

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
JULY 19, 2017**

Acting Chairman Blakemore 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, and Blakemore were in attendance. Mr. Morel was absent. Alternate member Boris Williams sat to create a full five-member Board.

Acting Chair Blakemore explained the procedures of the hearing.

Eastridge variance request-5313 Yellowstone Dr.

Secretary Ferencz read the application into the record. The applicant is Regina Eastridge. She is also the owner of the property. The address of the property requesting the variance is 5313 Yellowstone Dr. The present zoning is UR-PUD. Previous variance requests-None. Variation requested and Section No. and Reasons: Twenty feet because we don't have enough property. Section 403.3F.Minimum Rear Yard Depth-30 ft. Requesting a 16.5 ft. variance.

Explanation for the variance.

I Regina Eastridge have Multiple Sclerosis and a pool would benefit physical therapy to keep my body from getting contraction. My daughter also has fibromyalgia and needs a pool for physical therapy. My grandchildren live with me and could benefit also with exercise. My property line doesn't go back as far as the rest of the street. It would not be an eyesore or seen by any road right of way. I have farmland behind me that is owned by a gentleman and doesn't mind if I have a pool.

The applicant, Regina Eastridge was sworn in. She presented the Board with pictures of her property and where the proposed pool would be placed.

Ms. Candace Hyer (5313 Yellowstone Dr.) was sworn in. She stated she was Ms. Eastridges' daughter and also lives at 5313 Yellow Stone Rd. She said the property in questions slants and slopes down. They have a walk out basement and no one can see anything in the backyard so the pool would not be seen from any road.

Mr. Ed Bellinu (5305 Yellowstone Dr.) was sworn in and stated he was the property owner next door on the east side. He commented that he was concerned about all the dirt that has to be excavated for a pool and where that dirt would go. He added that there is a slant to the back of the property but it also slopes so the water comes towards his property. Mr. Bellinu said that he and his wife put in a lot of landscaping in that area to try and keep the water out of their backyard.

Ms. Hyer stated before Mr. Bellinu built his home there was a lake on the property that was filled in so it always was a damp area.

Acting Chair Blakemore asked the size of the proposed pool? Ms. Eastridge stated a 27 ft. round pool.

Mr. Stopa asked if there was a reason for the particular size of the pool. Ms. Eastridge stated no; that was the show model so that was what she chose. Ms. Hyer interjected, they went with the 27 ft. round pool so her mother would have a full range of motion while swimming.

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 over 50%.
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 possibly per the testimony of the neighbor.
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 with a smaller pool and for the pool to be placed closer to the house.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated no.

Mr. West stated he understood the neighbor had a concern about a potential flooding problem. If the variance were granted however, any change in the movement of water is the responsibility of the property owner. He added that the responses to the Duncan Factors were not favorable to the granting of a variance.

Acting Chair Blakemore asked if the applicant could go with a smaller pool and pull it closer to the house. Ms. Hyer stated they thought that's how far they had to be from the house.

ZI Ridgley Zoning Inspector and Ms. Strogin, Chair of the Zoning Commission were both sworn in. ZI Ridgley stated a pool had to be a minimum of 15 ft. from the side property line and 30 ft. from the rear property line. Ms. Strogin stated the Township actually has had individuals who have had a deck in the back of the house cut out in a moon shape and place the pool right up to it. She added it appears there is room to locate the pool closer to the house; and a smaller pool would cut down on the amount of the variance request.

Acting Chair Blakemore asked the applicant if she knew how much closer to the house the pool could be placed? Ms. Eastridge stated the pool could be moved closer but one had to keep in mind the deck and that the walkout basement under the deck.

The Board and the applicant discussed many different scenarios as to the size of the pool and how close it could be brought to the house.

Mr. West asked the applicant if they wanted to measure the yard first to see if how close the pool could be pulled to the house as well as the size of the pool itself. He added if that were the case, the variance request could be tabled until next month. Mr. West stated the applicant could ask for the variance request to be tabled so one could measure and consider a smaller variance and pool size or the Board could move forward this evening with the request as submitted.

