

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
March 16, 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, Gray, Greene and Payne were in attendance. Alternates Ostmann and Traynor were also present.

**Shurell variance request- 3284 Old Weymouth Rd.**

Secretary Ferencz read the application into the record. The applicants are Robert and Marlene Shurell. The street address requiring the variance is 3284 Old Weymouth Rd. Present Zoning: RR. Previous variance requests: none.

The variance being requested and reason for the request:

Section 401.3.A-Minimum Lot Area Three Acres exclusive of the road right of way.

We are requesting a variance to Section 401.3-A for the purpose of transferring approximately .87 acres of land from the 3284 Old Weymouth Rd. property to the adjoining Remsen Rd. property (PP#026-06B-18-079). This adjustment will leave 3284 Old Weymouth Rd. with approximately 2.16 acres and the Remsen Rd. property with approximately 4.81 acres. We have owned both properties since 1986.

Please refer to the attached maps that show existing property configurations and the requested configuration. There are several things to notice on these maps.

The Remsen Road property is largely landlocked and has only two access points to the public right of way, both on Remsen Rd. The eastern access is the current and historic access point for this property and serves the existing barn. The western access point is currently a wooded tree line containing mature trees, with no vehicular access either historic or planned.

The Remsen Rd. property surrounds the Historic Weymouth Cemetery on three sides (woods to the west, steep ravine, stream and woods to the north and established driveway to the east).

The 3284 Old Weymouth Rd. property "bulges" into the Remsen Rd. property cutting off vehicular access to the deeper, landlocked areas of the property. The existing Remsen Rd. driveway crosses a culvert at the 3284 Old Weymouth Rd. property line providing access to the landlocked portion of the property.

A problem exists because the driveway crosses an appendage of the 3284 property. The problem we are seeking to fix centers around access to the landlocked portions of Remsen Rd. by incorporating the access pathway into Remsen Rd. property.

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

Strict adherence to the Resolution would render the existing driveway isolated and unusable for accessing the landlocked areas of Remsen Rd. Should 3284 Old Weymouth Rd. ever change ownership, the only pathways to access the landlocked areas of Remsen Rd. would be:

Construct a vehicle driveway along the stream bed north of the Historic Cemetery, which would be prohibitive because of the steep embankment immediately behind the cemetery and the proximity of the paralleling stream.

Construct a new vehicle driveway on the west side of the Cemetery, which would require clear-cutting a significant portion of the existing mature wood line, building a retaining wall, and creating a new Remsen Rd. access point directly across from the intersection at the dead-end of Myers Rd. This solution, while it could be done, is not desirable from a conservatorship perspective. It would have a negative impact on the view of neighboring properties, most noticeably that of 3055 Myers Rd. adjoining to the west, where their eastern view would change from mature woods to a driveway and retaining wall. From a safety perspective, all trips between the backlands and the barn/garage would require back and forth, exiting and entering, onto and off of Remsen Rd. Additionally, a driveway entrance placed at a highway intersection (Remsen and Myers Rd) may be dangerous.

Our goal is to minimize visual and physical impacts to the character and historic quality of Weymouth, and to avoid creating safety issues. Approval of the variance will promote preservation of character, preservation of mature woods and minimize new traffic safety concerns.

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

The most unique aspect to this Remsen Rd. property is that it surrounds the Historic Weymouth Cemetery on three sides and therefore has a special responsibility to preserve the charm of Weymouth Village and to uphold and preserve the beauty, privacy and serenity of a wooded border to the cemetery. Our goal is the preservation of existing conditions.

Another unique condition of these two properties is their "puzzle piece" interconnectedness and highly irregular shape. We seek to normalize these properties and solve a unique access issue for the Remsen Rd. property through this variance.

- C. Improvements in such district and will not materially impair the purpose of the Resolution.

The proposed transfer of approximately .87 has no impact on the amount of green space or housing density and will do no practical or aesthetic harm to the adjoining properties or the neighborhood in general. From the road and all points of view it would be invisible. However, it does preserve the natural environment that we have maintained since 1986 and is aligned with the Township's priority to "keep the Township Green."

The only impact is that the 3284 Weymouth Rd. property will be left with less than 3 acres of land within its property lines. However, as this property is already developed with its historic buildings fronting on old Weymouth Rd. with large green spaces behind, the change does not impact the property in a negative way. Safety and service vehicles will continue to have full and open access to both properties, as access will remain as it currently exists.

Because the Township's zoning intent and spirit will be upheld, and we believe the impact of this variance not to be substantial, we respectfully request your approval.

Secretary Ferencz stated she did receive an email from a neighbor but did not read it as it could not be cross-examined but would be made part of the record.

The applicant, Mr. Robert Shurell was sworn in. Mr. Shurell stated we tried always to maintain the properties to the best of our ability. One of the main obstacles in putting a driveway along the west edge is you would have to eliminate the green space i.e., the tree line and then there was the sharp embankment. It would be difficult to do and cause grief for the neighbors and would make the property entrance unsafe. There is an existing drive we use to go to the back property. No harm would be done from any perspective. The email received was from our neighbor Susan McKiernan who was in favor of the request. Mr. Shurell concluded we think it is a reasonable request and hope that the Board would be in favor of granting the variance.

Ms. Gray asked about the little white shed...Mr. Shurell stated that was on the adjoining properties to the west. It should have said Remsen Rd. when he mentioned the property to the west.

Mrs. Marlene Shurell (132 Seminary St.) was sworn. She said her husband grew up in Weymouth and they have owned these properties since 1986. She added her husband's father was a Medina Township Trustee and we love Old Weymouth. "Keep the Township Green" was his motto and that is what we intend to do as well for the future.

Ms. Stogin Chair of the Zoning Commission was sworn in. She stated the problem is the cemetery cuts out a huge chunk of this property which makes it very, very unique. Since the outside appearance would not be detrimental in any way, I concur this variance should be granted.

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 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 variances. The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Morel made a motion to approve the variance request of Section 401.3A-Minimum Lot Area-Three acres exclusive of the road right of way. The variance request is for .87 acres of the existing property located at 3284 Old Weymouth Rd. to be transferred leaving it with 2.16 acres for the purpose of creating a new lot (PP#026-06B-18-079-Remsen Rd.) to have approximately 4.81 acres as presented. It was seconded by Mr. Greene.

ROLL CALL-Morel=yes, Greene=yes, Gray=yes, Ostmann=yes, Blakemore=yes.

The variance was granted.

The minutes to the BZA January 19, 2022 hearing were approved as written.

Having no other business before the Board the hearing was adjourned at 7:16 p.m.

Respectfully Submitted,

Kim Ferencz  
Zoning Secretary



Carey Blakemore, Chairman