

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
December 21, 2022**

Chair Blakemore called the hearing of the Medina Township Board of Zoning Board of Appeals to order at 7:01 p.m. Permanent members Gray, Payne, Greene, and Blakemore were present. Permanent member Morel was absent. Alternate Bill Ostmann sat in for a full 5-member Board. Alternate Chris Traynor was also in attendance.

Chair Blakemore explained the procedures for the public hearing.

Gray variance request-4481 Remsen Rd.

Secretary Ferencz read the application into the record. The applicant is Martin Gray. The street address requiring the variance is 4481 Remsen Rd. Present Zoning: SR to RR. Previous variance requests: none.

The variance being requested and reason for the request:

Section 401.3E-Minimum Side Yard Setback 25 ft. Unable to place on east side of property. No Access. Unable to place over septic drain pipe. Existing storage building (placed by previous owner) 2' 9" from east property line. RV storage building will be farther from east property line-4'7". Twenty-five feet required. 4'7" RV Garage location. Requesting a 20'5" variance.

The owner, Mr. Martin Gray was sworn in. He began by stating he wanted to build a storage building for his RV and other items to be stored. We got estimates from 3 different builders and two cement companies as well. Both of the cement companies stated they would not place the pad where we initially wanted it due to location the septic system. So we were forced to move the building where we initially wanted it located which would be 4'7" from the eastern property line and three feet from where the septic line goes through to the back of our yard based on the recommendations of the contractors.

Mr. Gray stated he felt storing the RV in a building would be better aesthetically for the neighbors and for his property value than where it is currently which is the side of our garage in full view and unprotected from the elements.

Chair Blakemore asked the height of the building. Mr. Gray responded 15 ft.

Mr. Greene asked if the 4'7" dimension from the property line to the edge of the siding or the edge of the gutter. Its really from the concrete slab. The builder wants the slab 3 inches wider on each side and we are going to go 6 inches on each side. Mr. Greene then stated from the soffit and the gutter its actually going to be closer to the property line than 4'7". Mr. Gray said he did not believe so. There is no gutter on the building it will be a runoff which hangs off maybe 6 inches if that.

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Mr. Greene then asked how good Mr. Gray got along with his neighbor. Mr. Gray stated he actually has a couple trees over our yard and said he would take care of it. Mr. Greene stated what he meant is that it being that close, when the building is built, there will probably be workers over on his property during construction. Mr. Gray stated he did not believe it would be a problem without actually being here. He has never said a negative thing about what I wanted to do, and I did tell him what I was proposing to build.

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

Mr. Greene stated it appears it would be close to the neighbor's property line. Chair Blakemore asked if something could be built across the existing pad; but how close is that to the property line and would that require variances.

Mr. Greene asked about the application where it says present zoning SR to RR.

Zoning Inspector Ridgely was sworn in. She stated that when the property in the SR District does not have sewer and water it reverts to the RR zoning provisions so that is why it is stated like that on the application. The RR District has a bigger setback requirement-25 ft. than the SR which is 20 ft. because this property does not have sewer and water. Mr. Greene stated is that because they are not connected to it even though its there. Zoning Inspector Ridgely stated that was correct. The neighbor also is the same.

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Ms. Gray stated she lives on Remsen and she has water but no sewer.

Mr. Greene stated he was still concerned about the building being too close to the neighbor's property line. Chair Blakemore stated he understood Mr. Greene's concerns but the neighbor was notified of the hearing and did not send in any correspondence that he was not in favor nor was he in attendance this evening so...Secretary Ferencz responded that all contiguous neighbors are notified via letter. It is a legal requirement to hold a hearing.

ZI Ridgely interjected the neighbor did call to ask about the project but did not say he was against it. I did tell him he had the right to attend the meeting.

Mr. Greene made a motion to grant side yard setback variance of 20'.5" for the construction of an RV garage for the property located at 4481 Remsen Rd. as presented. It was seconded by Ms. Gray.

ROLL CALL- Greene-yes, Gray-yes, Payne-yes, Ostmann-yes, Blakemore-yes.

The variance was granted.

The minutes to the BZA September 21, 2022 hearing and October 19, 2002 were approved as written.

Having no other business before the Board the hearing was adjourned at 7:18 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Carey Blakemore, Chairperson

Bill Ostmann, Vice Chairperson