

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
MARCH 21, 2018**

Chairperson Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:00 p.m. Permanent Board members Morel, Blakemore, West, and Basilone were in attendance. Gray was absent. Alternate member Dominguez sat in for a full Board.

**PUBLIC HEARING**

**Schween variance request-3780 Hunting Run Rd.**

Secretary Ferencz stated she received a letter dated March 20, 2018 from Brothers Grimm asking to reschedule their hearing once again until the BZA's April hearing date. The BZA stated this request has been tabled once before at the last minute and now again a day before the hearing. The consensus of the BZA members is, unless there is an variance application submitted for an April hearing, the BZA will not hear the Schween variance request until there is another variance application submitted.

**Padden variance request-3839 Crimson Harvest Rd.**

BZA member West read the application into the record. The applicant is Michael Padden. The owner of the property is Ryan Homes (Nate Gehring). The address of the property requesting the variance is 3839 Crimson Harvest Rd. Present zoning-UR-PUD. Previous variance requests-None.

Attachment for the explanation for the variance request reads as follows:

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

This two-foot variance request for a third car garage blends in with the architectural appearance of the development in conjunction with open space adjacent to the property. It also supports the spirit of a well-maintained neighborhood with the fundamental need for storage of vehicles, yard equipment, trashcans, etc. Avoiding long-term parking in the driveway and potential clutter around perimeter of the home due to lack of storage is a positive long-term benefit.

**B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district**

Sub lot 27 size is a smaller lot than all other lots in the development. However the open space surrounding the sub lot is significant compared to the other sublots. This provides a significant buffer on the north, south and east sides for a third garage. The closest

neighbors on all three sides will be over 100 ft. away. Neighbor on the west side will not be impacted by a 2 ft. variance.

**C. Why the granting of the variance will not be detrimental to the public interest or to property or improvement in such district and will not materially impair the purpose of the Resolution.**

Over 75% of the community currently has homes with three car garages. The continuation of this theme by providing a variance for a third car garage compliments the development overall. On the average re-sale property values trend higher and are more marketable in upscale neighborhoods favoring three car garages.

**Duncan Factors**

1. **Will the property yield a reasonable return or whether there is a beneficial use without the variance?** An approved variance allowing addition of 2 ft. to the east setback is needed for a third car garage. Homes architectural design accommodates a third car bay consistent with other structures in the neighborhood. Weymouth Crossing currently has a majority 75% of three car garage homes built. On the average re-sale property values trend higher and are more marketable in this price range with a third car garage. Neighborhoods are more aesthetically pleasing when vehicles can be parked inside vs. outside for extended periods. Inside storage of items sustains the clean, fresh appearance of neighborhood vs. overflow outside of i.e. (trash cans, yard power equipment, wheel barrows, toys etc.)
2. **Whether the variance will be substantial?** No the request is for a 2-foot variance on the eastside setback facing future open space. It will not impact the neighbor's properties or adjoining open spaces.
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?** No, by allowing the home to be constructed with a 3-car garage will better blend with the community where 75% of the current homes sold or that is to be built have 3 car garages. The architectural character of this house is aesthetically pleasing with the addition of a third car garage. In addition, the third car garage will help protect home values within the community. The adjacent home on the west side property is significantly larger by 1000+ square feet. Allowing the 2-foot variance should better compliment the existing larger home vs. a smaller 2-car garage home. There is zero impact on the property to the west side. The closest neighbor on the east is more than 100 ft. away with green space in between.
4. **Will the granting of the variance adversely affect the delivery of governmental services?** No, this is a side yard variance that will not impede access to the property in any way.
5. **Did the property owner purchase the property with the knowledge of the zoning restrictions?** No, after touring the neighborhood for several weeks

looking for a future home site it was easy to see that 75% of homes in Weymouth Crossing already have 3 car garages. With this visual assumption and the emotional buy-in we were excited to pursue Medina Twp. For our future residence. It was also apparent lots were selling rapidly and only a couple remained. We therefore ventured forward with Ryan Homes preparing and reviewing designs and options. After submittal of home section and options it was later revealed that lot 27 had a variance restriction for a 3<sup>rd</sup> car garage.

