

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
November 15, 2023**

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

Stefan Mendrea- 5206 Silver Maple Lane

Secretary Farnsworth read the application into the record. The applicant is Stefan Mendrea representing the homeowner, Tom Naylor. The street address requiring the variance is 5206 Silver Maple Lane. Present Zoning: R-2 Previous variance requests: none.

The variance being requested and reason for the request: Section 403.4Da5 10ft required minimum side yard setback. Residential addition will be 6ft from the side, property line for the property at 5206 Silver Maple Lane. The request is for a 4ft variance. Section 403.4Da4 40ft required minimum rear yard setback. The addition will be located 37.5ft from the rear line. The request is for a 2.50ft variance.

Mother-in-law at her age is going to require daily assistance and with this addition it will provide some sense of independence. The additional 4ft past the setback will allow for a 1st floor laundry and a larger kitchen remodel to the existing house which will be attached to the addition.

Mr. Greene asked what is R-2 zoning? Allis Strogin was sworn in. She stated that R-2 zoning is originally from 1978-79 for unit development. It is only valid on this set of development on the zoning map. In today's standards it would be considered a planned unit development.

The applicant, Stefan Mendrea at 2868 Westway Dr. Brunswick, OH. was sworn in. Chair Blakemore asked if he would like these to be heard as two separate variances? Mr. Mendrea responded yes.

Chair Blakemore asked will there be a carport? Mr. Mendrea stated no. Chair Blakemore asked for the sideyard request between the sunroom and proposed addition there is vacant space could that be utilized at all to prevent the variance? Mr. Mendrea replied no because the porch will still be used and that will also be another exit from the in-law suite.

Mr. Morel asked is this a use or area variance? Is it turning into a multi-family home? Mr. Mendrea replied no they are not planning to turn it into a multi-family home. Mr. Morel stated that there is a front and side entrance. Mr. Mendrea replied that the side entrance is for the mother-in-law to have independence. Mr. Morel asked if with two front doors is this a multi-family home?

Allis Strogin stated that an in-law suite is a 2nd dwelling. What they are requesting is an apartment and it might be for the mother-in-law today but in the future, they can rent it out. An

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entrance through the house is not an in-law suite it is a rec. room that can later be turned back into a rec. room when the use is no longer needed.

Zoning inspector Elaine Ridgley was sworn in. ZI stated an in-law suite would only be able to enter through the main house because having a second entrance it becomes a second dwelling. Mr. Greene asked if they get the variance wouldn't necessarily get a permit? ZI replied yes and she has already had a conversation with the applicant about this. Chair Blakemore asked if the variance being heard is only for the area? ZI replied yes.

Mr. Mendrea stated that the new kitchen addition is attaching to the in-law suite. Chair Blakemore asked is there a way to get to the new addition from the existing home? Mr. Mendrea confirmed yes.

Mr. Morel asked how far is the fence from the existing home? Mr. Mendrea replied 10ft away from the garage.

The homeowner, Tom Naylor at 5206 Silver Maple Lane was sworn in. He stated his mother-in-law has bad health and has tough mobility. He is trying to give her freedom while being able to help her. He does not plan to rent out the in-law suite in the future. Chair Blakemore asked if not given the variance could this addition be done? Mr. Naylor replied no because, the patio needs to stay. Chair Blakemore asked how big is the patio? Mr. Naylor replied it is 8ft and if it is moved over would only be 4ft. Chair Blakemore asked if you did not move the patio over and left the 8ft and you did not get the 2.5ft and 4ft. variance could you still do the addition? Does 4ft of width make that much of a difference? Mr. Naylor said yes due to the door so mother-in-law can still have freedom. Mr. Greene stated that we are not dealing with the second door that is for the ZI to handle.

Mr. Morel asked how far does the addition stick out? Mr. Mendrea replied 5'4-1/8". Chair Blakemore stated they will be 6ft from the property line.

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 yes for the side yard and no for the rear yard.
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 if it has a front entrance is does rather than if it does not.
4. Will the granting of the variance adversely affect the delivery of governmental

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services? The Board skipped this question.

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 but they would lose the patio area.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Mr. Morel stated that driving through the neighborhood with the fencing it will not be noticeable but with the added front door it makes it look like a multi-family.

Mr. Naylor asked, would it make a difference if the door was moved to the side? ZI replied it would not because it is still a second entrance and a multifamily home.

Having had multiple discussions about the front door/multifamily issue and how the variance does not pertain to this, the Board decided to rereview the Ducan 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 yes for the side yard and no for the rear yard.
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? Mr. Ostmann and Mr. Greene stated yes, and Chair Blakemore, Mr. Morel, and Mr. Traynor stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? Mr. Greene stated if you restrict access between the fence then potentially yes.
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.

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Mr. Morel made a motion to approve a 2.50 ft. rear yard setback variance for the property located at 5206 Silver Maple Lane as presented. It was seconded by Mr. Greene.
ROLL CALL-Morel-Yes, Greene-Yes, Ostmann-No, Traynor-Yes, Blakemore-Yes

The variance was granted.

Mr. Morel made a motion to approve a 4 ft. side yard setback variance for the property located at 5206 Silver Maple Lane as presented. It was seconded by Mr. Traynor.
ROLL CALL-Morel-Yes, Traynor-Yes, Greene-No, Ostmann-No, Blakemore-Yes

The variance was granted.

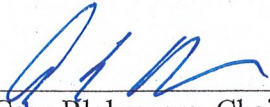
The minutes to the BZA October 18, 2023, hearing was approved as written.

ZI mentioned that the Board Members received an updated zoning map.

Having no other business before the Board the hearing was adjourned at 7:51 p.m.

Respectfully Submitted,

Stephanie Farnsworth
Zoning Secretary


Cary Blakemore, Chairman

