

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
August 16, 2023**

Chair Blakemore opened the public hearing at 7:00 p.m. Permanent members Blakemore, Gray, Greene, Payne were in attendance. Permanent member Morel was absent. Alternate Ostmann sat in for a full Board. Alternate Traynor was also in attendance.

**Richard & Zoriana Peters Variance- 3749 Foskett Road**

Secretary Farnsworth read the application into the record. The applicant is Richard & Zoriana Peters. The street address requiring the variance is 3749 Foskett. Present Zoning: RR Previous variance requests: none.

The variance being requested and reason for the request: Section 401.3E 25ft required minimum side yard setback. Pole Barn will be located 16ft from the side property line for the property at 3749 Foskett Road. The request is for a 9ft variance.

If it is built behind the pole barn it will not be accessible (there is no driveway). It would interfere with our septic and utilities to the existing building. We want to build it close to the house for security reasons. There is an existing privacy fence, so the building does not affect the neighbors. Adds to the property value.

Also attached were responses to the Duncan Factors.

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance? No
2. Is the variance substantial? No
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 does not affect the neighbors. Provides storage for equipment that is stored outside.
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? No. We thought it was only a 10ft variance and have never had to know what the variance was for any improvements.
6. Whether the problem be resolved by some other manner other than the granting of the variance? No
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? No

The applicant, Richard Peters at 3749 Foskett Rd was sworn in. He stated the beige area in the first photo attached to the application is where the pole barn will be located. It is 16ft off the property line. The first photo also shows where the septic line runs across the property. The second photo shows the elevation that goes to the pond.

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Chair Blakemore asked if was going to be right off of the driveway? Mr. Peters responded yes. The only other place to put it would be behind the existing barn which would cause the driveway to be next to the pond.

Chair Blakemore asked if this would go right along the pad and be the same width as the pad? Mr. Peters responded correct.

Mr. Peters then showed an arial map with the property lines and neighboring houses. The arial map is in the file.

Mr. Robert Wiencek at 3735 Foskett Rd was sworn in. He stated that he has no problem with the barn going up. He thinks it would be an improvement.

Chair Blakemore asked if the barn is on the side where his house is? He stated yes. It would be visible but there is a privacy fence.

Having no further comments from 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 no.
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 he could build it behind the existing building but it would cause an issue putting the driveway next to the pond.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board yes.

Ms. Gray made a motion to approve a 9 ft. side yard setback variance for the property located a 3749 Foskett Rd as presented. It was seconded by Mr. Ostmann.

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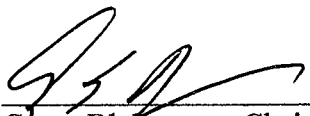
ROLL CALL-Gray-yes, Ostmann- Yes, Greene-yes, Payne-yes, Blakemore-yes.

The variance was granted.

The minutes to the BZA July 19, 2023 hearing were approved as written. Having no other business before the Board the hearing was adjourned at 7:11 p.m.

Respectfully Submitted,

Stephanie Farnsworth  
Zoning Secretary

  
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Carey Blakemore, Chairman