

## **YORK TOWNSHIP BOARD OF APPEALS**

**June 13, 2019**

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire Station Complex on June 13, 2019 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, Ronald Fabich, Richard Hill, Roger Mittler, and Alternate Chris Kosman were present. Todd Supeck was unable to attend.

### **Guests Present:**

Dorothy Crouch-Zoning Inspector; Richard Monroe-York Township Trustee; Kim Fetty; Frank Poland; Deb Poland; Mike Dziak; Kathryn Fuchs; Stanley Wisniewski; Alix Wisniewski; David Hull-York Township Zoning Commission; Randy Donato, William Pavlick-York Township Trustee; James Lichtenberg.

### **Minutes:**

The Board reviewed the proposed minutes from the January 10, 2019 meeting. Roger Mittler made a motion to approve the minutes. Ronald Fabich seconded the motion. All members voted aye in a voice vote. Minutes approved.

### **Public Hearing: Mike Dziak- Variance requests**

Richard Hill opened the Public Hearing, asking for everyone wishing to speak during the Public Hearing to please stand.

Richard Hill then swore in everyone wishing to speak during the Public Hearing. Richard Hill also stated if anyone in the audience would speak they are to state their name and address.

Richard Hill asked Mary Lenarth to read the legal ad.

Mary Lenarth read the legal ad as published in the May 29, 2019

Edition of the Medina County Gazette to consider a variance request from Mike Dziak, 6566 Wolff Road, Medina, Ohio (parcel #045-05B-06-016) the variance is from the York Township Zoning Resolution Section 301.03 Minimum Lot Area and Section 805.01 Area Variance.

Richard Hill asked Mike Dziak to explain his plans.

Mike Dziak explained he would like to split his lots at 6566 Wolff Road; he has access to city water and will have access to sewer lines on Rt 252 (Columbia Road).

Mike Dziak went on to explain his daughter passed away leaving children and would like them near him and able to go to the school their mother went to.

Mike Dziak stated the house plans may change but the plans will still fit the setback and regulations.

Richard Hill asked if there were any questions or comments from the audience.

Randy Donato stated he moved out to the Medina area to have more land, wants to know if he could split his land also. Randy Donato explained he also worries about his daughter with safety issues due to more traffic at the intersection of Columbia Road and Wolff Road.

Christine Barnes asked Randy Donato if he looked at Mike Dziak's plans. Randy Donato answered he did not look at the plans prior to the Public Hearing.

Deb Poland explained she is opposed to Mike Dziak's plans due to the fact that at the time she built her home she had to have 2.1 acres; and abide by the York Township Zoning Regulations. Deb Poland states she feels Mike Dziak needs to abide by the same Zoning Regulations.

Kim Fetty explained her property is beside Mike Dziak's property, but on Columbia Road; she also had to buy the proper size lot per the York Township Zoning Regulations.

Kim Fetty went on to explain she has drainage problems due to the way Mike Dziak built up the land on his property. Kim Fetty is stating building and putting more on Mike Dziak's property will cause more drainage problems on her property located at 2981 Columbia Road.

Ronald Fabich expressed his concern regarding Mike Dziak's property size.

Richard Hill explained Mike Dziak's property is currently 2.7 acres, with the lot split one will be 1.6 acres the other will be 1.55 acres. The audience is stating both parcels will be under the lot size the zoning required them to have when they built their homes.

Mike Dziak explained he has letters from Medina County Sanitary Engineering Department and the Medina County Health Department, regarding sewer, water, and easement for the property located on the corner of Columbia and Wolff Roads.

Roger Mittler stated Mike Dziak currently has septic. It is noted if Mike Dziak decides to connect with water and sewer he must completely abandon his septic system and extend the sewer system to both properties.

Richard Hill stated both properties must meet the required codes for the Medina County Health Department and York Township Zoning Resolution.

Kim Fetty stated she feels Mike Dziak's property is bringing down the value of her property, it is not kept up, trash, junk, animals, dog running wild, etc. Kim Fetty does not want more problems.

Mike Dziak complains about his neighbors.

