

YORK TOWNSHIP BOARD OF ZONING APPEALS

JUNE 12TH, 2025

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire Department complex on June 12th, 2025.

Jessica Gerspacher called the meeting to order at 6:32pm.

The Pledge of Allegiance was said.

Board Members Present:

Jessica Gerspacher, Jesse Stout, Richard Hill, Rachel Nagle, and Ronald Fabich were in attendance. Colene Conley and Christine Barnes were unable to attend. With the absence of Colene Conley and Christine Barnes, Jessica Gerspacher invited Rachel Nagle to join the board.

Guest Present:

Steve Ibos-Zoning Inspector/Township Administrator

Kevin Comes-Zoning Inspector/Township Administrator

Jessica Riggs & Tony Riggs-Property Owners

Jo Champ-Neighbor to Property Owners

Minutes:

Jessica Gerspacher asked the Board Members to read over the minutes from the May 8th, 2025, meeting. Ronald Fabich made a motion to approve the minutes from the May meeting. Jesse Stout seconded the motion. Rolling vote of “aye” with Rachel Nagle abstaining.

Public Hearing - Tony & Jessica Riggs – Variance:

Jessica Gerspacher opened the Public Hearing

Jessica Gerspacher asked Tony & Jessica Riggs, Property Owners, to stand and proceeded to swear them in.

Sara Williamson read the Legal Notice.

The York Township Board of Zoning Appeals will hold a Public Hearing on Thursday, June 12th, 2025, at 6:30pm, at the York Township Hall/Fire Complex 6609 Norwalk Road, to consider a variance request from Anthony and Jessica Riggs, 4075 Abbeyville Rd, Medina. The property for the variance is located at 4075 Abbeyville Rd, Medina (Parcel #045-05D-09-110) for the variance from the York Township Resolution Section 206.02 Accessory Buildings and Swimming Pools in Residential Districts. Anthony and Jessica Riggs are seeking a variance on the set back for an above ground pool that they want to build that will not meet the required 15' setback from the home. The variance is for a 1' setback from the home.

A copy of the application and information will be available for public viewing at the York Township Office 6609 Norwalk Rd, Medina, Ohio or at the Buckeye Branch of the Medina County Library 6625 Wolff Rd, Medina, Ohio during normal business hours on or after May 29th, 2025.

Said Board will at said time and place hear all persons in support of such matters or any objections thereto. Persons may appear in person or by agent.

Steve Ibos said that he did receive an email from neighbors of the Riggs' but unfortunately, the Prosecutor said that Steve couldn't read the email but could provide Board members copies of the email.

Jessica Gerspacher did ask Tony and Jessica Riggs to please explain the need for the variance. Jessica Riggs explained that they wanted to add an above ground and want the pool placed 1 foot from the corner of the deck. She went on to explain that with the placement of the septic and gas lines, the area they are requesting variance for would keep the pool from being visible from the road.

Tony Riggs did go on to explain the roof line and deck structure of the house. Steve Ibos did read out loud the Letter from Chief Creamer saying that he didn't see the setback preventing any services to the house.

Steve Ibos said that he spoke to two people at TC Energy and he said that they would allow utilities to cross the easement, but nothing can be terminated in the easement. He went on to say that they do allow septic to cross the easement but do not allow septic fields to be in

the easement. Steve did question TC Energy on the 24-to-50-foot easement and they said that they go by the 50 foot easement because they are not sure where everything is located at.

Jessica Gerspacher paused for a moment to question if Jo Champ was there is regards to the variance presented. Jo Champ reported that she came as a neighbor to the Riggs family in support of the variance. Jessica Gerspacher swore in Jo Champ.

Jessica Gerspacher asked Board members if there is any discussion. Rachel Nagle asked a question in clarification of the easement. Jessica has a copy of the easement for the Board members. Steve Ibos explained that going along the side of the easement would still result in the Riggs' needing a variance. Ronald Fabich asked for clarification from the Riggs' on the deck. Rachel Nagle asked if Zoning had any regulations about fencing around a pool. Steve Ibos reported that York does not, but they do suggest checking with Homeowners Insurance.

Jessica Gerspacher asked if the Board had any further questions. No one did. Jessica then asked Jo Champ if she wanted to address the board. Jo spoke in favor of the pool for the family.

Jessica Gerspacher then asked Board members if they were ready to discuss the Duncan Factors. She then went on to explain what the Duncan Factors are and how they are used in the variance process.

Duncan Factor #1: Will the property yield a reasonable return? Can there be a beneficial use of the property without the variance?

NOTE: You do not have to give the owner the best use of their property, just a use.

Rachel Nagle: Technically yes

Jesse Stout: Yes, to both

Jessica Gerspacher: Yes, to both

Richard Hill: It depends if the pool is there if they sell the house. If they retire there, the pool may be gone.

Ronald Fabich: Yes, the pool enhances the value of the property. You can move the pool to a different location but having the pool off the deck is a better enhancement.

Duncan Factor #2: Is the variance substantial?

NOTE: You are not required to provide the owner with the greatest possible benefit from the use of his/her property.

Jesse Stout: Yes, it is beneficial to the homeowners with cost and position of the pool.

Jessica Gerspacher: Yes, it is a substantial variance because it is 14 and 15 feet. However, based on all the factors going on in the backyard with the roof on the deck, with the 2 posts, and the position of the septic, it is but it isn't.