Ms. Eastridge stated the pool would need to be placed exactly where the drawing shows it or she could not get her riding lawn mower through the area between the deck and where the proposed pool would be located as it would be too small.

Mr. Williams asked if a hand mower could be used to mow. Acting Chair Blakemore interjected, if the pool was pulled closer to the house there would be no need for a mower. Ms. Hyer stated they could move the pool up but would need to move it closer to Mr. Bellinu's property. Acting Chair Blakemore stated if the applicant purchased a 24 ft. round pool there is 32 ft. from the back of the residence. If the deck is 10 ft. as indicated, that leaves 32 ft. from the back of the house. If the pool were placed right up against the edge of house that would leave 18 ft. from the side yard and 13 ft. up. That would require a 3-4 ft. variance instead of a 16.5 ft. variance.

Again, Mr. West asked the applicant if she wanted to table the variance request, amend the request before the Board or go forward with the request as submitted. Ms. Eastridge stated she wanted to go with the request as submitted.

Mr. West made a motion to deny the 16.5 ft. rear yard depth variance for a proposed above ground pool to be located at 5313 Yellowstone Dr. It was seconded by Mr. Stopa. ROLL CALL-West-yes, Stopa-yes, Williams-no, Gray-yes, Blakemore-no. The variance request was denied.

Rupp variance request-3241 Wildwood Dr.

Secretary Ferencz read the application into the record. The applicants are John & Heather Rupp. The address of the property requesting the variance is 3241 Wildwood Dr. The present zoning is RR. Previous variance requests-Yes. Variation requested and Section No. and Reasons: Section 401. 3E. Side Yard Setback-25 ft. Need a 3 ft. variance for deck walkway for rear access.

Explanation for the variance.

The variance is needed to complete the addition project we started last year. Our original drawing, submitted for a variance last year, did not include the walkway from the back door

of the addition to the deck we were planning on adding after the addition project was completed. This deck walkway is required to make the back door to the house functional and does not extend past the existing structure. Apologies for not thinking ahead on the original drawing.

The applicant and owner, Heather Rupp was sworn in. Mr. Blakemore asked how close the existing structure to the property line is. Ms. Rupp stated they were granted a 7 ft. variance last spring that dealt with the addition. This request is so that the addition is off the ground so the walkway will be part of the deck. It is a raised ranch so the walkway will be part of the deck from the sliding backdoor and around the pool.

Mr. Blakemore asked if this would be within the variance of the addition that was granted. Ms. Rupp stated yes, but they forgot to include it when we were before the BZA for the addition.

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 no.
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 the yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated no.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Stopa made a motion to grant a 3 ft. side yard setback variance for the proposed deck walkway to be constructed at 3241 Wildwood Dr. as presented. It was seconded by Ms. Gray.

ROLL CALL-Stopa-yes, Gray-yes, West-yes, Williams-yes, Blakemore-yes.
The variance request was granted.

Whole Body Health variance request-4483 Weymouth Rd.

Secretary Ferencz read the application into the record. The applicant is Mr. Sean P. O'Farrelly from Precision Interiors. The owners are T.M.W. Holdings. The address of the property requesting the variance is 483 Wildwood Dr. The present zoning is BL. Previous variance requests-Yes. Variation requested and Section No. and Reasons: Section 404.3D.1 (a) 1 Minimum Side Yard Width-20 ft. Requesting a 10'6" variance.

Explanation for the variance request.