Frank Poland expressed his concerns. Frank Poland stated he met the York Township Zoning Regulations when he built his home. Frank Poland explained he does not want to be like Parma. Frank Poland feels it is wrong and unfair to change the lot size.

Richard Hill swore in David Hull, member of York Township Zoning Commission.

Roger Mittler asked David Hull when the 2.1 acre was established was it based on the Medina County Sanitary Engineering Department. David Hull answered it was based on the Medina County Sanitary Engineering Department, along with the Rural Character of York Township and the Comprehensive Plan for York Township.

The Board Members and the audience discussed septic systems and sewer systems.

Stanley Wisniewski is against the variances; he moved out to the country and would like to keep the rural atmosphere. Stanley Wisniewski stated there was a natural swale on the property owned by Mike Dziak which has been filled in by Mike Dziak, causing a drainage problem.

Ronald Fabich stated he reviewed the minutes from January 20, 2005 when Mike Dziak came before the York Township Board of Appeals requesting the same variances.

Ronald Fabich asked Mike Dziak what brought him before the Board Members again for the same variances after being turned down in 2005.

Mike Dziak explained at that time he was not sure about building on the lot, there is now water and sewer available, now he would like to build a home for his grandchildren since his daughter has passed away.

Richard Hill stated he is looking at Mike Dziak's drawings from the engineer looks like the one hundred (100) foot building line on Wolff Rd is measured from the edge of the road not the street right of way, if that is correct the one hundred (100) foot building line is not legal. Richard Hill stated the York Township Zoning Resolution states one-hundred thirty (130) feet from the center of the road right of way or one hundred (100) feet from the road right of way.

The Board Members, Trustees and audience discussed the set-back on the property along with the swampy area, and drainage on the adjacent properties.

Roger Mittler proposed that the Board Members review the Duncan Factor Work Sheet, reading out loud each Factor then as a Board agree one way or another on each Factor.

Roger Mittler explained the Duncan Factor Work Sheet; it is seven Factors to consider when a variance is requested. Roger Mittler also explained the comments made by Board Members will be noted in the minutes.

Attached is a copy of the Duncan Factor Work Sheet (Exhibit A) the Board Members used in considering the variances, it was signed during the Public Hearing by the Board Members.

Roger Mittler states after careful consideration of the Duncan Factors where at least three of the Factors show that the variance request would change the character of the Rural District by introducing sub-size lots. Roger Mittler made a motion to deny the variance request for Mike Dziak, 6566 Wolff Road, Medina, Ohio (parcel #045-05B-06-016) the variance is from the York Township Zoning Resolution Section 301.03 Minimum Lot Area and Section 805.01 Area Variance. Christ Kosman seconded the motion. Roll vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Roger Mittler-aye; Christ Kosman-aye. Motion approved.

Richard Hill stated the Variance request from the York Township Zoning Resolution Section 301.03 Minimum Lot Area and Section 805.01 Area Variance is denied.

Richard Hill also stated tonight's decision can be appealed through the Courts.

Richard Hill mentioned a written copy of the minutes will be available after the approval at next month's meeting.

**Old Business:**

There is no Old Business.

**New Business:**

Ronald Fabich asked if there are any workshops scheduled.

Roger Mittler reminded the Board Members they are allowed to attend other Zoning Board/Trustee meetings and that will count towards their training.

David Hull stated there will be a Medina County Planning commission meeting held on July 3, 2019 regarding the Development of Steingass Estates.

Board Members, Trustees and David Hull discussed Conservation Developments.

Chris Kosman mentioned there will be a Mock Board of Zoning Appeals seminar by the Medina County Planning Department on July 25, 2019, at 6:30 pm at the Montville Township Hall.

Richard Hill mentioned to Board Members, due to the upcoming 4<sup>th</sup> of July Holiday, the next York Township Board of Zoning Appeals meeting will be on July 18, 2019 at 7 pm.

Richard Hill stated the minutes from tonight's meeting will need to be approved at that time.

The York Township Zoning Commission meeting will be on July 11, 2019.

**Adjourned:**

Richard Hill adjourned the meeting at 8:40 pm.

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Richard Hill, Chairperson

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Mary Lenarth, Secretary

