

LAFAYETTE TOWNSHIP BOARD OF ZONING APPEALS
Public Hearing on Variance Application
Submitted by Eric M. Gasser (Charles Lons, owner)
7316 West Smith Road, Medina, Ohio
May 6, 2010, at 7:10 p.m.

Chair Lisa Takach called the meeting to order at 7:08 p.m. Roll call indicated four regular members of the Board of Zoning Appeals were present: Andrea Kacinari, Lisa Takach, David Jenkins and Jocelyn Kogler. Also present were Athena McAfee (alternate), John Crawford (alternate), Zoning Inspector Alliss Strogin, Eric M. Gasser (7500 W. Smith Road), Charles Lons (7316 W. Smith Road) and Russ Green (5701 Lafayette Road).

Minutes

Approval of the minutes of the April 1, 2010, meeting will take place at the next meeting.

Public Hearing

Chair Lisa Takach opened the public hearing relative to the Application for Zoning Variance submitted by Eric M. Gasser (on behalf of Charles Lons, property owner) requesting a variance from Section 301.5 A (Yard Requirements), for property located at 7316 West Smith Road, Medina, Ohio (parcel #020-10A-03-007).

Charles Lons (property owner) acknowledged that Eric M. Gasser represented him in this application for zoning variance.

The zoning secretary read into the record the Certificate of Mailing indicating that the letter notifying the adjacent property owners (23 different parcel numbers) of tonight's meeting was mailed on April 21, 2010.

The Chair ascertained that that the file was accurate, complete and meets the legal requirements. The Chair further ascertained that the Board members had the complete application and that it had been received and reviewed by each of them and each of them had viewed the variance site.

The zoning secretary read into the record the Application for Zoning Variance.

Those persons sworn in by Chair Takach for purposes of this public hearing included: Eric M. Gasser (applicant), Russ Green and Zoning Inspector Alliss Strogin.

Applicant (Eric Gasser) was sworn in. – Other than what was read and stated there for the variance there is not too much else that I have to add. Obviously the variance is north towards the direction of the road. It's just that 8' is not enough for a room space and with an additional 6' we would be adding a room and storage. The addition will be at the front and side of the house towards the west and also the north.

Upon questioning by the Board members, the applicant (Eric Gasser) responded as follows:

- The existing porch is enclosed and it will be removed and replaced.
- The new addition will not actually be a porch; it will be enclosed rooms.
- The house is a two-story dwelling but the addition itself will only be one story.
- The purpose of the addition will be for storage and one room would be for a bedroom. We would actually be building/creating two rooms.
- The bedroom would be on the west side. The road is to the north side of the house.
- It will be an additional 6' to the north but it will also be adding on to the west side of the house. It will be kind of blocked off with the house.
- There are other homes on the block where the frontage is less than this would be. Those homes were built in a similar time period, but not exactly 1915. Obviously zoning did not apply at that time.
- It is not a rental house.
- The entire property to the east, west and south is one property (not separately deeded parcels) and the house on this parcel (91.5 acres).
- The current power lines that are there will have to be moved a little bit because of the west side addition of the house but they will be moved pretty much in the same location. They will be above ground.
- There is no other way to create a bedroom and some storage space without having to request a variance. The option of going toward the east, unfortunately that is not possible with the way the house is designed. Going with the addition to the west, it is just basically adding on to the living room so we will gain the room for a bedroom and also storage. The inside the way the house was built would not make it possible to build to the east and that is why we were going toward the north and west.

Russ Green was sworn in. - I've known Mr. Lons and his family for many years and he has lived in this area for over three quarters of a century. He is a hard working farmer and now he needs space on the first floor for a bedroom as going up and down stairs is getting harder. Sometimes a first floor works easier and this would be an ideal place for Mr. Lons to get in and out of easier. I don't personally see it encroaching upon anything.

Zoning Inspector Alliss Strogin was sworn in. – The only thing that I wanted to make sure everybody is aware of is 21' might sound like a large variance and, if it was a new house, I would say 21' might probably be too much but the house is already nonconforming so the actual amount of the variance is only 6' more. So if you look at the 6' additional versus the technically of the 21', I think the 6', particularly with the age of the home, is more than reasonable.

There were no more questions from the Board.

Chair – I'll review the Duncan Factors and if anyone has anything to add, there will be an opportunity to do so.

Lisa Takach – Duncan Factors:

- Will the property yield a reasonable return or can there be a beneficial use of the property without the variance? The answer to that is yes but I don't think that is a factor that will weigh heavily in this application.
- Is the variance substantial? As our zoning inspector has indicated, no it is not a substantial variance that is being requested.
- Would it change the essential character of the neighborhood or cause any adjoining property owners to suffer substantial detriment? No, especially in light of the fact that some of the adjacent property is owned by the same homeowner.
- Will granting the variance adversely affect the delivery of government services? It does not appear so. We discussed the electrical lines and those will be taken care of properly.
- Did the applicant purchase the property without knowledge of the zoning restrictions? Considering the age of the home and that there was no zoning in place at that time, I don't think that is really an issue at this point of time.
- Can the problem be solved by some other manner other than granting a variance? I think Mr. Gasser has testified that it's really not feasible due to the layout of the house and the situation of the property.
- Will granting the variance preserve the spirit and intent of the zoning regulation providing substantial justice? I think that considering that the purpose of the application is to in part provide a first floor bedroom due to helping someone out, as stairs are difficult, I think it is an appropriate use of the spirit and intent of the zoning and I don't think there are any issues here.

Chair – With all that being said, does anyone have anything to add?

Kacinari – I agree with what you said.

Crawford – I agree with everything you said.

Kogler – I agree.

Jenkins – I agree also.

Chair Takach – I move that the variance be granted which is being requested under Section 301.5 A, a variance of twenty-one feet (21') from the required eighty feet (80') from the centerline of the road, allowing the new construction to be fifty-nine feet (59') from the centerline of the road.

John Crawford – I'll second the motion.

Roll Call Vote: David Jenkins - yes
 Andrea Kacinari - yes
 Jocelyn Kogler - yes
 Lisa Takach - yes
 John Crawford - yes
 (alternate sitting for Mark Riffle)

MOTION PASSED.

Chair – We are closing the public hearing.

For procedure purposes we will set a date to sign and approve the minutes. Once the minutes are approved/signed, the decision form signed and then copy of both is delivered to the applicant and he acknowledges receipt of them, it starts the thirty-day time frame of appeal.

The Board agreed that the meeting to sign minutes will be Thursday, May 13, 2010, at 7:00 p.m. at the township hall – it is a public meeting open to anyone who desires to attend.

Announcements

- Special meeting for General Business and To Sign Minutes of the Board of Zoning Appeals is Thursday, May 13, 2010, at 7 p.m. at the township hall.
- Next regular quarterly meeting is set for Thursday, July 1, 2010, at 7 p.m.

Adjournment

Upon motion by Andrea Kacinari, seconded by David Jenkins, it was unanimously approved that the meeting be adjourned. Meeting adjourned at 7:30 p.m.

Marlene L. Oiler, Certified PP, PLS
Lafayette Township Board of Zoning Appeals Secretary

(Note: Minutes approved on 5/13/10.)