

**MEETING DATE: 03-10-16**

# **BOARD OF ZONING APPEALS**

**Z16-05**

**1186 Waterbury Drive**



# CITY of MEDINA

## Board of Zoning Appeals

### March 10, 2016 Meeting

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**Case No:** Z16-05

**Address:** 1186 Waterbury Drive

**Applicant:** Ingrid A Schaller

**Subject:** Variance request to Section 1121.05 of the Planning and Zoning Code to allow an addition 7 feet from the side property line instead of the minimum 10 feet.

**Zoning:** R-1 (Low Density Urban Residential) District JD

**Submitted by:** Justin Benko, Associate Planner

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**Site Location:**

The property is located on the east side of Waterbury Drive south of Hartford Drive and North of Gloucester Drive.

**Project Introduction:**

The existing 2 car garage is located 18 feet off the side lot line. The applicant has proposed the addition of an attached 1 car garage to the existing 2 car garage. The addition would create a side lot line of 7 feet. Therefore, the applicant is seeking a variance from section 1121.05 of the Planning and Zoning Code to allow the addition 7 feet from the side property line when a 10 foot side yard setback is required.

Please find attached to this report:

1. Aerial photograph of the property.
2. Site plan.
3. Letter from Applicant.

**Considerations:**

§1107.08(b) of the Medina Administrative Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Board shall have the power, in a specific case, to interpret any such provision in harmony with its general purpose and intent so that the public health, safety, and general welfare may be secured and substantial justice done.

The request is subject to determination of a practical difficulty as a side yard property line setback is requested. There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists. These factors are outlined below, along with a discussion of how these factors apply to the application in question.

The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether an area variance should be granted:

- 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;*

The existing site can still be used as a single family residential dwelling without the granting of a variance.

- B. *Whether the variance is substantial;*

The variance may be substantial. The setback is 3 feet or 30% shorter than code requirements.

- 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;*

There is currently 28 feet of spacing between the applicant's house and the neighboring house. The average spacing between houses on this section of Waterbury is 22.5 ft. The applicant has proposed 17 feet of spacing between their house and the neighbor.

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

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;*

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*

The owner's predicament could not feasibly be obviated without a variance. Per the applicant, constructing a code compliant detached garage in the rear of the property

would incur considerable expense for the construction of a concrete driveway and require the removal of trees at the site.

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

The likely intent of the requirements is to provide a standard and predictable amount of development and site disturbance for a given parcel; to prevent excessive encroachment into side yards; and to provide minimum separation between buildings.

The BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variance from section 1121.05.



**Z16-05**  
1186 Waterbury  
Sidyard setback variance  
Garage addition  
March 10, 2016

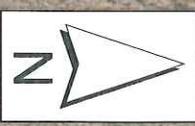
**Proposed  
addition  
location**

**FOXBOROUGH DR**

**WATERBURY DR**

**Subject Site**

1 inch = 50 feet



VARIANCE REQUEST FOR 1186 WATERBURY DRIVE.

As owner of the house and lot located at 1186 Waterbury Drive, I am proposing to construct an 11' x 30' addition to our existing 2 car garage. The property is located in the R-1 Zoning district. The present garage is located on the south side of the house. In order to construct the addition on the south side of the house and install a standard 8' wide garage door, this requires a minimum of 10' width. To make the addition useable for storing our collector cars, we propose a 10' interior width therefore requiring an 11' addition width. The present separation between our house and the one directly south is 28'. Our garage is presently 18' off the common lot line. In order to install the 11' wide addition and have a front facing garage door, we need to request a 3' variance in the sideyard setback, which is 10' per 1121.05 of the Zoning Code.

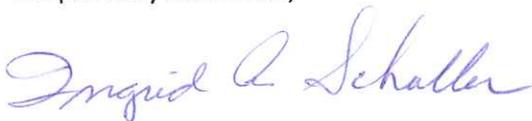
We have reviewed other options to place an addition on the house and we feel it would be a hardship and detrimental to the character of the area, to install the garage behind the existing garage. The present interior width on the east side of the garage is only 7' adjacent to the utility room and therefore inadequate to allow access through the existing structure.

Construction of a stand-alone garage directly behind the existing garage would be detrimental to the nature of the yard and requires a concrete drive to be installed in the sideyard to the new garage entrance that would need to be on the east face.

We have also looked at the possibility of installing a separate garage structure at the rear of the property. This is a less costly option but would require installation of a hard surface drive to the rear of the lot. This option would also require removal of some trees at the rear of the lot since this structure would need to be 5' off the lot line. This option would impact our buffer to the existing unsightly detention pond that is 14' deep that was constructed on the adjacent parcel to accommodate the Acme Food Store. We planted all these trees ourselves over the past 25 years and want to keep them.

