

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
October 18, 2023**

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

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**Raymond Daiuto- 4294 Remsen Road**

Chair Blakemore explained to the applicant that due to not having a full board if the vote is 2 to 2 it is a no and if the applicant wishes to table until November, they have that choice. The applicant, Mr. Daiuto said he would like to proceed today.

Secretary Farnsworth read the application into the record. The applicant is Raymond Daiuto. The street address requiring the variance is 4294 Remsen Road. Present Zoning: RR Previous variance requests: none.

The variance being requested and reason for the request: Section 401.3D 100ft required minimum front yard setback. The garage will be located 90ft exclusive of the road right of way for the property at 4294 Remsen Road. The request is for a 10ft variance. Section 401.3E 25ft required minimum side yard setback The garage will be located 22ft from side property line. The request is for a 3ft variance.

Due to the narrow property and fire codes without this variance will become very costly. Along with the right of way set back and decline in grade would also become very costly and not match up with the position of the home.

Also attached was a letter:

Justification letter and recommendation for allowing the easement of the proposed 36' x 40' garage.

I, Paul Cugini, owner of PJC Construction LLC, submit this letter to the Medina Township Zoning board and Medina Township Trustees to ask and justify the need for the homeowner's request for variance request.

The need for the request is due to the national building code, and the national Fire protection code ruling on structures not attached to the home. If the variance is not granted the homeowner and I would be required to build the structure with added barriers to protect fire spread from one structure to the other. This process would increase the cost for the homeowner by \$6,500.00 to the current project cost. We would be required to add multiple layers of plywood, fire protection blocking, and additional fire protection to the roof. These items can be removed and eliminate the unneeded added cost for the homeowner if the request is granted.

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Also due to a lower-level entry door and its location we need to set the building into the requested variance area to allow the entry door to be used. If the variance is not allowed the door would be unusable for entry/exit. This exit allows those on the lower level the ability to exit in an emergency. To close this off would not provide a lower-level exit in the event there was a fire on the first floor.

Regards:

Paul Cugini  
PJC Construction LLC  
Medina, Ohio

The applicant, Raymond Daiuto at 4294 Remsen Rd. was sworn in. Chair Blakemore asked if he would like these to be heard as two separate variances? Mr. Daiuto responded yes.

Chair Blakemore asked how far from the road, and will it be even with the house? Mr. Daiuto replied it is 120' from the center line of the road, and yes it will be even.

Mr. Daiuto stated the fire exit on the lower level will be between the two structures and he has no intention of connecting the buildings with a cover between them.

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 not the front, but the side could be a smaller building.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board yes.

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Mr. Traynor made a motion to approve a 10 ft. front yard setback variance for the property located at 4294 Remsen Road as presented. It was seconded by Mr. Greene.

ROLL CALL-Traynor-yes, Greene- yes, Ostmann- Yes, Blakemore-yes.

Mr. Traynor made a motion to approve a 3 ft. side yard setback variance for 36ft by 40ft garage for the property located at 4294 Remsen Road as presented. It was seconded by Mr. Greene.

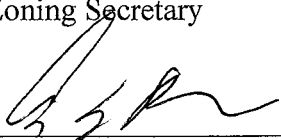
ROLL CALL-Traynor-yes, Greene- yes, Ostmann- Yes, Blakemore-yes.

The variance was granted.

The minutes to the BZA September 20, 2023, hearing was approved as written. Having no other business before the Board the hearing was adjourned at 7:15 p.m.

Respectfully Submitted,

Stephanie Farnsworth  
Zoning Secretary

  
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Cary Blakemore, Chairman