She has walked it many times. Mr. West responded the information the applicant has provided i.e. the topo map does not indicate that is the case.

Mr. Westfall stated the Board needs to look at the pictures he provided as well. Mr. West stated he did look at the pictures. What the Board is to consider is what is the minimum variance that would need to be granted in order to give the applicant relief if it is determined that practical difficulties exist.

Mr. Westfall responded, then he needs the 49 ft. he requested. Mr. Blakemore interjected that was not the case as the applicant said the shed could be moved another 10 ft. Mr. Westfall said he then requested a 39 ft. variance. Mr. West stated that was still a substantial variance.

Mr. Payne asked what the shed would be used for? Mr. Westfall stated garden pots, tools etc. He added he had a nice home and would not build anything detrimental to the neighborhood. Mr. Westfall continued if the variance would be granted he would walk it off and see if that area was suitable for him to place the shed and not hinder the use of his yard.

Hearing no further comments by the Board members, the Board considered 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.

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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 stated yes.
6. Whether the problem can be solved by some other manner other than the Granting of the variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated that was what was up for debate.

Mr. Blakemore stated he had a problem with the topo which does not show any topographical issue in meeting the code. Mr. Westfall stated that was why he included several pictures with this application to show a better view of the property.

Ms. Strogin stated she agreed that Mr. Westfall would have difficulties in meeting the 100 ft. requirement but 21 ft. to her was unrealistic. The shed would not be in the middle of his lot. The lot is 690 ft. deep. Fifty feet in is not in the middle of the lot. Mr. Westfall said he was not asking for 21 ft. From the center of Remsen Rd...Ms. Strogin interjected the Township does not measure from the center of the road; it is measured from the ROW Therefore the variance request was for 79 ft. The topo map shows that at least 60 ft. was relatively flat.

Mr. Westfall asked how one measured from the ROW? Zoning Inspector Ridgely stated it is measured from the center of the road. The road is 60 ft. wide. The setback in Rural Residential changed around 2003 from 100 ft. to 80 ft.

Mr. West then asked given this information, what is the smallest variance Mr. Westfall could accommodate? Mr. Westfall responded 69 ft. Mr. West stated per the topo it appeared Mr. Westfall could build the shed with a 50 ft. variance. Mr. Westfall stated that was not possible without additional construction i.e. digging up the yard with a backhoe. Mr. West stated if Mr. Westfall wanted to table the request to look at the numbers and see where the shed could be built this application could be tabled to next month. Mr. Westfall stated he wanted the Board to vote on the application this evening.

Mr. Payne asked if Mr. Westfall and shot a transit on the property? Mr. Westfall stated no, he just walked the property.

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Mr. West asked the applicant for a final number he wanted the Board to vote on. Mr. Westfall stated he would like his original request be amended to 60 ft. from the ROW.

Mr. West made a motion to approve a 60 ft. minimum front yard depth variance for the construction of a 14'x20' shed for the property located at 3317 Thomas Lincoln Parkway. It was seconded by Ms. Gray.

ROLL CALL-West-no, Gray-yes, Williams-yes, Payne-no, Blakemore-yes.
The variance request was approved.

Mr. Morel came back on the Board to Chair the rest of the public hearing.

Salerno variance request-3359 Myers Rd.

Secretary Ferencz read the application into the record. The applicant is Vincent Salerno. The street address requesting the variance is 3359 Myers Rd. Present zoning is RR.

Previous variance requests-yes. Variation requested:

Variance 1-Section 401.3D. Minimum Front Yard Depth 110 ft. exclusive from ROW.
Current front yard depth from right of way to proposed garage-83 ft. Variance needed-17 ft.

Variance 2-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.

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

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of 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.

The response is as follows:

- A. Home interior has limited square footage and this variance would allow for the expansion of master bedroom and allow for storage area using the now existing attached garage space.
- B. This property along with neighboring properties do not meet the now required three acre minimum
- C. This improvement will conform to the design and period of the home.

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The applicant, Mr. Vincent Salerno was sworn in. He stated he was now 100% owner of the property. He stated this property was in front of the Board by the previous owner, Mr. Rick Davidson. Mr. Salerno added that the lot has been split, and the horse trough was no longer on his property. (See Feb. 17, 2106 meeting minutes for full explanation. Secretary Ferencz stated for the record that a letter was received by Mr. Davidson withdrawing his variance request.

Chair Morel asked the size of the existing home? Mr. Salerno responded, 1100 sq. ft. Chair Morel stated the lots in the Weymouth community of the Township; there are all different size houses and lots. The houses in this area tend to be older and smaller. If variances were not granted for individuals to make changes and additions then the existing houses would remain as is and no improvements could be made.

Chair Morel stated the current house is 10.2 ft. off the rear property line; and 69 ft. from the road right of way. The variance requests are huge.

Mr. West asked Mr. Salerno to explain why he needed another 4 ft. offset to make the situation even worse regarding the rear property line? Mr. Salerno stated to pull in the garage any further he would literally have to tear off the front porch to build the garage.