As you can see, we believe that the granting of the sideyard variance is the least detrimental option we have and would allow us to store our cars at home rather than continue to pay for offsite storage. We request your approval of the stated variance.

Respectfully submitted,



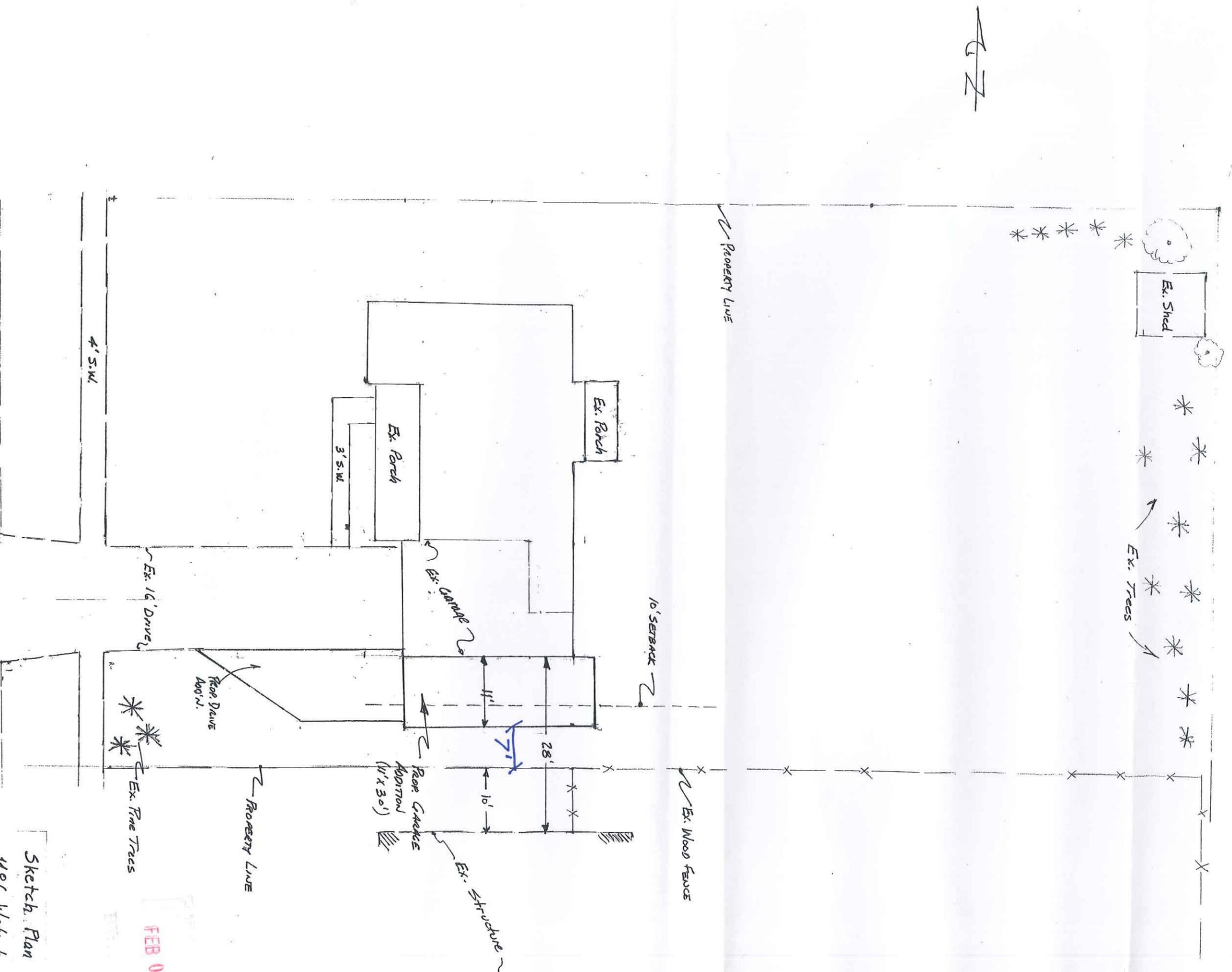
Ingrid A. Schaller

1186 Waterbury Drive

Medina, Ohio

FEB 08 2016

EXISTING DETENTION BASIN



Sketch Plan  
1186 Waterbury Drive  
1" = 20' Scale

FEB 08 2016

18  
20  
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