

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING**

**April 20, 2022**

Vice Chair Ostmann called the hearing of the Medina Township Board of Zoning Board of Appeals to order at 7:06 p.m. Permanent members Gray, and Payne were in attendance. Alternates Ostmann and Traynor were also present. Vice Chair Ostmann stated that there was not a full-5-member Board present this evening; therefore, a tie vote is a no vote. All applicants have the right to be heard by a full Board. If one chose to be heard by a full Board, the next hearing would be May 18, 2022. All applicants present stated they wanted to move forward with their variance requests.

**Crandall variance request-2744 Plum Creek Parkway**

Secretary Ferencz read the application into the record. The applicant is Carol Crandall. The street address requiring the variance is 2744 Plum Creek Parkway. Present Zoning: RR. Previous variance requests: none.

The variance being requested and reason for the request:

Section 401.3.D. 110' required minimum front yard setback. Pond will be located 40' from front yard setback. Requesting a 60' variance.

The horses, horse barn, horse pastures take of the majority of the property behind the house. We also have a few acres of woods behind the house. This is the only area the pond can go and is we did not ask for a variance the pond would be in my living room. The pond will be beautiful and preserves the spirit of the rural residential. Many, many ponds in RR Medina Township are much closer than what I am asking for and they all add to the beauty of our community.

I spent some time driving around nearby streets with ponds that appear to be closer to the road than current zoning requires. I've compiled a list of ponds which fall in this list. This is not a complete list as I was just trying to gauge how prevalent this is in our township. This also does not include ponds that you can't see from the road (dam higher) or any other roads I did not include. Therefore, this is not a complete list.

All of these ponds are beautiful. Many of these are closer to the road than mine will be. I'm confident that there are many others throughout Medina Township, however I wanted to focus my attention on ponds in close proximity to my house. I did my best to obtain addresses off mailboxes.

Thank You.

The applicant, Carol Crandall was sworn in. She stated she always wanted a pond and consulted with Mr. Don Dobson who has done many ponds in Medina County before he passed away. After Mr. Dobson's death, she stated she tabled the idea of a pond but now, she was working with his son Greg to resurrect the idea of the pond. Ms. Crandall added she had 36 trees taken down on her property to improve the property and is starting to prep for the construction of the pond.

Ms. Crandall continued that she felt the beauty of rural Medina County are all the ponds in the area. The ponds add character to the community. Some of the ponds I looked at to complete my list are actually closer than what I have proposed, and some are even in the right of way. If safety is an issue, I have measures in place such as a fence, a dam, trees and a ditch. If the issue is aesthetics, I believe my pond will be beautiful. I have done a lot of prep work on where the pond would go. It will have a fountain, be aerated and I want to have fish in the pond as well.

Ms. Crandall added, there is no other place the pond can go. I have a horse pasture and paddock; and behind that I have 3 more pastures and to the right of that I have woods. We are planning to probably take out a few more trees before all is said and done.

Hearing no further comments, 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.
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.

Ms. Gray a motion to approve a 60 ft. variance request to construct a pond 40 ft. from the front yard setback at the property located at 2744 Plum Creek Parkway as presented. It was seconded by Mr. Payne.

ROLL CALL-Gray-yes, Payne-yes, Traynor-yes, Ostmann-yes.  
The variance was granted.

**Hanson variance request-5047 Hidden Lake Dr.**

Secretary Ferencz read the application into the record. The applicants are Stephen & Marilyn Hanson. The street address requiring the variance is 5047 Hidden Lake Dr. Present Zoning: SR. Previous variance requests: none.

The variance being requested and reason for the request:

Proposal to build a freestanding garage which will be located adjacent to the current attached garage and will be a mirror of it. Due to the pitch of the roof and room layout of the home, attaching the garage to the home is not feasible. Attaching it would attach it to the Master Bedroom closet.

Section 402.3E. 20' required minimum site yard setback. Detached garage will be 16 ft. from east property line. Requesting a 4 ft. variance.

Section 402.3.D-70' required minimum front yard setback. Detached garage will be 62 ft. from south property line. Requesting an 8 ft. variance.

The applicants, Stephen & Marilyn Hanson were sworn in. Ms. Hanson stated when we purchased the property in 2019, we didn't realize that having such a large parcel and a pool; and all the "stuff" that is required to maintain the yard and pool. The tractor, yard tools, and pool equipment are now being stored in the garage. The result is we cannot fit our vehicles in the garage. We originally were calling this a detached garage but actually it will be an accessory building to house those items and the existing garage will once again be used to park our vehicles.

Ms. Hanson continued we would have attached the building if we could but there was no way we could enter it because that is where our master bedroom closet/bathroom are located. We then decided to build a detached building that would be a mirror image of the existing garage so it will look like it was always built that way.

Ms. Hanson added there was no other place to put this building because we use the tractor for snow removal, and we could not access it accordingly. We spoke to our neighbors, and they were o.k. with the variance. Really the variance is only for the back corner of the building. Our house was built on an angle because it is a corner lot. The It is only the southeast corner of the building that will go over our property line.