Hearing no further comments by the Board members, the Board considered 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 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 stated yes Mr. Salerno was present before the Board at the Davidson variance request before he purchased the property.
6. Whether the problem can be solved by some other manner other than the granting of a variance? The Board stated no; that in order to build a garage or really any structure on this property given the house configuration and age would require a variance.
7. Does the granting of the variance uphold the spirit and intent of the Zoning

Resolution? The Board stated yes. It is a modest garage-24x24 and would give then the owners more living space to the existing residence.

Mr. Blakemore made a motion to approve a front yard depth variance of 17 ft.; a side yard setback variance of 8.4 sq. ft. and a rear yard variance request of 33 ft. for the construction of a new garage at the property located at 3359 Myers Rd. due to the fact this is a pre-existing, non-conforming lot of record. It was seconded by Mr. West. ROLL CALL-Blakemore-yes, West-yes, Williams-yes, Gray-yes, Morel-yes.

Tyler variance request-3407 Cook Rd.

Secretary Ferencz read the application into the record. The applicant is Rod Tyler. The street address requesting the variance is 3407 Cook Rd. Present zoning is RR. Previous variance requests-yes. Variation requested: Section 401.3D Minimum Front Yard Depth-100 ft. from road right of way. Garage will be 39" from right of way. Requesting a 61 ft. variance. Garage addition at site suggested by zoning appeals last meeting per indication on drawing.

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of 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.

The response is as follows:

Property is secluded and hidden from road. Garage is needed for growing family and vehicle security. This location is contiguous with the existing house and in the place suggested during the last zoning meeting.

The applicant, Mr. Rod Tyler was sworn in. He stated the original variance application placed the garage really close to the road i.e. 10 ft. There was concern it was too close and the variance request was going to be denied. The variance request was for two items i.e. garage and addition. The addition was completed. The question was asked during the original hearing, why not put the garage right next to the house or in the front of the house however it could not be done because there is a septic interference issue. If you move to the south to place the garage it is full of shale.

Mr. Tyler stated he also did not want to build the garage parallel to the house as he would have a 6-8 ft. drop that would have to be filled in. Mr. West stated per the topo it only appeared to be a 2 ft. drop if the garage is moved back. Mr. Tyler stated if he slid the garage all the way to the back of the house; then he would have stability issues with construction as well as there is a gas line in that location as well.

Mr. West asked why the garage could not be moved back 11 ft. Mr. Tyler stated the meter and gas line were in that location. Also that is where a bedroom is now and it has windows. Mr. Tyler stated he got engaged since the last time he was in front of the Board and needs more room. It would be a modest garage-22x24.

Mr. West stated this log home unfortunately has a small building footprint especially due to the river behind it. He added that when the gentleman who built the house was before the Board it was to be a modest 1800 sq. ft. dream home and several variances were granted in order for him to build the house. Now it was turning into the ponderosa and would have been better suited built on a 5 acre lot. Mr. Tyler interjected the lot consists of 3 acres but not much of it can be built on.

Hearing no further comments by the Board members, the Board considered 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 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 stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated in order to build a garage where there was a buildable area variances would be required.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Mr. West stated there is no garage because the garage has now been converted into a bedroom. He added what property in this township doesn't have a variance granted?? Mr. Tyler asked if there was any residence that did not have a garage. The Board stated Mr. Tyler chose to eliminate the garage and turn it into a bedroom. Mr. Tyler concluded there are numerous mature pine trees and one can barely see the house from the road.

Mr. Blakemore made a motion to approve a 61 ft. minimum front yard depth variance for the construction of a 22'x 24' garage to be 39 ft. from the road right of way for the property located at 3407 Cook Rd. as presented. It was seconded by Mr. West.

Ms. Gray stated the house/property is beautiful. Mr. Blakemore questioned if anyone could live without a garage. Chair Morel stated no, but his garage and out build met the code.

Mr. West stated he questioned the purpose of the 100 ft. front yard setback the Trustees approved? If we keep letting people get 50, 60 ft. variances...there may also be safety issues due to the curvature of the road.

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

Elioff variance request-2823 Franklin Rd.

Chair Morel recused himself as he and the applicant were friends. Mr. Blakemore became acting Chair and Mr. Payne sat in for a full Board.

Secretary Ferencz read the variance application into the record. The applicant is Pete Elioff. The street address requesting the variance is 2823 Franklin Rd. Present zoning is RR. Previous variance requests-no. Variation requested: Section 401.3E Minimum Side Yard Setback. Garage will be 30 ft. from the property line. Requesting a 22' variance. Section 401.3D 100' required minimum front yard depth. Garage will be 95' from ROW requesting 5' variance.

Attachment:

Medina Township Zoning Board

I am asking for a variance for a garage addition 288 sq. ft. located 2823 Franklin Dr. Parcel #026-06B-024. I was aware of the zoning restrictions when I purchased the property but did not realize the attached garage was only for one car. Tax map shows 2-car and this is incorrect. See page 1 also see page 2 picture of 14 ft. garage.

I also own the parcel north of my home. Parcel #026-06B-025 see page 3 This parcel is pre-existing nonconforming to support septic system. See page 4 Health Dept. letter.

