



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: September 16, 2014

Meeting Time: 5:30 pm

Present: Bert Humpal, Kris Klink, Mark Pinskey, Jim Bigam, Mark Williams, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner) Sandy Davis (Administrative Assistant)

Absent: None

Minutes: The minutes of the August 14, 2014 meeting were presented for approval. Mr. Klink made a motion to approve the minutes as submitted. Mr. Williams seconded the motion.

Vote:

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

New Business:

1. Z14-12 1003 W. Abbey Dave & Cathy Lenz VAR
Justin Benko gave a brief overview of the case. Mr. Benko stated this is a request for a Variance to Section 1145.06 (a) of the Planning and Zoning Code to permit a driveway that is 34 feet wide instead of the maximum 20 feet allowed by code.

Mr. Benko stated it is also a request for a Variance to Section 1123.05 of the Planning and Zoning Code to permit a 31 foot front yard setback (for a corner lot side yard) in an area where a 40 foot setback is required by code.

Mr. Benko stated the site is located on the northwest corner of West Abbey Drive and Montview Drive. Mr. Benko stated the property is adjacent to residential on all sides.

Mr. Benko stated the applicant is proposing the addition of a new 18' x 31' single car garage that will be attached to an existing two car garage. Mr. Benko stated the new

garage will be used for additional vehicle/ boat storage. Mr. Benko stated the subject property is located on a corner lot. Per code section 1113.05(d) corner lots need to meet front yard setbacks facing both streets. Mr. Benko stated the applicant has submitted a variance request to section 1123.05 to allow for a 31 foot front yard setback in an area where a 40 foot setback is required by code. Mr. Benko stated the applicant has submitted a variance request to section 1145.06(a) to allow for a 34 foot wide driveway in an area where only 20 ft. wide driveways are permitted by code.

Mr. Benko stated the request is subject to determination of a practical difficulty as a driveway size variance and front yard setback variance is requested. There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists.

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Mr. Benko stated the existing site can still be utilized as a single family residential dwelling without the granting of variances.

B. Whether the variance is substantial;

Mr. Benko stated the proposed width of the driveway is 70% larger than what is allowable by code. Mr. Benko stated the proposed width of the driveway at the curb is 60% larger than what is allowable by code. Mr. Benko stated the proposed front yard setback is 22.5% shorter than what is allowed by code.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

Mr. Benko stated the essential character of the neighborhood should not be altered by proposed variance requests.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

Mr. Benko stated the variance would not adversely affect the delivery of governmental services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Mr. Benko stated the code requirements have been in effect for a significant time period.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

Mr. Benko stated in lieu of a variance, the new garage could be moved 9 ft to the north; however, this would require the removal of an existing deck and landscaping. Mr. Benko stated the code permits a 200 square ft. driveway pad. Mr. Benko stated the owner could widen the existing driveway to 20 ft (22 feet at the curb) and then angle the parking pad extension to the proposed corner of the new garage addition.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Mr. Benko stated the likely intent of the requirements is to provide a standard and predictable amount of development and site disturbance for a given parcel and to prevent excessive front yard paving. Mr. Benko stated per code section 1155.08(a) boats are not permitted on to be parked on the driveway between October 31 and April 1; the intent of the addition is for indoor boat storage.

Present for the case was the contractor Jim Repas. Mr. Repas stated the existing garage is one of the smallest in the neighborhood at 20 ft. wide. Mr. Repas stated the owners are not able to open both sides of the car doors when the car is in the garage. Mr. Repas stated the garage also contains property maintenance items such as lawnmowers which take up much of the space. Mr. Repas stated the owners have wanted to add additional garage space to accommodate storage and for the car to fit better. Mr. Repas stated the owners would like to fit a larger vehicle and possibly a boat in the garage. Mr. Repas stated the distance from the existing garage to the sidewalk is 40 feet. Mr. Repas stated the boat is over 30 feet long. Mr. Repas stated the owners are concerned about safety as the boat will not be visible from the house if it is on the side of the house.