Hearing no further comments, 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 no.
3. Whether the essential character of the neighborhood would be substantially e 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 no.

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

Ms. Gray made a motion to approve an area variance request of Section 402.3.E- Minimum side yard width 20 ft. Requesting a 4 ft. variance and Section 402.3.D.- Minimum front yard depth-70 ft. Requesting a 6 ft. variance for the construction of a detached garage at the property located at 5047 Hidden Lake Dr. as presented. It was seconded by Mr. Payne.

ROLL CALL- Gray-yes, Payne-yes, Traynor-yes, Ostmann-yes.

The variance was granted.

**Kalina variance request- 3374 Church Rd.**

Secretary Ferencz read the application into the record. The applicants are Christopher and Carrie Kalina. The street address requiring the variance is 3374 Church Rd. Present Zoning: RR. Previous variance requests: none.

The variance being requested and reason for the request:

Section 308.I.8. All oil and gas wells, storage tanks, and separator units shall be placed no nearer than the ORC 1509 permits from any residence or public building, which is 100 ft. In contrast, 308.I.8 further states Nor shall any such building be erected within 300 ft. from the same. Owners plan to build farm style home on property and return "Pine Shadows" back to its nearly 200-year roots in Weymouth. Eventually we would like to split off 2 rural building sites for our children.

- 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.

Builder and engineer recommended the best location for proposed structure being on highest point of property, which is within 300 ft. of the well. In addition, a certified soil scientist and the Health Department recommended septic in same location.

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

The location of the well, drainage, buried former structures and current existing structure limit the building area of this 14.8-acre parcel. These constrictions devalue the property and potential use of vacant land/parcel.

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

This property served as a farm for nearly 200 years with multiple buildings within the prohibitory land use regulation setback, which was lawful at the time it commenced. Well setback variances have been granted by Medina Township Zoning Board of Appeals in similar requests.

Having been married in the Weymouth area over 27 ears ago with a passion for its history, our plan is to compliment the Weymouth community with a farm style homestead that “fits: into the existing fabric.

A granting of this variance request will not affect the essential character of the neighborhood and will in fact enhance the current character of the neighborhood and adjoining properties.

The spirit and intent of the Medina Township Zoning Resolution will be observed, and substantial justice will be done by granting this variance. There are other residential structures located less than 300’ away from oil/gas wells both within Medina Township and in the general vicinity of the subject property.

The granting of this variance will not adversely affect the delivery of government services.

Secretary Ferencz read an email from Board member Morel who wrote the variance granted at Remsen and Nichols Rd. is the same as the request before the Board this evening and he was present at that request and voted to grant the variance.

Secretary Ferencz also read the following letter dated July 9, 2007 regarding a similar variance granted by the BZA:

Ms. Sylvia Puljic

RE: Variance request of Section 308.I.8-No residence shall be erected within 300 ft. from any oil/gas well

At a meeting of this Board held on June 26, 2007, a motion was made to grant a 200 ft. variance from the distance a residence can be built from an oil well/gas head with not more than two residential lots being created from PP# 026-06B-19-044.

The applicants, Christopher & Carrie Kalina were sworn in as well as their attorney Ms. Devanney. Ms. Devanney began by stating there are some very unique hardships on this property that were discovered after the Kalinas purchased the property. The first being the property has been stripped of the majority of its topsoil. As a result, that makes it difficult to locate a septic system on the property and for a valid building site location. Additionally, there was a farm dump on the property. Also, there some interesting road right of way setbacks on the property including an existing road setback from Old Remsen Rd. Old Remsen Rd is no longer a road but has not been vacated so the setbacks would still need to be met.

Ms. Devanney continued, the Health Department also requested that the building be closer to the well site (100 ft.) for a septic system to be installed. The builder also agreed that 100 ft. from the well site would be a good location because the soil there was undisturbed. This is also the high point of the property and other potential site locations were wetlands which would be difficult to build on.

Mr. Kalina then addressed the Commission. He stated this property is very unique as it is almost a block to itself. It has over 2,000 ft. of road right of way around the property and actually fronts on three roads. We did not know when we purchased the property that it has frontage on Old Remsen Rd. until it was discovered through our surveyor and engineer. The right of way still exists along Old Remsen Rd.

Mr. Kalina continued that the property was owned by Eliza Northrop who was the first schoolteacher in Medina County. It has basically been a farm for 200 years. In more modern history the church (Weymouth Community Church) purchased the property and were going to build a church on the site. They did some excavating of the property and buried the existing house, barn and other outbuildings on the property. Those items are still buried there today under the buildable area on the property therefore we are going to leave them where they are. There have also been those who have said the property has lost 5, 10, 15 ft. of elevation. Where the barn on the property sits now; all that soil got pushed to the back. As a result, there are wet areas on the property. We have done 6 months of research since purchasing the property and discovered all these hardships. We have had the County and engineers out at the property and paid for a very expensive survey of the property to be completed.

