

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS MEETING
AUGUST 5, 2024**

PRESENT

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

ALSO PRESENT

P. Jeffers, Planning and Zoning Director
B. Schwehm, Zoning Secretary
C. Yerkey
K. Yerkey

HANDOUTS: Additional Paperwork – Variance #06-24-029/4150 Timber Trail

- AGENDA:**
1. Public Hearing: Variance #06-24-029/Yerkey – 4150 Timber Trail/Section 570.3 – Fence encroachment into riparian setback
 2. Approval of Minutes: June 17, 2024; July 1, 2024; and July 15, 2024
 3. Zoning Updates

Board Chairperson Amanda Dillon called the Monday, August 5, 2024 meeting of the Montville Township Board of Zoning Appeals to order at 7:00 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 Cheryl Heinly – 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, with the exception of the meeting minutes.

1. PUBLIC HEARING: VARIANCE

- Application No.:** 06-24-029
- Applicant/Owner:** Kevin and Cynthia Yerkey
4150 Timber Trail
Medina, OH 44256
- Zoning District:** R-2, Single-Family Suburban Residential District
Timber Trail Junction
- Request:** Section 570.3, Establishment of Designated Watercourses, Riparian Setbacks and Wetland Setbacks
A variance to allow a fence to encroach 10 feet into the riparian setback from the northern boundary of the setback.

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

- Application #06-24-029, which included a map showing the subject property and nearby properties; Application for Zoning Certificate; Topographic Survey & Lot Improvement Plan for the subject property; a photograph looking upstream/westward from the downstream culvert headwall; a photograph looking westward from the adjacent property; a photograph looking south from the porch on the house; a photograph showing a view of the side of the rear yard from the adjacent property; and a diagram of the fence layout dated 8/1/2024.
- An aerial map of the property and the land around it, and a memo from Planning and Zoning Director Jeffers dated July 26, 2024 regarding the subject variance request.

Ms. Cynthia Yerkey 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.

Ms. Yerkey referred to the graphic of the fence layout and noted the chamfers on the southwest and southeast – not the northeast and southeast as indicated. She referred to the replacement topo showing the revised fence location. A gate would be located where the fence was chamfered against the storm easement. The gate would allow access to the back of the property. Due to the slope, the southwest corner of the fence would also be chamfered.

Ms. Yerkey said the proposed fence would be about 10 feet from the top of the embankment – not at the top of the embankment. They wanted the fence to split the area between the house and the stream, and they wanted to maintain the area up against the stream in its natural state.

Since the area was in pretty bad shape, Ms. Yerkey wanted to plant some willow cuttings to restore some of the vegetation to ensure against further erosion; and they wanted to plant grass and other plantings between the house and the proposed fence. They were waiting for the variance to be heard before re-establishing erosion control measures and planting grass. The area had not yet been touched.

Ms. Yerkey respectfully asked for the variance to be granted.

Board Member Montalto referred to the quote from Precision Fence. He appreciated the information because he wondered how big the fence holes would be, and he wondered about the diameter of the posts. He asked for an explanation about how the posts would be installed with respect to using concrete or driving the posts to avoid/minimize disturbance.

On the sides of the fence, Ms. Yerkey said concrete would be poured into a hole dug by an auger. On the back portion of the fence, posts would be driven into the ground.

Ms. Yerkey also received a quote proposing to drive all of the posts into the ground. However, since the excavation had already disturbed the earth, they did not want to be concerned about the stability of the fence. In the back, they did not want the holes for the fence posts to pose a risk to any of the trees.

By driving the posts into the ground, Board Member Montalto said disruption would be minimized.

Ms. Yerkey confirmed that was correct. To keep the fence solid, she thought it might be possible to dig a hole approximately 12 inches in diameter for a post to be concreted in the middle of the run across the back without hurting any of the trees. The dirt would be restored on top of the hole afterwards.

Board Member Stouffer asked if the posts would be wood or metal.

Ms. Yerkey said metal posts would be used.

Board Member Stouffer thought the posts would be 1.5 to 2 inches in diameter.

Ms. Yerkey agreed and said normal metal posts would be used.

Board Member Stouffer said that was pretty typical construction.