Mr. Repas stated the owners would like to pull the boat into the garage so it is safe and secure. Mr. Repas stated there is one house on the corner of Abbey and Sturbridge that has the same orientation on the lot. Mr. Repas stated that house added an 8 foot porch on the front and side of the house.

Mr. Repas stated if they push the garage back, it would block the view of the back lot. Mr. Repas stated that is the reason they would like to move the garage forward. Mr. Repas stated they looked at angling the driveway from the street to the new addition would be too tight for a large vehicle and boat to back into the garage.

Mr. Benko stated there has been no responses from adjoining property owners.

Mr. Klink asked the distance between the new addition and the property line. Mr. Benko stated it would still meet the side yard and setback requirements.

Applicant and property owner Mr. Lenz stated the boat and trailer are approximately 28 feet long.

Mr. Humpal asked the winter storage rules for boats. Mr. Benko stated it is the same as the motorhome storage rules. Mr. Benko stated the boat can be on the driveway during the summer months but must be parked on a hard surface in the side yard or indoors beginning October 31st.

Mr. Humpal stated it is still possible to store the boat on the side of the garage with a concrete pad without needing any variance. Mr. Williams asked Mr. Lenz how he currently stores the boat in the winter. Mr. Lenz stated they rent storage.

Mr. Pinskey asked if the variance would create a precedence. Mr. Mendel stated variances in Ohio are under the presumption that every property is unique so it cannot set precedent.

Mr. Williams stated the biggest issue he has with the request is the double curb cut. Mr. Williams stated he feels it is a safety issue. Mr. Williams stated he likes the staff comment regarding slanting the driveway but it would be difficult to back the boat into the garage on a trailer.

Mr. Bigam stated he agrees with Mr. Williams about the curb cut. Mr. Bigam stated he views the request as a storage barn on the side of the garage for a boat.

Mr. Humpal asked if the boat is in the water all summer. Mr. Lenz stated it is not. Mr. Lenz stated the boat is stored every night.

Mr. Repas stated the addition, even with the boat in it, will allow the owners to move things out of the existing garage into the addition which would be helpful.

Mr. Klink asked if a tree would need to be removed from the treelawn if the driveway was widened. Mr. Repas stated that is correct.

Mr. Benko stated the driveway regulations are a 20 ft. width on the property owner side of the sidewalk and a maximum 22 feet at the curb.

Mr. Williams stated one way to obviate the situation is to pour a pad next to the existing garage with no cover. Mr. Williams stated that option would require no variance.

Mr. Humpal asked the height of the garage door. Mr. Repas stated it is an 8 foot door, one foot taller than the existing door in order to get the boat into the garage.

Mr. Pinskey asked Mr. Lenz if he has tried to back the boat into the driveway with the existing curb cut. Mr. Lenz stated he has not.

Mr. Mendel suggested reorienting the driveway so the angle is on the existing side of the driveway in order to drive the vehicle into the garage on the angle rather than the boat. Mr. Mendel stated this would allow the curb cut to be at the maximum 22 ft. and have the boat with the trail back straight up into the addition on the garage.

Mr. Williams made a motion to approve the variance request to Section 1123.05 of the Planning and Zoning Code to permit a 31 foot front yard setback based on the finding that the essential character of the neighborhood would not be substantially altered by granting the variance. Mr. Williams included in the motion to deny the variance to Section 1145.06 (a) of the Planning and Zoning Code to permit a driveway that is 34 feet wide when 20 feet is allowed by code. Mr. Williams stated the denial is based on the finding that the granting of the variance will adversely affect the public health, safety or general welfare by creating a double curb cut.

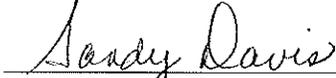
The motion was seconded by Mr. Klink.

Vote:

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

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman