

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS MEETING
AUGUST 19, 2024**

PRESENT

Amanda Dillon, Chairperson
Elayne Siegfried, Vice Chairperson
Bill Montalto
J.C. Stouffer
Donna Watkins
Pat Ryan, Alternate

ALSO PRESENT

P. Jeffers, Planning and Zoning Director
B. Schwehm, Zoning Secretary
R. Todd
W. Todd

HANDOUTS: None

- AGENDA:**
1. Public Hearing: Variance #07-24-032/Todd – 2843 Sunburst Drive/Section 410.8 Accessory Use Regs. & Windfall Reserve Regs. – Rear Setbacks for Covered and Uncovered Deck Areas
 2. Zoning Updates

Board Chairperson Amanda Dillon called the Monday, August 19, 2024 meeting of the Montville Township Board of Zoning Appeals to order at 7:01 p.m.

ROLL CALL: Board Member Donna Watkins – Present; Board Member Bill Montalto – Present; Board Member Elayne Siegfried – Present; Board Member J.C. Stouffer – Present; Board Chairperson Amanda Dillon – Present; Alternate Board Member Pat Ryan – Present.

Board Chairperson Dillon asked if the meeting had been properly advertised in the paper. Planning and Zoning Director Paul Jeffers said the meeting had been properly advertised. Board Chairperson Dillon asked if contiguous property owners had been properly notified. Planning and Zoning Director Jeffers said contiguous property owners had been properly notified.

Board Chairperson Dillon said everyone in attendance should sign in if they had not already done so. Anyone who wished to speak would be sworn in before testifying. The meeting was taped for transcription purposes; therefore, it was important for everyone to state their name clearly before speaking. As a quasi-judicial body, the Board of Zoning Appeals based its decisions on evidence and not on opinions. The official documentation of the proceedings would be the typed transcripts. She asked for cell phones and electronic devices to be silenced or turned off during the proceedings.

Board Chairperson Dillon presented the items on the agenda and asked if any Board members would be abstaining from discussing or voting on any of the agenda items.

None of the Board members planned to abstain from discussing or voting on any of the agenda items.

1. PUBLIC HEARING: VARIANCE

- Application No.:** 07-24-032
- Applicant/Owner:** Robert & Whitney Todd
2843 Sunburst Drive
Medina, OH 44256
- Zoning District:** Windfall Reserve
R-2, Single-Family Suburban Residential District, Controlled Density
- Request:** Section 410.8, Accessory Use Regulations, and Windfall Reserve Zoning Regulations
- 1) A 25-foot variance from the required 50-foot rear yard setback for a 25 feet x 14 feet covered deck; and
 - 2) A 15-foot variance from the required 40-foot rear yard setback for a 35 feet x 16 feet uncovered deck.

Board Chairperson Dillon opened the public hearing and read/referenced the following:

- Application #07-24-032, which included two photographs depicting the proposed covered deck and fireplace; an aerial map with the location of the home and proposed deck areas; a detailed layout for the proposed deck areas, that included Schedules 410.5 and 410.8; a photograph of the current deck and an image showing the proposed deck areas; a series of three photographs showing views from the north, west and east sides of the property; and a list of contiguous property owners.
- A memo from Planning and Zoning Director Jeffers dated August 12, 2024 regarding the subject variance requests.

Mr. Robert Todd was sworn in by Board Chairperson Dillon.

Planning and Zoning Director Jeffers was sworn in by Board Chairperson Dillon.

Board Chairperson Dillon asked if the applicant had any information to present in addition to what had already been read into the record.

Mr. Todd introduced himself and his wife, Whitney, as the recent owners of 2843 Sunburst Drive. He provided a PowerPoint presentation of the application, supporting documents and additional photographs of the area for the proposed deck.

Mr. Todd thanked the Board for allowing him to present their vision for the house that they waited 850 days to acquire. He and his wife reminded one another every single day that they loved their house. They were trying to make the house their own and trying to make a nice, safe area for their children, as well as their aging parents and grandparents, to enjoy.

Mr. Todd said the existing steps were falling off and were not properly tied into the house or the deck. The railings were also falling off. The slope of the yard and the

migration of soil had the deck almost falling over into the slope. Mr. Todd said the existing deck would be completely removed.

Mr. Todd presented the layout for the proposed uncovered and covered deck areas. For mobility purposes, 4-foot wide steps were proposed. High-end composite, Trex, decking would be used. A coordinating composite deck railing and skirting would be used.

Mr. Todd noted the slope of the backyard, which would be great for sledding but would not be good for shooting hoops or playing football or baseball.