6. **Whether the problem can be solved by some other manner other than the granting of the variance?** No. Ryan Homes is unable to complete custom structural changes to their foundations. This request is in the spirit of the architectural appearance and spirit of the development and surrounding open spaces while supporting the need for storage of a vehicle, yard equipment, etc. avoiding overflow outside the perimeter of the structure. The variance will sustain the appearance and spirit of the surrounding spaces and the development.
7. **Does the granting of the variance uphold the spirit and intent of the Zoning Resolution?** Yes, intent of the zoning restriction in-conjunction with the approved variance would be preserved and have negligible to no impact on the development and surrounding properties on the north, south, east or west sides. It will not interfere or deviate from the architectural integrity of the development.

The applicant, Mr. Michael Padden was sworn in. Chair Morel interjected, that he didn't think the variance request was reasonable due to the fact there is open space right next door. Mr. West asked if the subdivision was originally developed with the open space provided. Mr. Padden stated yes.

Mr. Basilone stated the house next door has a 2-car garage does it not? Mr. Padden answered yes. Mr. Basilone stated there were several houses in this development with 2-car garages. Mr. Basilone asked what was the frontage of this home?

Mr. Nate Gehring from Ryan Homes was sworn in. He stated that he was Mr. Padden's future neighbor as he lives in the community. Mr. Gehring stated the frontage was approximately 75 ft. Mr. Basilone then asked if it was possible that the open space mentioned could ever be developed in the future? Mr. Gehring said no that was a requirement for this subdivision to be developed. Mr. Gehring stated that some of homes in this development that look like "2-car garages" are actually 2-story homes that have a tandem garage so they are actually 3-car garages.

Mr. Blakemore then asked, what would you do if you had no idea of the zoning restrictions and your variance is not granted? And why didn't the builder tell you of the zoning restrictions? Mr. Padden stated the builder did after the fact. He continued he and his wife looked at a bunch of different properties and found they really liked this particular subdivision. (He and his wife have lived in Strongsville for the past 30 yrs.) Mr. Padden stated he and his wife became engaged in this property and the Medina area and developed an emotional buy-in to this property. Mr. Padden continued that his wife

wanted granite counter tops and he wanted a 3-car garage. These options were made known to the builder. Mr. Padden stated the builder told them the development was sold out. Mr. West interjected that this section of the subdivision was sold out. Mr. Padden stated it was the perfect storm. The thought that the lots were selling quickly; along with builder pressuring them to make a decision; he and his wife made visual assumptions along with the emotional buy in and decided to move forward with the purchase. We then submitted all of our options and it came back from Ryan Homes that the 3-car garage was not available.

Mr. Basilone stated a 2-car garage home could be put on this lot. Mr. Padden stated he did not want a 2-car garage. Mr. Basilone stated in his opinion, Mr. Padden was very lucky there was the open space next to this lot. Mr. Basilone again stated in his opinion, this made the variance request more palatable.

Mr. Padden stated he agreed and added currently he lives in a subdivision where he could not even build a shed or a fence. He added he respected what the Board has to do.

Mr. Blakemore asked, if the variance were granted could the Board be assured that there would not be a request for a shed at a later date? Mr. Padden stated absolutely and added he did not like sheds. He added the request is for a 20x20 garage and he and his wife have three cars.

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 is a 2ft. variance but it is 20%.
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. Mr. West interjected, the property in question is also next to open space which he felt impacts how substantial it is and its effect on the character of 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 no.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes; build a 2-car garage.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated he believed it would given the open space next door. The rest of the Board agreed.

Mr. Blakemore made a motion to grant a 2 ft. side yard setback variance from the east property line for the construction of a new home per the application for the property located at 3839 Crimson Harvest Rd. (sublot 27). It was seconded by Mr. West. ROLL CALL-Blakemore-yes, West-yes, Dominguez-yes, Basilone-yes, Morel-yes.

The variance was granted.

The minutes to the Boards January 17, 2018 organizational meeting/public hearing were approved as written.

Having no further business before the Board, the hearing was officially adjourned at 7:34 p.m.

Kim Ferencz, Zoning Secretary

  
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Ed Morel, Chairperson