

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
October 19, 2016**

Chairperson Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members West, Gray, Stopa, Blakemore and Morel were present. Alternate members Payne and Williams were absent.

Chair Morel explained the procedures of the hearing.

Miller variance request-2799 Blakeslee Blvd.

Secretary Ferencz read the application into the record. The applicant is Chris Miller. Address of the property requiring the variance-2799 Blakeslee Blvd. Present Zoning-RR. Previous variance requests-none.

Variations being requested: Section 401.3D. This is the only area with access to driveway for outbuilding. Minimum Front Yard depth, 100 ft. outbuilding will be 38 feet from right of way. Requesting a 62 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.

- A. Outbuilding will not fit on the lot due to the location of the 250 ft. septic mound.
- B. HOA requires side load outbuildings
- C. Building will match existing dwelling exactly.

Attached was also a letter dated September 26, 2016 from the Home Owners Association giving approval for the proposed outbuilding. It was signed by the HOA members.

The applicant, Mr. Chris Miller was sworn in. Chair Morel stated Mr. Miller was asking for a huge variance. Mr. Miller stated there was a 250 ft. septic mound which he could not cross with any vehicles because it was an aeration system composed of mostly sand. The only option he had in order to have access to the driveway is directly across because the building must be a side load building. He continued there are three other outbuildings in the neighborhood that are similar in layout and that was why his request was unanimously approved by the HOA. Mr. Miller said there were two contiguous property owners present at this meeting who have no objections to the proposed outbuilding.

Mr. West stated the septic mound appears to run all the way to the Blakeslee Blvd. right of way. Mr. Miller responded, yes it was very close. He added after he built the house back in 2010, the setback was changed from 80 ft. from the road right of way to 100 ft.

Ms. Strogan Chair of the Zoning Commission was sworn in. She confirmed the setback change made in 2010. She stated when the minimum acreage to build in the RR District was changed from 2 to 3 acres the front yard depth setback was changed from 80 ft. to 100 ft.

Ms. Strogin then asked, wouldn't be easier for the applicant to ask for a variance from the side load requirement for an outbuilding to a front load from the HOA and put the outbuilding at the end of the driveway. She added it appears the building would fit there and getting a variance from HOA for a side load in that area would make the variance request to the Township considerably less.

Mr. Miller responded the HOA has not budged from the side load requirement in this development. The other drawback he would face was that the further back the building was moved the closer to the septic system.

Chair Morel asked how big the proposed outbuilding would be. Mr. Miller stated 24'x 31' and 15 ft. in height. Mr. Miller showed the Board the plans for the outbuilding which in turn would look identical to the house regarding the materials used for construction. Chair Morel stated being a corner lot Mr. Miller realistically had two 100 ft. frontages.

Mr. Miller stated it was possible to take down trees to move the outbuilding but that would be cost prohibitive because the trees were 10-12 ft. tall and more importantly would destroy the aesthetics of the property. Chair Morel asked, if the building were moved, how would one get to the outbuilding? Mr. Miller stated that he would not be able to access the outbuilding if moved.

Mr. Blakemore asked how wide was the existing pad shown on the drawing? Mr. Miller stated 38 ft. The pad is existing and he was not going to crack it up or build on it. The proposed outbuilding would be built right up against it so there was room to turn around.

Mr. West asked the size of the existing garage on the house? Mr. Miller answered a tight 3-car garage. Mr. West asked what the proposed outbuilding would be used for. Mr. Miller stated gators, lawn equipment etc. as he took care of the property himself. He added the building would also be used to house his 3 children's bikes; and that ultimately he would like to get all of the children's outdoor toys etc. out of the main garage.

Ms. Gray asked if the outbuilding would have a foundation. Miller stated yes and would be built even with the residence.

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 agreed.

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? Mr. West stated there were neighbors present and he would like to hear from them before the Board responds to this standard. Chair Morel stated the Board will come back to this standard.
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? Chair Morel stated if a variance was granted by the HOA for a front load outbuilding maybe. Ms. Strogin interjected, what about the area towards Champions Way? Ms. Strogin stated Mr. Miller said all he was going to keep in the proposed outbuilding were his kid's bikes and some lawn equipment, so a driveway out onto a street would not be needed. Bikes and 4-wheelers can be driven across the lawn. Mr. Miller responded the septic tank is on that side of the house. He added his children are 9, 8 and 1 yr. old. To say that a vehicle would never be in that building he could not say for certain; and that is why he wanted access to the driveway. He added he and his family are planning on staying in Medina for a long time.