- A. Holding to a strict application of the provision of the resolution will prohibit the growth of the business (Whole Body Health). The practice and health food store have grown as far as possible in the space available within the current structure.
- B. Whole Body Health is a rapidly growing business in clients/customers necessitating this request for permission to expand the area of the building. Fortunately and unfortunately the building housing the practice is on a corner lot which an unusual property line angle, in line with the proposed addition/expansion.
- C. The proposed variance will have no actual impact on any adjoining businesses nor any residences due to the location of the requested variance. The property line at issue goes along a small sliver of land that renders it of no practical use. The variance and subsequent addition will raise no line of sight issue with Granger Rd. or any future driveways that may one day be built on the adjoining property. It will have no practical impact on the residential neighbors on the facing side of Granger Rd. nor will it affect traffic on Granger Rd.

The applicant, Mr. Sean O'Farrelly was sworn in. He stated it is a 10'6" variance we are requesting. There is a 20 ft. setback off the property line even where the wedge runs off there is the right of way that would overlap in that area. The property is a weird pie shape.

Mr. Timothy Sheerer (4666 Salem's Way) and Mr. Timothy Earley (4185 Granger Rd.) were both sworn in. They stated they were partners that owned the property at 4463 Weymouth Rd. which was behind the current parking for Whole Body Health.

Mr. Sheerer stated there was a gas meter on their property that feeds the property in question. He also said he was concerned where the storm water was going to go as there is a creek right there which feeds into the Rocky River. Mr. Blakemore stated that concern would be under the jurisdiction of the County Engineer.

Mr. Earley stated about 2-3 years ago he came to the township proposing an expansion for him and his partners business; and in that drawing, the area Whole Body Health wants to expand is the low point of the property. He added if they ever went forward with their expansion, they would need a place where their runoff could go. Mr. Earley added, if Whole Body Health variance is approved we just want to make sure we aren't getting their water runoff.

Mr. Blakemore asked how large the addition would be. Mr. O'Farrelly stated one-story.

Mr. Stupar (4044 Granger Rd.) was sworn in. He stated he was concerned with the exterior finish of the proposed addition. He commented this is a residential area and we share this street with a few businesses. Mr. Stupar stated he hoped this addition would be consistent with the existing building. Mr. Stupar continued that he would also like to see the parking lot landscaped so the view from Granger Rd. is blocked. Mr. Stupar stated he would like something done about the semi-trucks that park and unload on Granger Rd. for this business. He said he believed there was room in the parking lot so that the semi-trucks aren't parking on Granger Rd. and blocking residents from entering their driveways.

Lastly, Mr. Stupar stated travelling on Granger Rd. going westbound; there is a curve right before one gets to Rt. 3. There is a traffic light posted on the pole so people can make the curve to come to Rt. 3. Is this addition going to block this view? Mr. West responded that the line of sight would not change.

Mr. O'Farrelly stated the finish on the addition would match the existing building. Mr. West asked if the variance is granted, does the landscaping go back to the Zoning Commission for approval. Ms. Strogin stated the landscaping was previously approved by the Zoning Commission.

Mr. O'Farrelly continued, the shrubs along Granger Rd. should also block the view. The size, type and spacing of the plants would determine how much blockage there would be. Mr. O'Farrelly stated he would speak to the owners of Whole Body Health about the issues of the semis parking on Granger Rd.

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 but the expansion as proposed could not.
2. Is the variance substantial? The Board stated yes it is 100%.
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 per the drawings the answer is no it would blend in with the existing building and area.
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 the yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated the business could move out of the township or buy/build a bigger building hopefully in the Township.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes. The Board tries to be supportive of business growth in the Township within reason.

Mr. West made a motion to approve a 10'6" side yard width variance for construction of a proposed addition for the property located at 4483 Weymouth Rd. as detailed in the site plan presented. It was seconded by Ms. Gray.

ROLL CALL-West-yes, Gray-yes, Stopa-yes, Williams-yes, Blakemore-yes.
The variance request was granted.

The minutes to the June 21, 2017 BZA meeting were approved as written.

Having no further business before the Board the meeting was officially adjourned at 8:27 p.m.

Kim Ferencz, Zoning Secretary



Carey Blakemore, Acting Chairperson