

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
ORGANIZATIONAL/PUBLIC HEARING
January 19, 2022**

The acting Chairperson, Carey Blakemore called the organizational/ meeting of the Medina Township Board of Zoning Board of Appeals to order at 7:00 p.m. Permanent members Blakemore, Morel and Gray were in attendance. Alternate Payne was absent. Alternates Greene and Ostmann sat in for a full 5-member Board.

ORGANIZATIONAL MEETING

Election of Officers

Secretary Ferencz called for nominations for Chairperson of the BZA for 2022.

Mr. Morel nominated Mr. Blakemore as Chairperson of the Board of Zoning Appeals for the calendar year 2022. It was second by Mr. Greene. The nominations were closed.
ROLL CALL- Morel-yes, Greene-yes, Ostmann-yes, Gray-yes, Blakemore-yes.

Secretary Ferencz turned the meeting over to Chair Blakemore to call for nominations for Vice Chairperson of the Board of Zoning Appeals for the calendar year 2022.

Mr. Morel made a motion to nominate Bill Ostmann as Vice Chairperson of the Board of Zoning Appeals for the calendar year 2022. It was second by Ms. Gray. Mr. Greene asked if Mr. Ostmann was an alternate. Mr. Ostmann stated yes, he was but if a member could not make a hearing he would sit in their place. The Board agreed that there was no issue with nominating Mr. Ostmann as Vice Chair. The nominations were closed.
ROLL CALL-Payne-yes, Gray-yes, Green-yes, Morel-yes, Blakemore-yes.

Set hearing dates/Confirm hearing posting

The Commission stated they would continue to meet on the 3rd Wednesday of the month at 7:00 p.m. Posting of the meeting would be placed on the Town Hall marquee, website and The Gazette accordingly.

The organizational meeting was closed at 7:06 p.m.

PUBLIC HEARING

The public hearing was opened at 7:06 p.m. Permanent members Blakemore, Morel, and Gray were in attendance. Alternates Ostmann and Greene sat in for a full board.

Keller variance request- 4469 Joeys Lane

Secretary Ferencz read the application into the record. The applicant is Mr. Douglas Keller. The current property owner is Richfield Group, LLC. The street address requiring the variance is 4469 Joey's Lane. Present Zoning: RR. Previous variance requests: none. The variance being requested and reason for the request:

Section 401.3.D-Minimum Front yard depth-80 ft. Requesting a 20 ft. variance to allow building line at 60 ft. rather than the current 80 ft.

- A. Due to deed restrictions (protected area) on this parcel, the construction of a home to meet the minimum square footage requirement is impractical.
- B. The portion of this lot that is not subject to the deed restricted area is significantly smaller than others and the geographical terrain of the fall compared to the foundation will not work.
- C. Adjusting minimum front yard will allow the construction of a residence consistent with the rest of the community.

The applicant, Mr. Douglas Keller was sworn in. He stated he and his wife wanted to build a single-story home in River Trace subdivision. The intent is this will be our forever home. We know that there have been previous variances granted to other lots in the subdivision for a 60 ft. front yard depth. We have had consultations with an engineer and the builder to come up with plans in order for us to build a home on the lot. A variance will be needed for us to build the size home we desire. The setback we are requesting matches others in the same development.

Mr. Keller continued that he had prepared responses to the Duncan Factors as follows:

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance?
A variance will be needed for us to build the size home we desire.
2. Is the variance substantial?
The setback we are requesting matches others in the same development.
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. We are still building a single-family residential home.
4. Will the granting of the variance adversely affect the delivery of governmental services?
No.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions?
The granting of the variance is contingent on us being able to build the home we desire.
6. Whether the problem can be solved by some other manner other than the granting of the variances.
A variance is needed in order to build the size home we desire and need.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution?

I believe it does. We want to build a single-family home that fits into the community we want to live in.

Mr. Greene then asked if this property was zoned rural residential. He stated he asked because the parcel was under the 3-acre minimum to be zoned rural residential. Ms. Strogan, Chair of the Zoning Commission was sworn in. She stated the Township changed the acreage to 3 acres in the rural residential district roughly 10 or so years ago. This subdivision was platted and recorded before the code was changed from 2 acres to 3 acres. The lot in question is technically legal but that does not make it buildable. This has been a battle with developers for years. All the Township can say is that it meets the lot requirements. We cannot force the developer to make it buildable.

