

YORK TOWNSHIP BOARD OF APPEALS

August 9, 2018

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire Station Complex on August 9, 2018 at 7:00pm.

Richard Hill called the meeting to order at 7:00 pm.

The pledge of allegiance was said.

Board Members Present:

Christine Barnes, Richard Hill, Roger Mittler, and Alternate Chris Kosman were present. Ronald Fabich, Todd Supeck were unable to attend.

Guests Present:

Dorothy Crouch-Zoning Inspector; Richard Monroe-York Township Trustee; David Hull-York Township Zoning Commission Member; Ed Zdanko; Cathy Zdanko; Marilyn Pendolino; Colene Conley; Rose Zimmer; Hal Bond; Pietro Bonanni; Erica Moehring.

Minutes:

The Board reviewed the proposed minutes from the January 11, 2018 meeting. Roger Mittler made a motion to approve the minutes with typographical corrections made. Christine Barnes seconded the motion. Roll vote: Christine Barnes-aye; Richard Hill-aye; Roger Mittler-aye; Chris Kosman-aye. Minutes approved.

Public Hearing: Marilyn Pendolino – back lot

Richard Hill explained to Marilyn Pendolino that that when there is not a full Board and there is a tie vote the motion is denied.

Richard Hill asked Marilyn Pendolino if she would like to table the meeting until there is a full Board or continue with the Public Hearing. Marilyn Pendolino would like to continue with the Public Hearing.

Richard Hill asked for everyone wishing to speak during the Public Hearing to stand. Richard Hill then swore everyone in at once and stated if anyone would be speaking during the Public Hearing they would need to stand and give their name and address.

Mary Lenarth read the legal ad as published in the July 25, 2018 edition of the Medina County Gazette, to consider a an application for a Conditional Rear Lot Certificate under Section 301.02.B.9 and Section 506.09 of the Zoning Resolution by Marilyn Pendolino, 6265 Wolff Rd., Medina, Ohio in York Township. Parcel #045-05B-07-004.

Richard Hill asked Marilyn Pendolino to explain her plans.

Marilyn Pendolino explained that she is selling her home and splitting the four (4) lots into two (2) lots, so she can sell the house and five (5) acres but keep the rear property with an access to it so in the future she can sell/build on it or split it possibly selling to neighboring properties.

Rose Zimmer explained her concerns of a development going in on the rear lot.

Hal Bond explained he was here to find out what Marilyn Pendolino wanted to do with the other property. Hal Bond also thought Marilyn Pendolino should be able to do what she wanted to the land as long as it is within the Township guidelines since it is her land. Hal Bond is concerned about a development going in on the property.

Marilyn Pendolino explained she just wanted to sell the house and five and a half (5 1/2) acres along with splitting the property, keeping the other property for her self; maybe to build a home for herself.

Colene Conley stated Marilyn Pendolino had worked with Fred Gorman a reputable surveyor; doing everything properly.

Roger Mittler asked Dorothy Crouch under Section 506.09.F Rear Lot Development it is required for a drive to be forty (40) feet wide. Roger Mittler stated Marilyn Pendolino is asking for a sixty (60) foot wide driveway. Roger Mittler asked Dorothy Crouch if sixty (60) feet wide driveway wide enough for a public street. Dorothy Crouch answered yes.

Dorothy Crouch explained Marilyn Pendolino originally wanted keep the back property, that is currently being farmed, sell the house and to have two (2) rear lots.

Dorothy Crouch went on to explain Fred Gorman, surveyor, came to her with Marilyn Pendolino plans. Fred Gorman thought thirty (30) feet were needed to do a driveway. Dorothy Crouch explained the minimum is forty (40) feet.

Dorothy Crouch explained Marilyn Pendolino was going to do two (2) driveways, unable to do so due to location of septic for the home. Dorothy Crouch stated Marilyn Pendolino then decided to do one rear lot.

Dorothy Crouch stated there is no guarantee that in the future there would not be a development.

Dorothy Crouch explained the York Township Zonings Commission just approved a zoning amendment that rear lots will no longer be a conditional use and will not need a Public Hearing. The amendment has been forwarded to the York Township Trustees.

Dorothy Crouch explained at this time there are no plans for the rear lot, if there is going to be anything going to be built on the property, they would need to get approval by the Zoning Inspector before anyone could do anything on the back lot.

Roger Mittler asked how big the rear lot is.

Pietro Bonanni (with Marilyn Pendolino) stated twenty-seven (27) acres.

Rose Zimmer asked if the rear lot could be a subdivision some day.

Dorothy Crouch stated a conservation development could go in the back lot some day.

Dorothy Crouch explained a conservation development.

Richard Hill confirmed with Dorothy Crouch, the question at this time has nothing to do with the house and five (5) acres; it is the back lot for a house. Dorothy Crouch answered yes, whether the back lot fits a conditional back lot at this time.

Rose Zimmer asked if the conditional back lot is for one house.