From a cost perspective, Mr. Todd planned to break up the project into phases. The deck and railings would be done in 2024; the skirting would be done in 2025.

Mr. Todd noted the covered portion of the deck would match the existing peak of the house. Timberline shingles would be used to match the recently replaced roof shingles on the house. The proposed deck would be tastefully landscaped.

Mr. Todd hoped to add an outdoor fireplace in 2025.

Mr. Todd identified the location of the new road in the neighboring subdivision that was north of his property. He noted Planning and Zoning Director Jeffers said the neighboring subdivision would provide an additional 40-foot buffer. That buffer would be in addition to the 30-foot buffer area which was owned by Windfall Reserve's HOA (homeowners' association). The existing tree line also provided a little buffering.

Mr. Todd said the rendering did not show the covered portion of the proposed deck; however, he identified the portion of the proposed deck that would be covered.

Mr. Todd said the proposed variances were requested to provide a deck with a clean appearance, rather than a zigzag appearance with different setbacks for the uncovered and covered portions of the proposed deck.

Mr. Todd presented photographs from the east, north and west sides of his property. The perimeter of the proposed deck had been staked and marked with pink tape. From the east, a majority of the deck would be blocked by a tree; and from the west, a portion of the deck would be blocked by trees. He also noted the slope of the backyard.

Mr. Todd presented a photograph showing the condition of the existing steps that were pulling away from the house/deck. He said the boards were falling off into the slope.

Mr. Todd presented the following justification for the variance requests.

- With the natural extension of the roofline, the proposed deck would tie seamlessly into the existing architecture of the house. They were trying to make it look like the deck was meant to be there.
- The proposed deck would enhance the value of not only their property but other properties in the neighborhood. Mr. Todd estimated the cost of the proposed deck would be between \$65,000 and \$83,000, with an additional \$5,000 for landscaping. He said outdoor living space was highly desirable with an average rate of return on investment of 72%.
- They wanted to create useable outdoor living space where they could enjoy their new house and provide a safe, level space for their children to play,

especially knowing a road would be going in directly behind their property. The proposed deck would also provide an area for family members with limited mobility to gather. Due to the steep slope and natural terrain, the existing space was somewhat unusable.

Mr. Todd again thanked the Board for allowing them to share their vision to transform their house to an even better house that could be safely enjoyed by friends and family.

Board Member Montalto wondered if a third variance request would be needed for the proposed fireplace.

Planning and Zoning Director Jeffers said the fireplace would be considered a miscellaneous structure and would not require a variance. However, a permit would be required for the outdoor fireplace.

In the initial build phase, Mr. Todd said a natural gas line would be roughed in for the fireplace; however, the fireplace, along with the deck skirting, would be built in Phase 2 of the project. He estimated Phase 2 would be completed in April 2025 after the winter passed.

Board Member Montalto was glad the addition of a fireplace would not create an issue with another variance.

Board Member Siegfried thanked the applicants for their presentation and application. She appreciated all of the information that was included. She referred to Planning and Zoning Director Jeffers' comments regarding a 30-foot buffer for Windfall Reserve and a 40-foot buffer for Hillsong Subdivision. With the road, she did not believe there was a 40-foot buffer. She wondered if she was missing something.

At the curvature, Planning and Zoning Director Jeffers said the road probably did not have a 40-foot buffer. The existing road in Woodford Commons was extended; and from west to east, he estimated the setback increased from 25 feet to 40 feet. A wetland wrapped around the northeast corner of the road; no homes would be built in that area.

Board Chairperson Dillon asked if any erosion prevention measures would be taken to address the current issues with the stairs.

Mr. Todd said the area would be regraded, and a layer of stone would be put down. Waterproofing would not only help with erosion of the wood structure; but with all of the wrapping and taping, Mr. Todd was told the structure would be more sound in 75 years than they would be.

Mr. Todd said topsoil would be brought in, and the area would be landscaped. They were also hoping to add a retaining wall to help keep everything in place.

Mr. Todd said all of the existing deck would be removed – they would start fresh with everything. Waterproofing on the western portion of the deck would divert water away from the actual structure itself.

Ms. Whitney Todd was sworn in by Board Chairperson Dillon.

Ms. Todd said they had just purchased the house. They thought the existing deck was built when the house was built, which meant it was about 20 years old. In speaking with

a contractor, the longevity of products had improved and building codes had improved as well. The previous homeowner did not appear to use or maintain the space; repairs needed to be done.