Richard Hill: No

Ronald Fabich: No, I didn't think the variance was substantial for what they are asking because they have major restrictions that they are dealing with.

Rachel Nagle: Yes, but I understand the technicalities.

Duncan Factor #3:

Will the essential character of the neighborhood be substantially altered?

Will adjoining properties suffer a substantial detriment if the variance is granted?

Jessica Gerspacher: No and no since there is support here today from a neighbor.

Richard Hill: No, you can't see the pool from the road and no.

Ronald Fabich: No and No. I don't believe a pool will infringe on the neighbors at all since there is support from the neighbors.

Rachel Nagle: No, there is support from neighbors.

Jesse Stout: No on both because everyone benefits from the pool being where the homeowners want it.

Duncan Factor #4:

Will the variance adversely affect the delivery of governmental services?

Richard Hill: No, the fire chief is in support.

Ronald Fabich: Ditto to what Mr. Hill said.

Rachel Nagle: Same

Jesse Stout: No

Jessica Gerspacher: No

Duncan Factor #5:

Did the property owner purchase the property with the knowledge of the zoning restrictions? NOTE: Self-imposed hardship is NOT fatal. Rather, the hardship should be balanced with the other Duncan Factors.

Ronald Fabich wanted to ask the property owners.

Jessica Riggs: No because they didn't get that easement until after they built the house.

Jessica Gerspacher asked if when the Riggs' were looking into getting the pool, is that when they learned of the easements? Jessica Riggs said that it was when they were putting the deck on is when they learned about the easement.

Jessica Gerspacher asked if Ronald Fabich has anything to add. Ronald said no.

Rachel Nagle: 50/50. No, the homeowners said they didn't but there would have been an easement on the property when it was purchased.

Jo Champ commented that the original owner of the lots did not make buyers aware of the easements.

Jesse Stout and Jessica Gerspacher had nothing to add.

Richard Hill: Unknown and uninformed

Duncan Factor #6:

Can the problem be solved by some matter other than the granting of a variance?

Rachel Nagle: Yes, it could be moved to the Northern side of the property which was not the preference of the homeowner. The pool could also be behind the easement where the gas line is but is quite costly to the homeowner.

Jesse Stout: Same as what Rachel said.

Jessica Gerspacher: Yes, but it would create hardship to the homeowner. Jessica also finds the homeowner's placement of the pool more aesthetically pleasing.

Richard Hill: No, because wherever else you put the pool would be a negative appearance to the neighborhood and create further problems.

Ronald Fabich: Yes, you can solve this without the variance. The homeowners can get a smaller pool or move the pool behind the easement. It would create hardship for the homeowners though.

Duncan Factor #7:

Does the variance preserve the “spirit and intent” of the zoning requirement, and Will “substantial justice” be done by granting the variance?

Note: There is no need to follow the strict letter of the law when working with area variances. It is more important to work in the spirit and intent of the zoning code.

Jesse Stout: Yes, for both.

Jessica Gerspacher: Yes and no, it just goes along with keeping the property looking nice.

Richard Hill: Yes, it keeps up with the spirit of the neighborhood.

Ronald Fabich: Yes, the pool will enhance the property and neighborhood. Yes, there is justice to the homeowners in dealing with the gas line easement restrictions.

Rachel Nagel: Yes, for both.

Jessica Gerspacher asked if there were any more comments. Jessica Riggs expressed gratitude to Steve Ibos and Kevin Comes.

Richard Hill moved to grant the request for Anthony and Jessica Riggs at 4075 Abbeyville Rd. parcel number 045-05D-09-110 for a variance request to build a pool on the property. Ronald Fabich seconded the motion. Role voting begins. Rachel Nagel-YES; Jesse Stout-YES; Jessica Gerspacher-YES; Richard Hill-YES; Ronald Fabich-YES. Request approved.

Correspondence:

Jessica Gerspacher asked about an email Kevin Comes had sent about some training coming up. Kevin did mention that there are some webinars available to watch if the training dates don't work.

Richard Hill asked what the topics of the training coming up were. Kevin Comes mentioned one called Zoning Board Basics that he and Sara Williamson will be attending. Jessica Gerspacher said Let's Map It: GIS Workshop 1 on July 30th, GIS Workshop 2 on August 20th, and Zoning for Agricultural and CAUV on September 11th. Kevin Comes said that he sent the link to everyone's township emails.

Steve Ibos has nothing for next month. We will have to meet to approve minutes but there are no variances. Steve Ibos mentioned that at the last Zoning meeting the board approved the Amendments to go on to the Prosecutors office and the County Commissioner. Those will be heard at the County Commissioner meeting in July.

Jessica Gerspacher asked if Kevin Comes had anything to add. Kevin said that the month has been slow. He said that he did pass out a few violations but that was it.

Old Business:

Ronald Fabich brought up the crop dusting from last month. He said that he put up some bee traps set up for yellow jackets. He said that since the crop dusting in the field around him, he has only caught one bee in his trap.

New Business:

No new business.

Adjourn:

Rachel Nagle moved to adjourn the meeting. Ronald Fabich seconded. No opposition. Meeting adjourned.

Jessica Gerspacher-Chairperson

Sara Williamson-Zoning Secretary