Dorothy Crouch answered at this time that is what it would be.

Roger Mittler answered this is for the back lot only not to put in any houses, if a developer purchased the back lot he could not just come in and start building houses.

Cathy Zdanko stated no one can tell what the future will bring, then asked Dorothy Crouch how many houses could go back there.

Dorothy Crouch stated she could not figure it out at the moment, about twelve (12) to thirteen (13) homes.

Rose Zimmer state she has had a realtor approach her regarding an easement to the back lot.

Cathy Zdanko stated at worst there would be twelve (12) to thirteen (13) houses on the back lot, and what kind of setbacks would there be.

Dorothy Crouch state it would depend on what the Trustees approve.

Cathy Zdanko asked Dorothy Crouch so the setbacks would be determined when the subdivision is created. Dorothy Crouch answered yes.

Cathy Zdanko asked if York Township allows multiple homes on one driveway at this time.

The Board Members and Dorothy Crouch answered no.

Dorothy Crouch answered it would need to be a public road, fitting county standards.

Cathy Zdanko asked if a public street could be run back to the back lot.

Dorothy Crouch stated she does not know county standards, but she thinks it could be done.

Erica Moehring confirmed Marilyn Pendolino's plans. Pietro Bonanni showed Erica Moehring the plans and explained them.

Erica Moehring asked Marilyn Pendolino if she was planning on building another home behind the house that is on the five (5) acres. Marilyn Pendolino answered not at this time.

Several neighbors talked over the plans as a group conversation.

Dorothy Crouch explained several different scenarios that could happen with the property in the future.

Roger Mittler stated he does not have a problem with the normal five acre back lot with a 40 foot drive, a developer would not want it; but as this is being presented this is a 60 foot road right-of-way, enough for a road; a developer could purchase it and build in it.

Rose Zimmer asked if you can do anything she wanted with her property why she could not give a developer an easement on her property. Rose Zimmer is aware there is a deed restriction, but also asked if can she go to court and get it change.

Dorothy Crouch stated yes she could go to court and get the deed restriction changed, but it is a very long process, the Medina County would need to be contacted also, everything would be very costly.

Cathy Zdanko stated she has a deed restriction on her property because she has a back lot.

Cathy Zdanko asked if there is such a thing as deed restrictions any more. .

Roger Mittler answered the Board Members would not be the ones to ask that question to.

Roger Mittler explained the York Township Board of Appeals is to interpret the York Township Zoning Regulations

Colene Conley stated to change a deed restriction a person would need to go to court.

Dorothy Crouch stated right know the Board Members are working on a Conditional Rear Lot Certificate; if there was to be anything more the person or persons would need to come before the York Township Board of Appeals.

Erica Moehring asked as of right now nothing is being done with the back lot.

Marilyn Pendolino answered that is correct.

Marilyn Pendolino stated the only reason she is splitting the property is to be able to sell the house at a reasonable price so that someone could afford it.

Marilyn Pendolino also explained at this time she is keeping the other twenty-seven (27) acres herself.

Richard Hill asked if there were any other questions. There were no other questions.

Roger Mittler stated as presented Marilyn Pendolino's plans meet the requirements.

Roger Mittler made a motion to approve the request for a Conditional rear lot certificate for a single family residence under Section 301.02.B.9 and Section 506.09 of the York Township Zoning Resolution by Marilyn Pendolino 6265 Wolff Rd. Medina, Ohio in York Township, parcel #045-05B-07-004, per the submitted drawings. In addition the driveway must meet Section 205.15 (driveway) of the York Township Zoning Resolutions. Chris Kosman seconded the motion.

Richard Hill asked if there were any other questions or comments. There were no other questions or comments.

Roll vote: Christine Barnes-aye; Richard Hill-aye; Roger Mittler-aye; Chris Kosman-aye.
Motion approved.

Richard Hill asked if there were any comments received from the Fire Chief or the York Township Trustees. Mary Lenarth answered she made sure she gave the Fire Chief and the York Township Trustees a copy of the Public Notice with a note to please reply before the Public Hearing. Mary Lenarth confirmed with Dorothy Crouch that there were no replies from the Fire Chief or the York Township Trustees.

Dorothy Crouch confirmed she received no replies from the Fire Chief or the York Township Trustees.

Rose Zimmer asked how she could obtain a copy of the minutes.

Richard Hill explained the minutes would need to be approved first, probably at the next meeting to be held September 13, 2018, then Mary Lenarth could make sure the minutes would be available for anyone who may want them.

Correspondence:

None

Old Business:

None

New Business:

Richard Monroe stated the Medina County Township Association will be holding a workshop regarding Agritourism on October 18, 2018 at 7pm in Montville Township, there will be an attorney from Columbus that specializes in Agritourism at the workshop.

Richard Monroe also stated this would be a good workshop counting as training for Board Members.

Adjourn:

Richard Hill adjourned the meeting at 7:50pm.

Richard Hill, Chairperson

Mary Lenarth, Secretary