I have looked into combining the two parcels but the cost to do this is considerably more than a variance and the construction cost of garage addition.

I will only be encroaching upon myself considering I own both parcels and the property line is where they meet in the middle for garage addition. See page 5 and 6.

Garage addition will match existing brick exterior and roof to match the same see page 7.

The applicant, Mr. Pete Elioff was sworn in. He stated he wanted to build a garage and to combine the lots was as much as to build the garage so he was asking for a variance. He added he owned the property to the north of the residence which was not a buildable lot Mr. Elioff stated the lot supports the septic system for his residence. He stated he bought the lot having this knowledge. The existing garage was in compliance when it was built, but is not in compliance with the current regulations.

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Mr. Blakemore asked if Mr. Elioff could add on behind the garage. Mr. Elioff stated no, there is a built-in swimming pool.

Ms. Strogin stated if the lots were combined a variance would not be necessary.

Hearing no further comments by the Board members, the Board considered 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 is outweighed by the fact the property to the north is unbuildable.
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 stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes; the properties could be combined.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Ms. Gray made a motion to approve a 22 ft. side yard setback variance and a 5 ft. front yard depth variance for the construction of a 24x12 addition to the existing attached garage for the property located at 2823 Franklin Dr. It was seconded by Mr. Payne. ROLL CALL-Gray-yes, Payne-yes, Williams-yes, West-yes, Blakemore-yes.

Harney variance request-3474 Old Weymouth Rd.

Chair Morel resumed his Chair position on the Board. Mr. Matt Payne left the Board. Secretary Ferencz read the variance application into the record. The applicant is Cheri Harney. The street address requesting the variance is 3474 Old Weymouth Rd. Present zoning is RR. Previous variance requests-yes. Variation requested: Section 401.3D Minimum Front Yard Depth-100 ft. from road right of way. Requesting 25' variance.

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of

the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of 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.

The response as follows:

- A. Without the variance it disrupts the flow of the house inside and outside. Also it limits the ease of access to the bedrooms.
- B. In 1971/1972 when the house was built, there were different zoning regulations. In adding on we want to continue the flow and integrity of the homes look.
- C. We want to continue and maintained the integrity, intent and overall design of the home. Granting of the variance will be beneficial, and will be attractive to the Weymouth Community.

The applicant, Cheri Harney was sworn in. She stated she wanted to put a 20x28 addition on the east side of the existing home. It would have the same setback as the existing residence. Chair Morel stated this house is the Weymouth Community area of the Township and as stated before in order to make improvements to these old homes on these lots requires variances.

Hearing no further comments by the Board members, the Board considered 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 was 25 ft. but was in the line with the existing house. The house was built in 1944.
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 stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated to put it behind the house would look worse.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Blakemore made a motion to approve a 25 ft. minimum front yard depth variance for the construction of a 20x28 addition to be 75 ft. from the road right of way for the property located at 3474 Old Weymouth Rd. as presented. It was seconded by Ms. Gray. ROLL CALL-Blakemore-yes, Gray-yes, West-yes, Williams-yes, Morel-yes.

Rupp variance request-3241 Wildwood Dr.

Secretary Ferencz read the variance application into the record. The applicants are John and Heather Rupp. The street address requesting the variance is 3241 Wildwood Dr. Present zoning is RR. Previous variance requests-no. Variation requested: Section 401.3E Minimum Side Yard Setback-25 ft. Residential addition will be 18' from property line. Requesting 7' variance to be in line with existing home.

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of 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.

Attachment:

Thank you for taking the time to review our request. We are attempting to modify and update our third generation family home. The expansion will allow us to reconfigure the bedroom portion of our home to include a "master suite" and main floor laundry area. The positioning of this addition is aligned with the current room and plumbing configuration to maximize space and reduce the overall footprint of new construction needed to get the desired updates. The addition will continue the left sideline of the home straight back and will not alter the street view of the home. Additionally the location of the addition is consistent with the "L" shaped additions of surrounding ranch style homes on our street. As part of this project we will be removing the 26'x26' out building increasing the utility and aesthetic of the back yard. Completing this project as designed will update this home and increases its value for years to come. Forcing the addition to be skewed towards to center of the home would increase construction costs and caused reduced functionality within the existing structure through increased disturbance and rerouting of utilities though common areas in the lower levels. Thank you for your time and considerations.

The applicant John Rupp was sworn in. He stated the existing shed would be torn down. His grandfather built the house in 1958. Chair Morel stated again this falls in line with the previous applicant's request for the Weymouth area. This addition would be in line with the existing residence.

The Board then considered 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 was a 25% variance.
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 stated it appears the house pre-dates zoning.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes, but would serve no purpose.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. West made a motion to approve a 7 ft. minimum side yard setback variance for the construction of a 16x23 addition to the existing home for the property located at 3241 Wildwood Dr. as presented. It was noted the existing shed would be removed. Mr. Blakemore.

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

The March 16, 2016 meeting minutes were approved as written.

Having no further business before the Board, the hearing was officially adjourned at 9:50 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

Ed Morel, Chairperson



Ed Morel