Mr. Blakemore stated regarding Ms. Strogin's point there is another alternative though it might not be the best one and probably isn't.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated they were torn on a response to this standard.

Mr. Kollar (2810 Blakeslee Blvd.) was sworn in. He stated that he lived directly across from Mr. Miller. He added after seeing the quality of the plans proposed and the meticulousness of the Millers residence and property, he had no reservations with the proposed outbuilding.

Ms. Dawn Allar (2775 Blakeslee Blvd.) was sworn in. She stated she lived next to the Millers and also had no reservations with the proposed outbuilding. Where the outbuilding is being proposed works both aesthetically and functionally. The HOA unanimously approved the outbuilding.

Mr. West stated he had issue with the size of the variance request. Even with an 80 ft. setback the request is almost 50%. He added that corner lots can create difficulties. Chair Morel stated responded yes, especially when the health department puts the septic system across the property virtually cutting it in half which is the case with this property.

Mr. Blakemore made a motion to grant a 62 ft. area variance of Section 401.3 D Minimum Front Yard Depth-100 ft. for the construction of an outbuilding to be 38 ft. from the road right of way per the drawings by Dave Lobash for the property located at 2799 Blakeslee Blvd. It was seconded by Ms. Gray.

ROLL CALL-Blakemore-yes, Gray-yes, Stopa-yes, West-no, Morel-yes.
The drawings would also be stamped and signed by the Board.

Steven Guercia variance request-4404 Windfall Rd.

Secretary Ferencz read the application into the record. The applicant is Steven Guercia. Address of the property requiring the variance-4404 Windfall Rd. Present Zoning-RR. Previous variance requests-none.

Variance being requested: Section 401.3.D Front Yard Setback. Asking relief from front yard setback of 100 ft. I am seeking relief from the 100' from the ROW to 80' from the road right of way (Windfall) and from the 100 ft. from the ROW to 50' ft. from the road right of way (Granger). Requesting 20ft. variance from Windfall Rd. and 50 Ft. from Granger Rd.

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.

Practical difficulties or unnecessary hardships are;

- Location of utility pole
- Placement of septic system
- Garage location is the lower level of the home
- Does not allow for any renovation
- Unable to park full size pickup truck

Exceptional circumstances that exist with this property are as follows:

- Property is considered to have two frontages
- No access to frontage from CH21 (Granger Rd.)
- Approximately 15 ft. build-up of road to allow bridge over highway (NW corner of property).

Granting of variance:

- Will not obstruct the view from either CH21 (Granger Rd.) or CH 101 (Windfall Rd.) for motorists traveling along with road.
- Will not prohibit any future development based on the location of property

The applicant Mr. Steve Guercia was sworn in. Chair Morel asked, is the house closer now than 80 ft. from Windfall Rd? Mr. Guercia stated yes. Chair Morel stated the outbuilding then would be placed behind the house? Mr. Guercia responded yes 10 ft. from the back of the residence.

Mr. Guercia stated he owned the corner lot on Granger and Windfall Rd. where the bridge over 71 is located. He added he had to have access to the outbuilding to put his standard size pick-up truck in. The only way a driveway could be put in would be off of Granger and the County would not permit him to do that.

Mr. Guercia produced pictures that showed how much higher Granger Rd. was from his property as well as where the proposed building would be located and the utility pole by the edge of the existing driveway.

Ms. Stogin asked why individuals were not made aware when they buy a corner lot they have to have equal setbacks from both roadways and they should plan for the layout of their property before they buy it. Mr. West stated he believed they are deemed to be aware of it but are they truly aware of it he could not say for sure.

Mr. Guercia stated the setbacks have changed since the house was built.

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, one variance is i.e. the Granger Rd. variance request; but the other one isn't i.e. the Windfall Rd variance request.
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, where the proposed outbuilding would be built was up against Granger Rd. which is elevated above the property in question so there would be no adverse impact on the neighborhood.
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 maybe be it would be almost impossible in terms of getting to the driveway.
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 20 ft. front yard setback variance from Windfall Rd. and a 50 ft. front yard setback variance from Granger Rd. for the construction of a 30 x 40 outbuilding for the property located at 4404 Windfall Rd. It was seconded by Mr. Blakemore.

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

The July 20, 2016 meeting minutes were approved as written. There was not a quorum present this evening to approve the September 21, 2016 meeting minutes therefore they would be tabled.

Secretary Ferencz reminded the Board about the zoning workshop to be held on November 4, 2016 in Mayfield Village.

Having no further business before the Board, the hearing was officially adjourned at 8:12 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary



Chairperson, Ed Motel