

# MEDINA TOWNSHIP

## ZONING BOARD OF APPEALS PUBLIC HEARING

August 21, 2024

Chair Blakemore opened the public hearing at 7:00 p.m. Permanent members Blakemore, Greene, Payne, Gray and Morel were in attendance. Alternate members Ostmann and Traynor were present.

### **David Dufala- 4270 Hamilton Rd.**

Secretary Farnsworth read the application into the record. The applicant is David Dufala. The street address requiring the variance is 3418 Pearl Road. Present Zoning: BG/ SR. Previous variance requests: yes.

The variance being requested and reason for the request: Section 402.3C 125' required minimum lot frontage. Creating a 84' access to the SR property. Requesting a 41' variance.

To allow access to my SR property off Route 42 Pearl Rd. to build a house.

Chair Blakemore read a letter from the Assistant Fire Chief into record:

Elaine,

After reviewing the variance request the Fire Department has no comment at this time.

Thanks,  
Mark Crumley, Assistant Chief

The applicant, David Dufala at 4270 Hamilton Road was sworn in. Mr. Dufala stated that there is currently a fire hydrant right by the property for fire protection. He continued stating there is a home 25' behind his lot on Pearl Rd. with an easement on his neighbor's property to get back to that home.

Chair Blakemore asked what the previous variance requests were. Mr. Dufala replied it was to get the office building off the road and the side yard was approved. Mr. Morel asked how many acres. Mr. Dufala replied the back lot is 6.7 acres and the front will be the remaining 9.3 acres. He continued the back lot is zoned residential already and it stops a development from coming in around it.

Alliss Stroggin was sworn in. Ms. Stroggin stated the lot behind Mr. Dufala's is suburban residential but does not have access to it. She continued he wants to subdivide his lot to an illegal size lot in the front to have access to his back lot. She continued he needs to go in and make a lot split and needs the 84' variance. She stated with the commercial lot in the front and the suburban residential flag lot in the back, any flag lot needs frontage in the lot.

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Chair Blakemore asked what prevents him from making the whole lot commercial with the variance. Ms. Strogin replied Mr. Dufala's objective is to put a home in the back suburban residential lot and the front will stay commercial.

Chair Blakemore stated the County has to do the lot split. Ms. Strogin stated yes, and it has to get approved.

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 and no being questionable residential and commercial.
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 no.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Greene made a motion to approve a 41' variance for an access to the back lot for the property located at 3418 Pearl Road as presented. It was seconded by Mr. Payne.  
ROLL CALL-Greene- Yes, Payne- Yes, Gray-Yes, Morel-Yes, Blakemore-Yes

The variance was granted.

The minutes to the BZA June 19, 2024, hearing was approved as written.

Having no other business before the Board the hearing was adjourned at 7:21 p.m.

Respectfully Submitted,

Stephanie Farnsworth  
Zoning Secretary

  
Cary Blakemore, Chairperson