Mr. Kalina added, at this point we have spent about \$5,000.00. To survey the property, one of the property markers was a stone and the other was underneath Medina Township's road which had to be dug up to locate. We lost property when we found out it had frontage on Old Remsen Rd. The location of a septic system (which has been approved by the County) as well as the setback requirement from a gas/oil well in Medina Township makes the buildable space on the property very limited as one can see from the detailed site map provided.

Ms. Devanney stated by looking at the Duncan Factors, we looked at where a buildable site on the property could be located and also have the least impact on the zoning code and still maintain the spirit and intent of the zoning resolution. It all really comes down to the well. Medina Township is one of the few Townships in this part of the state that still requires a 300 ft. distance from a gas/oil well. Most Townships require a 100 ft. setback. While we are asking for a fairly significant variance, it is the only variance that will requested instead of asking for road setback variances, or roads vacated. This variance request would not have an impact on health and safety as other Townships have allowed buildings to be as close as 75-100 ft. away from an oil/gas well. The Fire Chief

as no issues with the location nor does ODNR. Even some of the Medina Township's buildings are closer than 300 ft. from an oil/gas well.

Mr. Kalina interjected, there are 8,000 wells in Medina County and many in the Weymouth area. Therefore, variances must have been granted. There is even a fairly new house on Cook Rd. that is built closer than 300 ft. from the well.

Ms. Devanney commented that the intent is to build the house closer to the well itself and not the storage tanks. The goal is to keep as close to the zoning code as possible. The house the Kalina's are proposing will fit in with the character of the neighborhood. Mr. Kalina stated we know we have to build something that fits in with the Weymouth area. We were married in Weymouth and our kids were baptized at Holy Martyrs. We understand the unique nature and history of the neighborhood. We are going to build our home to be in harmony with the existing building on the property.

Ms. Strogin Chair of the Zoning Commission was sworn in. She asked if this was an active well on the property. Mr. Kalina answered yes. She then asked if having the well plugged was ever considered. Mr. Kalina stated the well has not run in several months; the belts are off it so it has not run for a while now. Both ODNR and Fire Chief Crumley stated this well is at the end of its life cycle. We do not own the well so the company who does will eventually plug it.

Ms. Strogin then asked if the storage tanks were empty. Mr. Kalina stated no, there is some in the one tank but it our intention not to build by the tanks. Ms. Strogin stated the reason for the 300 ft. setback is that we want to protect our residence from any potential explosion like that which happened in Sharon Township where the tank went up 320. ft. in the air. She added she is now more comfortable with the request knowing that the well is close to the end of its life cycle. Ms. Strogin suggested when the well does die, to get it plugged so there can be further use of the property. Mr. Kalina stated he would follow up accordingly. He also handed out a letter from his insurance company stating they would insure the home even if it was built closer than 300 ft. from the gas well.

Mr. Payne asked if Mr. Kalina if he had been in touch with the company that owns the well. Mr. Kalina responded yes, but they are not very responsive. Chair Ostmann stated it is the owner of the well responsibility to plug the well. Mr. Kalina stated yes, that is correct. Mr. Payne then asked if Mr. Kalina asked the owner if they would plug the well. He stated not as of yet. Mr. Kalina added the reason it shows 200 ft. on the site plan is because that is where the proposed home is shown to be built right now. We have not dug on the site yet where the proposed home is located but it is the highest spot on the property and also far enough away from Mr. **Linds** house which is probably 15 ft. from the road right of way. The neighbors seem to be in favor of what we want to do in regard to the property and the building of our home.

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Mr. Kalina continued he had two conversations with Fire Marshall Crumley and the first conversation is he did not recall having to go out on a call at any of the well sites. The second conversation was that he (Fire Marshall Crumley) contacted ODNr, and they had no issues with our proposal. Ms. Devanney stated the variance being requested is for the distance to the well not the storage tanks.

Robert Ganley (3434 Old Weymouth Rd.). was sworn in. He stated he bought his property 16 yrs. ago and I have enjoyed the view. However, the property has been neglected for many years. He added in speaking with the Kalina's I believe the future stewardship of the property will be in good hands.

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.
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 possibly but not probable.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Ms. Stogin asked what the amount of the variance was being requested as that was not stated on the application. Ms. Devanney stated the variance being requested is 200 ft. Mr. Kalina added our goal is to only be 100 ft. closer which is where the house is sited on the plan right now, but we don't know what we will find until we start digging so we want the flexibility to move the site if we have to due to the unknowns.

Ms. Devanney added the reason for the vagueness of the request was to allow other structures i.e., a deck, patio etc. to be added to the property or to have something to negotiate with the Board.



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Mr. Payne made a motion to approve a 200 ft. variance request of Section 308.I.8 Oil and Gas Wells for the construction of any structure to be 100 ft. from the oil/gas well for the property located at 3374 Church Rd. as presented. It was seconded by Mr. Traynor-yes. ROLL CALL-Payne-yes, Traynor-yes, Gray-no, Ostmann-yes.

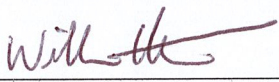
The variance was granted.

The minutes to the BZA March 16, 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

  
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Bill Ostmann, Vice Chairman