Board Member Stouffer said the Todds provided a fantastic presentation. As an architect, he said the applicants' due diligence and everything they said answered all of his questions. He wanted to confirm there would be two uncovered deck areas and one covered deck area.

Mr. Todd said that was correct. He pointed out the uncovered portions on the east and west sides of the proposed deck and the covered portion in the middle.

Board Member Stouffer asked Mr. Todd to reiterate what would be done in 2024 and what would be done in 2025.

Mr. Todd said the entire deck structure, including the covered piece, rough-in for the fireplace, steps and railing would be done in 2024. In April or May of 2025, the skirting and fireplace would be added.

Ms. Todd said the skirting would be approximately \$8,300, which seemed like a lot of money for an aesthetic. Since no one would be looking directly at the back of the deck, they hoped to wait to complete the skirting, along with the \$15,000 fireplace, next spring.

Board Member Stouffer asked if a composite material would be used to match the decking.

Mr. Todd said Trex would be used.

Board Member Stouffer wondered if they knew what the existing steps were made of.

Mr. Todd said the steps were made of a composite material, but he did not know if it was Trex.

Since no one else was present to testify, Board Chairperson Dillon closed the testimony portion of the hearing.

- 1) A 25-foot variance from the required 50-foot rear yard setback for a 25 feet x 14 feet covered deck

The Board reviewed the Duncan Factors for the first variance request.

MOTION: Board Member Montalto moved to approve Variance Application #07-24-032 submitted by Robert and Whitney Todd at 2843 Sunburst Drive in Medina, Ohio 44256 for a 25-foot variance from the required 50-foot rear yard setback for a 25 feet x 14 feet covered deck, per Section 410.8, Accessory Use Regulations, and the zoning regulations for Windfall Reserve. The property is located in Windfall Reserve, a controlled density subdivision in the R-2, Single-Family Suburban Residential District.

SECOND: Board Member Watkins

ROLL CALL:

- Board Member Siegfried: Approved. Based on the open space buffering in the backyard, the deck would not impede on any neighbors back there and the due diligence in erosion control of the quite sloped backyard.
- Board Member Watkins: Approved.
- Board Member Stouffer: Approved.
- Board Member Montalto: Approved.
- Board Chairperson Dillon: Approved. She thanked the applicants for their thoroughness; the application and presentation were very well put together. She appreciated their diligence in looking at the erosion and utilizing the slope and land around their property, and she appreciated the consideration that was given to their neighbors.

Motion Approved: 5 – Ayes; 0 – Nays; 0 – Abstentions.

- 2) A 15-foot variance from the required 40-foot rear yard setback for a 35 feet x 16 feet uncovered deck.

The Board reviewed the Duncan Factors for the second variance request.

MOTION: Board Member Stouffer moved to approve Variance Application #07-24-032 submitted by Robert and Whitney Todd at 2843 Sunburst Drive in Medina, Ohio 44256 for a 15-foot variance from the required 40-foot rear yard setback for a 35 feet x 16 feet uncovered deck, per Section 410.8, Accessory Use Regulations, and the zoning regulations for Windfall Reserve. The property is located in Windfall Reserve, a controlled density subdivision in the R-2, Single-Family Suburban Residential District.

SECOND: Board Member Siegfried

ROLL CALL:

- Board Member Montalto: Approved.
- Board Member Stouffer: Approved.
- Board Member Siegfried: Approved.
- Board Member Watkins: Approved.
- Board Chairperson Dillon: Approved. She thanked the applicants for their thoroughness in putting together the application.

Motion Approved: 5 – Ayes; 0 – Nays; 0 – Abstentions.

2. ZONING UPDATES

Proposed Mixed-Use Overlay District Regulations

On August 14, 2024, the Zoning Commission recommended approval of the text and map amendments. The Board of Trustees would set a public hearing for the amendments at its next meeting.

The Chapel Medina

The Chapel Medina planned to build at the corner of Wooster Pike and Wedgewood Road.

State Route 57 Closure

State Route 57 would be closed between Sharon Copley Road and Poe Road for culvert work.

ADJOURNMENT:

MOTION: Board Member Siegfried moved to adjourn the August 19, 2024 Board of Zoning Appeals meeting.

SECOND: Board Member Stouffer

A collective oral vote was taken.

Motion Approved: 5 – Ayes; 0 – Nays; 0 – Abstentions.

The August 19, 2024 meeting of the Montville Township Board of Zoning Appeals was adjourned at 7:36 p.m.

Respectfully submitted,

Bonnie Schwehm
Zoning Secretary

Signature _____
Chairperson

Date _____