Board Member Siegfried asked for clarification regarding the location of the proposed gate.

Ms. Yerkey said the gate would be located in the chamfered section of the fence near the storm sewer access and maintenance easement. She said that area was the only way to access the back of their property. There was about a 3-foot pathway on the southern end of the headwall. A temporary wood panel was currently used to safely walk over that area because it was a little rocky and messy.

Board Member Siegfried noticed an existing fence in the photographs and wondered if they had started installing the fence.

Ms. Yerkey said the silt fence in the photographs was left over from when the house was built. An area had been regraded recently because the lot was not draining. Straw had been placed where seed had been planted.

Board Chairperson Dillon asked if the chain link fence would be installed where the silt fence was currently located.

Ms. Yerkey said, "Yes."

When a motion was made, Board Member Montalto asked if the motion should reference the revised topo, which was different than the topo submitted with the application.

Board Chairperson Dillon noted that the Board received a revised topographic survey that showed a new placement for the fence line that was different than the layout shown on the original topo.

Board Member Siegfried asked if the variance was requested to preserve the existing trees or to allow 10 feet more of flat backyard area.

Ms. Yerkey said the variance was requested for both of those reasons. The area was currently completely void of vegetation. They would like to restore the vegetation/grass. The slope dropped about 2 feet from the back of the house, and it leveled out at the riparian line.

Ms. Yerkey said they loved the trees and wanted the trees within the area. Better maintenance of the area would help preserve the trees. Either way, they would do something to preserve the trees. However, the variance would allow them to take better care of the trees because they would be able to plant grass around the trees for stabilization. They would also be able to rake leaves and pick up nuts from the shagbark hickory trees.

Ms. Yerkey said the trees within the riparian were not taken down, and they kept additional trees to preserve the wooded feel that they liked. They would like to sit, relax and enjoy the area and put out birdfeeders.

Board Member Siegfried thought nothing was to be planted, taken away or mowed within the riparian setback whether or not the fence was within the setback. She did not believe that would change if the Board granted the variance request for the fence to be within the riparian setback. She thought the area was to be left as natural as possible.

From an erosion standpoint, Board Member Siegfried suggested working with the Medina County Soil and Water Conservation District.

Ms. Yerkey had gone on the website for the Soil and Water Conservation District, as well as the website for ODNR (Ohio Department of Natural Resources). Some low cuttings and plants that were supposed to be good for erosion had been ordered. Ms. Yerkey would reach out to the Medina County Soil and Water Conservation District.

Ms. Yerkey said they were trying to establish normal vegetation for that type of an area because it was completely void of any vegetation, and they did not want any erosion or runoff, which was one of the reasons for the silt fence. They did not want anything at all to get into the water.

Planning and Zoning Director Jeffers said erosion control measures were allowed within the riparian setback.

Board Member Siegfried thought the Medina County Soil and Water Conservation District may be able to help. She said they also sold willow cuttings.

Ms. Yerkey said willow cuttings had been ordered, and erosion control matting had been put down. As a civil engineer, Ms. Yerkey was familiar with those types of situations. They wanted the area to be very natural and look exactly like it was because that was why they purchased the property.

Ms. Yerkey said the riparian area was the remainder of the useable part of the property. The 50-foot setback from the rear property line was at the riparian setback, which was another reason why they would like to have the additional 10 feet to enjoy. They did not plan to change much at all. If grass from the yard crept into the area, it would be great; however, they wanted something more natural than grass. They wanted bushes and things that were natural to the side of a stream.

Board Chairperson Dillon wondered how much the riparian dropped.

At the headwall, Ms. Yerkey said it was approximately 3 feet. She estimated it was 4 feet on the western side of the property where it was steeper and narrower. She said their side was lower. If water overtopped, it would go down towards the headwall, roll out the chamfered area, go over the edge of the headwall, and go further down.

Ms. Yerkey understood the property to the east may be raised a little bit and a house built. She thought water would pond on the open, low part of her property. If there were issues, the gate could be opened. However, they planned to keep it clean – just like they planned to keep barriers away from the opening of the culvert. Although, from what she understood, a little dead wood in the stream was actually good because it helped stop the flow and erosion.

Board Chairperson Dillon asked if Mr. Yerkey would like to speak.

Mr. Yerkey said the variance request was related to what his wife did; he was there for support.

Board Chairperson Dillon closed the testimony portion of the hearing; and the Board reviewed the Duncan Factors.

MOTION: Board Member Montalto moved to approve Variance Application #06-24-029 submitted by Kevin and Cynthia Yerkey at 4150 Timber Trail in Medina, Ohio 44256 for a variance from Section 570.3, Establishment of Designated Watercourses, Riparian Setbacks and Wetland Setbacks, to allow an open flow style chain link fence to encroach 10 feet into the riparian setback from the northern boundary of the setback. The property is located in Timber Trail Junction in the R-2, Single-Family Suburban Residential District.

SECOND: Board Member Stouffer

ROLL CALL:

Board Member Siegfried: Approved, based on the fact that they were looking to preserve the trees and to complete and assist with erosion control.

Board Member Watkins: Approved, based on the fact that they were going to do some erosion control and work on the trees.

Board Member Stouffer: Approved. He liked the fact that they were putting a fence back there for their dog’s safety.

Board Member Montalto: Approved, with similar comments. In particular, they had taken great care and detail in providing the Board with the needed information, and efforts were being taken to preserve and take care of the riparian.

Board Chairperson Dillon: Approved, based on preserving the treed area, as well as limiting the erosion, which was the reason for the setbacks in the first place.

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

2. APPROVAL OF MINUTES:

June 17, 2024

MOTION: Board Member Watkins moved to approve the June 17, 2024 minutes as written.

SECOND: Board Member Siegfried

ROLL CALL: Board Member Montalto – Abstained; Board Member Stouffer – Approved; Board Member Watkins – Approved; Board Member Siegfried – Approved; Board Chairperson Dillon - Approved.

Motion Approved: 4 – Ayes; 0 – Nays; 1 – Abstention.

July 1, 2024

MOTION: Board Member Stouffer moved to approve the minutes of July 1, 2024 as written.

SECOND: Board Member Siegfried

ROLL CALL: Board Member Stouffer – Approved; Board Member Siegfried – Approved; Board Member Montalto – Approved; Board Member Watkins – Approved; Board Member Dillon – Abstained, because she was not in attendance.

Motion Approved: 4 – Ayes; 0 – Nays; 1 – Abstention.

July 15, 2024

MOTION: Board Member Siegfried moved to approve the minutes from the July 15, 2024 meeting as written.

SECOND: Board Member Watkins

ROLL CALL: Board Member Watkins – Approved; Board Member Stouffer – Approved; Board Member Siegfried – Approved; Board Member Montalto – Abstained, because he was not present; Board Chairperson Dillon – Abstained, because she was not present.

Motion Approved: 3 – Ayes; 0 – Nays; 2 – Abstentions.

3. ZONING UPDATES

The Chapel Medina

The Chapel Medina planned to build a 20,000 square foot building on 14-15 acres of the Kowal property. The church property would surround a four-acre parcel for future commercial development at the corner of Wooster Pike and Wedgewood Road.

Proposed Mixed-Use Overlay District Regulations

The Medina County Planning Commission would review the amendments at its August 7th meeting. The Zoning Commission would hold its public hearing for the zoning text and map amendments on August 14, 2024.

Heritage of Medina/Taco Bell/Dunkin’ Donuts – Wooster Pike

Construction had started on all three businesses.

Roundabouts

ODOT (Ohio Department of Transportation) had funding for a study for a roundabout at Wooster Pike and Wedgewood Road. ODOT did not have funding to construct the roundabout.

The roundabout at Sharon Copley Road and River Styx Road was funded, with work expected to begin in 2026.

ADJOURNMENT:

MOTION: Board Member Montalto moved to adjourn the August 5, 2024 Board of Zoning Appeals meeting.

SECOND: Board Member Siegfried

A collective oral vote was taken.

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

The August 5, 2024 meeting of the Montville Township Board of Zoning Appeals was adjourned at 7:37 p.m.

Respectfully submitted,

Bonnie Schwehm
Zoning Secretary

Signature _____
Chairperson

Date _____