



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: January 9, 2014

Meeting Time: 6:00 pm

Present: Bert Humpal, Mark Pinskey, Kris Klink, Jim Bigam, Steve Gallagher, Justin Benko (Associate Planner), Jonathan Mendel (Community Development Director)

Absent: Mark Williams

Election of Officers: Mr. Bigam made a motion to appoint Bert Humpal as Chairperson and Mark Williams as Vice Chairperson. Mr. Klink seconded the motion.

Vote:

Humpal	<u>Y</u>
Pinskey	<u>Y</u>
Klink	<u>Y</u>
Bigam	<u>Y</u>
Gallagher	<u>Y</u>
Approved	5-0

Minutes: The minutes of the December 12, 2013 meeting were presented for approval. Mr. Klink made a motion to approve the minutes as submitted. Mr. Pinskey seconded the motion.

Vote:

Humpal	<u>Y</u>
Pinskey	<u>Y</u>
Klink	<u>Y</u>
Bigam	<u>abstain</u>
Gallagher	<u>abstain</u>
Approved	3 yeas-2 abstentions

New Business:

1. Z14-01 Ryan Rd PP#028-19C-18-005 Barbara Pavlick VAR
Justin Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1121.03 (b) of the Planning and Zoning Code to permit a lot width less than the 80 ft required by code.

Mr. Benko stated the site is located on the east side of Ryan Road. The property is bordered by Lafayette Township to the north, south, and west and properties fronting on Continental Drive to the east. Mr. Benko stated The site is a .49 acre lot fronting Ryan Road. Mr. Benko stated the lot was purchased by the applicant in October of 2000 from the developer as Phase 2 of the Dover Heights Subdivision was nearing completion. Mr. Benko stated the parcel is adjacent to the rear of the applicant's Continental Drive property and was labeled a non-buildable lot at the time of purchase. Mr. Benko stated the applicant has requested a variance to section 1121.03 (b) of the zoning code to permit a lot width less than the 80 ft required by code so the parcel can be sold as a buildable lot. Mr. Benko stated there is a sanitary sewer easement that runs through the northern portion of the parcel. Mr. Benko stated the applicant has a buyer interested in the property if it were to become buildable.

Mr. Benko stated the request is subject to determination of a practical difficulty as a lot width variance is requested. Mr. Benko stated there are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists.

Mr. Benko noted the following considerations:

1. Without the variance, the parcel cannot be sold as a buildable lot
2. The essential character of the neighborhood may be substantially altered. The house is surrounded by properties in the township and the applicant's property. The properties to the north and south of the subject are one acre lots with 117-122 ft of frontage. The parcels across the street are half acre lots with approx. 100 ft of frontage. There is also a one 5.23 acre parcel across the street. The surrounding properties are not in the jurisdiction of the city.
3. Due to the shape of the parcel, a lot width variance is the only suitable means to render the lot buildable.
4. The intent of the requirements is to provide a standard and predictable amount of development and site disturbance for a given parcel and neighborhood and this request would be consistent with the spirit and intent.

Present for the case was property owner and applicant Barbara Pavlick. Mrs. Pavlick stated she would like to sell the property due to the children next door using their dirt bikes on the property. Mrs. Pavlick stated she also needs the money and is tired of mowing the grass since she is 81 years old.

Mr. Pinskey asked Mrs. Pavlick if she was aware the lot was not buildable when she purchased it. Mrs. Pavlick stated yes however, the lot was considered for purchase by Habitat for Humanity in 2005 as a buildable lot. Mrs. Pavlick stated the purchase never occurred but she was under the impression it remained a buildable lot.

Mr. Bigam asked about the easement. Mrs. Paylick stated it runs along the side edge of the property and is a sanitary sewer easement. Mr. Benko stated the easement would require a very narrow home to be built on the property however, the proposed buyer is aware of the requirement of the narrow home.

Mr. Benko stated the lot has 60 feet of frontage and per the Engineering Department, a home can be built up to the edge of the easement. Mr. Benko stated with that being said, the home could be built at 22 feet wide with a garage in the front of the home.

Mr. Benko stated the character of the neighborhood is older ranch homes.

Kevin Ball, Realtor, stated he is representing the potential buyer. Mr. Ball stated the buyer is aware that the home would need to be narrow.

Mr. Benko stated there have been no responses from the adjoining property owners. Mr. Mendel stated he e-mailed the packet to the Lafayette Township Trustees today and have received no comments.

Mr. Mendel stated the variance being requested is whether this lot meets all the requirements as opposed to an eighty foot lot. Mr. Mendel stated what is to be built on the lot has no bearing on the variance request. Mr. Mendel stated if it was a compliant lot, someone could build a 22 foot narrow home on the lot if those wished. Mr. Mendel stated the type of house is not part of the Board's review.

Mr. Klink asked if the city would be able to access the property for fire and safety issues. Mr. Benko stated the lot is outside the main footprint of the city but not substantially. Mr. Mendel stated the lot would be assigned a city address by the Engineering Department which would be put into the 911 system.

Mr. Bigam made a motion to approve a variance to Section 1121.03 (b) of the Planning and Zoning Code to permit a lot width less than the 80 ft required by code. Mr. Bigam stated the motion is based on the finding that the variance is not substantial and would not substantially impact the adjoining properties or be a substantial detriment to the neighborhood.

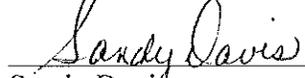
The motion was seconded by Mr. Pinsky.

Vote:

Klink	<u>Y</u>
Bigam	<u>Y</u>
Gallagher	<u>Y</u>
Humpal	<u>Y</u>
Pinsky	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman