

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS MEETING
SEPTEMBER 16, 2024**

PRESENT

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

ALSO PRESENT

P. Jeffers, Planning and Zoning Director
B. Schwehm, Zoning Secretary
M. Carlson W. Mceuen
S. Carlson J. Ohlin
B. Gore
C. Gore

HANDOUTS: None

- AGENDA:**
1. Public Hearing: Variance #08-24-033/5278 Maplewood Farm Drive-Mceuen/Section 410.8 – West Side Yard Setback for Storage Bldg.
 2. Public Hearing: Variance #08-24-034/4433 Good Road-Gore/Section 410.8 – Storage Building in Front Yard
 3. Public Hearing: Variance #08-24-035/6400 Torington Drive-Carlson/Section 410.8 – Rear Yard Setback for Pool & Pool Patio
 4. Approval of Minutes: August 5, 2024 and August 19, 2024
 5. Zoning Updates

Board Chairperson Amanda Dillon called the Monday, September 16, 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 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.

Board Chairperson Dillon would be recusing herself for the third agenda item. Vice Chairperson Siegfried would serve as chairperson, and Alternate Board Member Ryan would take a seat on the Board for that agenda item.

1. PUBLIC HEARING: VARIANCE

- Application No.:** 08-24-033
- Applicant/Owner:** Will Mceuen
5278 Maplewood Farm Drive
Medina, OH 44256
- Zoning District:** Rural Residential District/Previously R-1 District
Maplewood Farms
- Request:** Section 410.8, Accessory Use Regulations
A variance of 19 feet from the minimum 20-foot west side yard setback for a 36 feet by 28 feet storage building.

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

- Application #08-24-033, which included a topographic survey & lot improvement plan showing the existing and proposed storage buildings; an aerial of the property showing the proposed layout; a quote from Value Metal Buildings that included specifications (2 pages) for the proposed storage building; renderings of the front, right, left and back sides of the proposed storage building; a floorplan with dimensions for the proposed storage building; a Medina County Tax Map printout and map for the subject property and neighboring properties; and a notarized document regarding the removal of the existing shed.
- An aerial photograph showing the location of the subject house and neighboring house, and a memo from Planning and Zoning Director Jeffers dated August 28, 2024 regarding the subject variance request.

Mr. Will Mceuen 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.

After applying for the variance, Mr. Mceuen had repositioned the storage building. Moving it over 5 feet would give a little more distance between the property line and the storage building to ensure the building, as well as the landscaping around the building, could be maintained.

Mr. Mceuen had spoken with his neighbors, and they all seemed okay with it. He noted the neighbors were not present to voice any displeasure.

Board Chairperson Dillon thanked Mr. Mceuen for sharing that information; however, the Board could not consider third-party statements, unless the neighbors were present.

Mr. Mceuen hoped the Board would accept the variance request, which would enable him to move forward.

Board Member Siegfried asked for clarification regarding the new location for the storage building. Would it be in a different location than shown on the application?

Mr. Mceuen planned to slide the storage building over 5 feet in hopes it would ease the approval process.

Board Chairperson Dillon wondered if Mr. Mceuen was asking the Board to change the request from 19 feet to 14 feet.

Instead of a 19-foot variance, Mr. Mceuen was requesting a 15-foot variance.

Board Member Stouffer asked for clarification regarding the round item on the aerial photograph.

Mr. Mceuen said it was a trampoline, which would be completely removed.

Board Member Stouffer said the variance application indicated the storage building would be 36 feet by 28 feet; however, the estimate indicated the storage building would be 36 feet by 30 feet.

Mr. Mceuen originally planned for the building to be 36 feet by 30 feet; however, the size had been changed to meet the percentage allowed by the zoning requirements.

Board Member Montalto asked about the size of the existing shed.

Mr. Mceuen did not know the specific size, but he believed it was 10 feet by 12 feet.

Planning and Zoning Director Jeffers said a Zoning Certificate had not been issued for the existing shed; however, he thought the shed may have been installed by the previous owners.

Mr. Mceuen said he put up the existing shed. At that point, he was not aware that a permit was needed for a shed. The whole process was new to him. He assumed he could build a shed since it was his property and he paid the taxes, but he found out that was not the case.

Board Chairperson Dillon opened the hearing to the public; however, no one asked to testify. Board Chairperson Dillon closed the public portion of the hearing, and the Board reviewed the Duncan Factors.

MOTION: Board Member Stouffer moved to approve Variance Application #08-24-033 submitted by Will Mceuen at 5278 Maplewood Farm Drive in Medina, Ohio 44256 for a variance of 15 feet from the minimum 20-foot west side yard setback, per Section 410.8, Accessory Use Regulations, for a 36 by 28 storage building. The

property is located in Maplewood Farms in the Rural Residential District/previously R-1 District.

Board Chairperson Dillon asked if a condition should be added to the motion regarding the removal of the existing shed.

Planning and Zoning Director Jeffers said that would not be necessary since the applicant had signed a document stating the shed would be removed. If the shed was not removed, it would be a zoning violation.

Mr. Mceuen said the motion noted the property was formerly located in the R-1 District. He wondered if that made a difference.

Board Chairperson Dillon did not believe it made a difference in the proceedings that night.

Planning and Zoning Director Jeffers explained there was a difference in that the property was now zoned Rural Residential, which required 4-acre lots. Maplewood Farms was created when the property was zoned R-1, which allowed for 2-acre lots. The side yard setback in the Rural Residential District was 30 feet; the side yard setback in the R-1 District was 20 feet.

Mr. Mceuen appreciated the clarification.

SECOND: Board Member Watkins

ROLL CALL:

Board Member Siegfried: Approved, due to the removal of the nonconforming shed, which she knew was not part of the variance; but it was something Mr. Mceuen agreed to do; and the actual reduction of the variance request by 4 feet and the other Duncan Factors.

Board Member Watkins: Approved.

Board Member Montalto: Disapproved. He appreciated the edit to the variance; although, he thought the request would alter the neighborhood substantially. He thought it would cause a detriment to the neighbor to the west.

Board Member Stouffer: Approved.

Board Chairperson Dillon: Approved. Like Board Member Siegfried, she appreciated the storage building being moved farther from the side property line and the existing, non-permitted shed being removed.

Motion Approved: 4 – Ayes; 1 – Nay; 0 – Abstentions.

2. PUBLIC HEARING: VARIANCE

- Application No.:** 08-24-034
- Applicant/Owner:** Chris & Brenda Gore
4433 Good Road
Seville, OH 44273
- Zoning District:** Rural Residential District
- Request:** Section 410.8, Accessory Use Regulations
A variance to place a storage building (22' x 24') in the front yard.

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

- Application #08-24-034, which included an aerial photograph showing the location of the proposed storage building.
- A memo from Planning and Zoning Director Jeffers dated August 28, 2024 regarding the subject variance request.

Mr. Chris Gore 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. Gore said agricultural items, such as an ATV/4-wheeler, would be stored in the proposed building. The proposed storage building would have a porch; they could enjoy the pond from the porch. He said the proposed location was in the pines. There were pines in front and pines on the side.

Ms. Brenda Gore was sworn in by Board Chairperson Dillon.

Ms. Gore said the storage building would be located to the side; it would not be located in front of the house. If drivers stared as they passed by, they may be able to catch a glimpse of the proposed storage building. However, the storage building would be surrounded by pines and would not be seen.

Board Member Montalto asked for clarification regarding the size of the proposed storage building.

Mr. Gore said it would be 16 feet by 24 feet with a 6-foot porch, which made the building 22 feet by 24 feet.

Board Member Stouffer asked about the height of the proposed storage building.

Mr. Gore did not know the height but said it would be two stories.

Ms. Gore said the plans showed 10-foot walls.

Planning and Zoning Director Jeffers said the maximum allowed height was 20 feet.

To walk in the upper floor, Mr. Gore said it would be necessary to walk along the peak. He estimated the height would be between 16 and 18 feet.

Planning and Zoning Director Jeffers said clarification regarding the height would be requested when the Application for Zoning Certificate was completed.

Board Member Stouffer asked about the siding material for the proposed storage building and the existing agricultural building.

Mr. Gore said SmartSiding would be used on the new building. The building in back was sided with T1-11 and painted.

Board Member Stouffer asked about the current siding on the house.

Mr. and Ms. Gore were not sure about the siding on the house, but they said the proposed storage building would match the house.

Board Chairperson Dillon asked if the roofing material for the proposed storage building would match the house.

Mr. Gore said the roofing materials would match.

Board Chairperson Dillon opened the hearing to the public. No one asked to testify and the public portion of the hearing was closed. The Board reviewed the Duncan Factors.

MOTION: Board Member Watkins moved to approve Variance Application #08-24-034 submitted by Chris and Brenda Gore at 4433 Good Road in Seville, Ohio 44273 for a variance from Section 410.8, Accessory Use Regulations, to place a storage building that will be 22 feet by 24 feet in the front yard, which would be in addition to an existing 16 feet by 16 feet agricultural building in the rear yard. The property is located in the Rural Residential District.

SECOND: Board Member Siegfried

ROLL CALL:

Board Member Montalto: Approved.

Board Member Siegfried: Approved.

Board Member Stouffer: Approved.

Board Member Watkins: Approved.

Board Chairperson Dillon: Approved, in consideration of the layout of the property, the shielding by the pines, and the overall topography of the land.

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

Board Chairperson Dillon recused herself for the following agenda item. Board Member Siegfried served as chairperson, and Alternate Board Member Ryan took a seat on the Board.

3. PUBLIC HEARING: VARIANCE

- Application No.:** 08-24-035
- Applicant/Owner:** Sean Carlson
6400 Torington Drive
Medina, OH 44256
- Zoning District:** Fox Meadow Subdivision, Controlled Density Subdivision R-1, Single-Family & Low Density Residential District
- Request:** Section 410.8, Accessory Use Regulations
- 1) A 20-foot variance from the required 30-foot rear yard setback for a pool; and
 - 2) A 25-foot variance from the required 30-foot rear yard setback for a patio around the pool.

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

- Application #08-24-035, which included a letter to the Board of Zoning Appeals, a detailed explanation of the reasoning for the variance requests and photographs of the property and proposed pool site (pages 1-23).
- A memo from Planning and Zoning Director Jeffers dated August 28, 2024 regarding the subject variance requests.

Mr. Sean Carlson was sworn in by Board Chairperson Siegfried.

Board Chairperson Siegfried asked if the applicant had any other information to add or discuss.

Mr. Carlson did not realize his application would be read into the record and apologized for the length of his application. He put a lot of thought into it. The proposed location had been approved by Fox Meadow.

Board Member Montalto asked for clarification regarding a fence. He thought he read or heard something about a fence.

Mr. Carlson said Fox Meadow required a wrought iron fence at least 4 feet in height that was in close proximity to the pool. The black line in Figure 1 estimated where the fence would be located. If the variance was approved, the Fox Meadow Design Review Committee asked Mr. Carlson to reach out to them about the placement of the fence.

Board Member Montalto asked if it was fair to state that Mr. Carlson intended to have a fence around the pool.

Mr. Carlson confirmed that was true. One of his illustrations showed the pool without a fence, but Montville Township and Fox Meadow required a fence around the pool.

In the application, Board Chairperson Siegfried had read that the area between the pool fence and the creek would be landscaped using native plants.

Planning and Zoning Director Jeffers referred to page 9 of the application.

Mr. Carlson referred to Figure 1, which also showed landscaping. On the northeast side, plantings, such as arborvitaes, would obstruct the view of the pool from the road. He said the plan illustrated where the yet-to-be-determined landscaping would be located.