Ms. Gray asked how many stories would the residence be? Mr. Keller stated single-story, with the option of a bonus room above the garage. That decision will be made if we are granted the variance to build on the lot. The size of the home would be 2700 sq. ft. If the bonus room is added that would be approximately another 900 sq. ft.

Mr. Jacob Bogucki (4494 Joeys Lane) was sworn in. He stated that he lives directly across the street from this lot. I have lived there for 7 years, and this is my forever home. I made many, many decisions on which lot to build on in this subdivision. I looked at the lot in question and found out there would be no feasible way to build on it without requesting several variances so that made me secure in choosing the lot that I did end up building on. The entire front of my home is glass, the front door is glass and all that was planned around the fact that the lot in question would need so many variances that most likely it was not going to be built on.

Mr. Bogucki continued, the Township has requirements for the rural residential district and there is a homeowner association for this subdivision as well. All the setbacks are the same all along our street and to have one home sticking out...I did not look at the formal plans, but it also looks like the driveway will be 10 ft. from the property line. It was at this time Mr. Bogucki produced a letter from a neighbor (Mark Griffith) that stated he too was not in favor of the variance. Mr. Bogucki added that this would probably not be the only variance that will be requested for this property i.e., the addition of a deck, patio, pool etc. due to the layout of the lot. He commented that when he went before the HOA to request variances they were quickly rejected. Out of respect for the HOA and the Township I complied with the rules and hoped the Board would make the applicant do so as well.

Mr. Bent Monnin (3598 Lake Breeze Circle) was sworn in. He stated he was a new resident to Medina Township. He added he has known the Keller's for a number of years. The house they want to build would add nothing but value to the subdivision and the

Township. Also, the quality of the family is top notch and would be an asset to the community.

Mr. Moise Zarouk (281 Hatch Rd.) was sworn in. He stated he was the developer of this subdivision and President of Richfield Group LLC. The Keller's looked at the lot and want to build their home there. I did not do anything illegal; the subdivision was approved and platted. Allowing this property to be at a 60 ft. setback would do nothing to the zoning or make the subdivision unattractive. The proposed house is 2700 sq. ft. and if the Keller's add a bonus room it will have even more value. The belief that this lot is unbuildable is just that, a belief. I would not have the lot up for sale if it was not buildable. The Township approved the subdivision because it met the zoning code. If Mr. Bogucki didn't want someone living across from him then he could have bought the lot.

Chair Blakemore interjected that there is not going to be a debate back and forth between people and asked everyone to just stick to the request before the Board. Mr. Zarouk stated the variance should be granted as it is not unreasonable. A 60 ft. setback was granted for a residence right down the street from this lot. Mr. Keller is doing everything to protect the beauty of the lot and the trees.

Mr. Jeff Young (4153 Maggie Marie Blvd.) was sworn in. He stated he was the President of the HOA for this subdivision (River Trace) and there were also two board members with him this evening i.e., Jennifer Caso and Michelle Ragazzo. Mr. Young stated whenever someone comes before the HOA to ask for a deck or new home, he and Mr. Zarouk talk. For anyone living in the subdivision, we are required to submit an application for a deck, porch, patio etc. to the zoning inspector (Elaine Ridgely). I reached out to Elaine via emails and voice mails about the variance request this evening but have not heard back from her. (As a side note, Chair Strogan stated the zoning inspector was out ill.) Mr. Young stated Elaine usually calls or emails him if she receives a deck or pool application from a property owner in River Trace. The HOA never got a letter about this variance request. He added the HOA only learned about it from the letters neighbors received. He added as the HOA we should be notified as well. We have a P.O. Box and email. Mr. Young continued, as President of the association, I have to look out for the residences of the subdivision. I do understand why Mr. Keller is requesting a variance. However, I wonder as well as some of the board members; if this is the only option for building a house on that lot. We all realize that the only place a house can be built is to the left on the lot as that was the only area that was not deed restricted. Our questions are, could the house be flipped, mirrored, garage and drive put on the other side? The board would like to see other options explored. Could a lesser variance be considered, or the house modified?

Secretary Ferencz stated the HOA was not a contiguous property owner that is why they were not notified. Mr. Young stated for the record that they were not notified of the previous variance request; he found out through the builder that a variance was being requested. She added if the HOA wants to be notified of future variance requests, then

they should provide their contact information to the zoning inspector and a list of streets in that subdivision, and she would notify them.

Vice Chair Ostmann stated he remembered when this subdivision came before the Township for approval. The builder was told back then that 5-6 lots would probably not be developed because they would need variances. The Township tries to look out for the property owners, knowing they will probably want some additions i.e., decks, pools etc. at some time down the road. Vice Chair Ostmann stated the Board could look back at the minutes when this subdivision was approved and possibly table tonight's vote because once the variance is granted that's it. I am concerned that the developer was made aware of the potential issues with some of the lots and chose not to do anything about it.

Ms. Stogin agreed with Vice Chair Ostmann's comments and reiterated that when the subdivision was before the Township for approval, the Township suggested combining some of those lots so they would be "buildable", but the developer refused or ignored our requests. The lots are legal by code but don't appear to be "buildable."

Mr. Greene asked about the previous variance granted for a lot in this subdivision and was it for a 60 ft. setback as well. The answer was yes. Mr. Morel stated and the same reason was given for the variance request. It was due to the slope of the property. He added for this lot, the only place that it is flat is in the right corner of the property.

Having 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 no.
2. Is the variance substantial? The Board stated it is 25%. That is substantial.
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 there was testimony given tonight by a resident stated that the granting of the variance would be a detriment and/or alter 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 that is why they are here.
6. Whether the problem can be solved by some other manner other than the granting of the variances. Chair Blakemore stated a variance will be needed to build this

particular home as presented. Mr. Morel stated regardless a variance would be needed especially for what the HOA requires in terms of minimum size of a residence in the subdivision. Vice Chair Ostmann asked the required minimum square footage of a house. Mr. Zarouk stated it's a minimum of 2,300 sq. ft. for a ranch and for a 2-story the minimum is 3,000 sq. ft.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Mr. Morel stated that is the root of this request. This property was going to need variances from the get-go, and one cannot create their own hardship. Chair Blakemore stated but if the HOA requirements for the minimum home size were not what they are; maybe a smaller house could be built and would not require a variance.

Vice Chair Ostmann stated it is usually the builder who determines the minimum square footage for the houses in the development. Mr. Zarouk stated the square footage is determined to establish the value of the homes in a development. Chair Blakemore stated that was not the before the Board this evening. We need to stick to the request before the Board.

Mr. Tom Winfrey (4447 Joeys Lane) was sworn in. He stated when the developer developed this subdivision he tried to get as many lots as he could. He wasn't concerned with the 4-5 lots left at the end of the build out being non-usable without some substantial variances. Now the developer has gotten to the end of the subdivision and wants to get rid of the rest of the lots that remain. Now he's going to lower the value of the lots of the people who live in the subdivision, who have built expensive houses and pay high Medina County taxes. By putting a smaller house in and not knowing what it will look like all of us are going to pay a price for that. I don't think that's fair. All of us here tonight followed the rules that the developer put in before he started tweaking things in the association. Mr. Keller might be a nice gentleman, but I believe he should go where he can build the house he can afford to build and not what financially suits this developer and this individual. I have no qualms with either of these two as individuals but the developer should have combined some of the remaining lots to make more suitable lots for building on. To have a small house or one that sticks out from the rest is unfair to the residents who live in this subdivision.

Mr. Monnin stated if there were previous, similar variances granted it seems it would be hard to deny the request by the Kellers. I also don't see a 2,700 sq. ft. home decreasing the value of the existing homes in River Trace.

Mr. Greene made a motion to approve a minimum front yard depth variance of 20 ft. for the construction of a residence at 4469 Joeys Lane as presented. It was seconded by Mr. Morel.

ROLL CALL-Greene-yes, Morel-no, Gray-no, Ostmann-no, Blakemore-yes.

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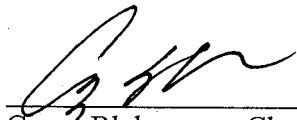
The variance was denied.

The minutes to the BZA October 20, 2021 hearing were approved as written.

Having no other business before the Board the hearing was adjourned at 8:18 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary

A handwritten signature in black ink, appearing to read 'C. Blakemore', is written over a horizontal line.

Carey Blakemore, Chairman