Out of 13,000+ residents in Montville Township, Planning and Zoning Director Jeffers thought Mr. Carlson was the most detailed person with whom he had ever dealt. Mr. Carlson was very inquisitive into what Montville Township did and why it was done. He thought forty emails had been exchanged in the subject matter. He said Mr. Carlson took the requirements seriously, did his homework, and was very thorough.

Planning and Zoning Director Jeffers also apologized for the length of the application package. However, he suggested detailing the situation as clearly as possible because all of the Board members may not have an opportunity to visit the property. It was important to detail unique situations, such as the geothermal system.

Board Chairperson Siegfried said the application painted a good picture of the situation and reflected the thoroughness and thoughtfulness that went into it.

Board Member Ryan said the applicant had done his homework and had worked with Montville Township and the HOA (homeowners' association) to come up with a solution; and he stayed away from the riparian, which was a very good thing.

Board Chairperson Siegfried noted only the homeowners were present. No one had any additional questions or testimony, and the public portion of the hearing was closed. The Board reviewed the Duncan Factors for both of the variance requests.

MOTION: Board Member Ryan moved to approve Variance Application #08-24-035 submitted by Sean Carlson at 6400 Torington Drive in Medina, Ohio 44256 for the following variances from Section 410.8, Accessory Use Regulations, and the zoning regulations for Fox Meadow Subdivision: 1) A 20-foot variance from the required 30-foot rear yard setback for a pool; and 2) a 25-foot variance from the required 30-foot rear yard setback for a patio around the pool. The property is located in Fox Meadow Subdivision, a controlled density subdivision in the R-1, Single-Family & Low Density Residential District.

SECOND: Board Member Stouffer

ROLL CALL:

Board Member Stouffer: Approved.

Board Member Montalto: Approved, given the peculiarities of the lot and the details in the different scenarios. He thought the applicant did a great job in finding an alternative that met their needs, the needs of their family, as well as the needs of the community and the land around it.

Board Member Watkins: Approved.

Board Member Ryan: Approved, given the constraints on the property and the applicant’s diligence to cover all of the bases.

Board Chairperson Siegfried: Approved, for many of the same reasons indicated by the other Board members, including there was green space behind the property and that the applicant respected the Township’s riparian setback.

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

Planning and Zoning Director Jeffers said the applicant would need to submit an Application for Zoning Certificate for the proposed project.

Board Chairperson Siegfried stepped down as chairperson. Board Chairperson Dillon once again served as chairperson, and Board Member Ryan served as an alternate for the remainder of the meeting.

4. APPROVAL OF MINUTES:

August 5, 2024

MOTION: Board Member Siegfried moved to approve the August 5, 2024 minutes as written.

SECOND: Board Member Stouffer

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

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

August 19, 2024

MOTION: Board Member Stouffer moved to approve the minutes from the August 19, 2024 meeting as written.

SECOND: Board Member Watkins

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

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

5. ZONING UPDATES

Dunkin’ Donuts – Sign

As noted in an email earlier that day, the *Medina Runs on Dunkin* sign would be replaced with *Montville Runs on Dunkin’* as approved. Dunkin’ Donuts should be open in the next few weeks.

Heritage of Medina

The existing sections of the building would be connected once the center portion of the building was constructed.

MUOD (Mixed-Use Overlay District)

The Montville Township Board of Trustees approved the zoning text and map amendments for the Mixed-Use Overlay District, which would become effective October 11, 2024.

Planning and Zoning Director Jeffers thought a preliminary plan for an MUOD project would be submitted for review by the Zoning Commission in October.

The Chapel Medina

The Chapel Medina planned to purchase 15 acres near the corner of Wooster Pike and Wedgewood Road. Access to the church would be located off of Wedgewood Road. In the future, a right-in only may be located on State Route 3.

ADJOURNMENT:

MOTION: Board Member Siegfried moved to adjourn the September 16, 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 September 16, 2024 meeting of the Montville Township Board of Zoning Appeals was adjourned at 8:12 p.m.

Respectfully submitted,

Bonnie Schwehm
Zoning Secretary

Signature _____
Chairperson

Date _____