

MEETING DATE: 04-14-16

BOARD OF ZONING APPEALS

Z16-06

**Ryan Rd.
028-19C-18-005
City Lot 8332**



CITY of MEDINA
Board of Zoning Appeals
April 14, 2016 Meeting

Case No: Z16-06

Address: Ryan Road – PP# 028-19c-18-005

Applicant: Thaddeus Dalakas – Ridgeline Homes.

Subject: Variance request to Section 1121.05 of the Planning and Zoning Code to allow a new house to be constructed 5 feet from the side property line instead of the minimum 10 feet.

Zoning: R-1 - Low Density Urban Residential District

Submitted by: Justin Benko – Associate Planner

JD

Site Location:

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.

Project Introduction:

The site is a .49 acre lot fronting Ryan Road. The property was granted a variance in case Z14-01 to allow a lot width less than the 80 ft required by code so the parcel can be sold as a buildable lot. The current owner purchased the lot on July, 17, 2015 and has proposed a new home for the site. There is a 20 feet wide sanitary sewer easement that runs through the northern portion of the parcel. Due to site constraints, the applicant is seeking a variance from section 1121.05 to allow of a side yard setback of 5 feet instead of the required 10 feet side yard setback.

Please find attached to this report:

1. Plat map
2. Aerial photograph
3. Building Elevation

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 setback variance 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.

1. *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 property may not yield a reasonable return without the granting of a variance. Due to the easement, the width of the house would be limited to 28 feet which could potentially limit the marketability of the house.

2. *Whether the variance is substantial;*

The variance may be substantial. The setback is 5 feet or 50% less than code requirements.

3. *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;*

The essential character of the neighborhood may not be substantially altered. The adjacent township lots average between ½ acre and 1 acre in size. The distance between the proposed house and the neighbor to the south is approximately 48 feet which may appear visually consistent with the neighborhood. Home separation averages between 40 and 75 feet on this section of Ryan Road.

4. *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.

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

The property transferred to the applicant on July 17, 2015. The applicant was aware of the zoning restrictions.

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

Due to the easement on the north side of the property, the owner's predicament could not feasibly be obviated without significant changes to the footprint of the house.

7. *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 §1121.05.



1 inch = 100 feet

CONTINENTAL DR

Subject Site

RYAN RD

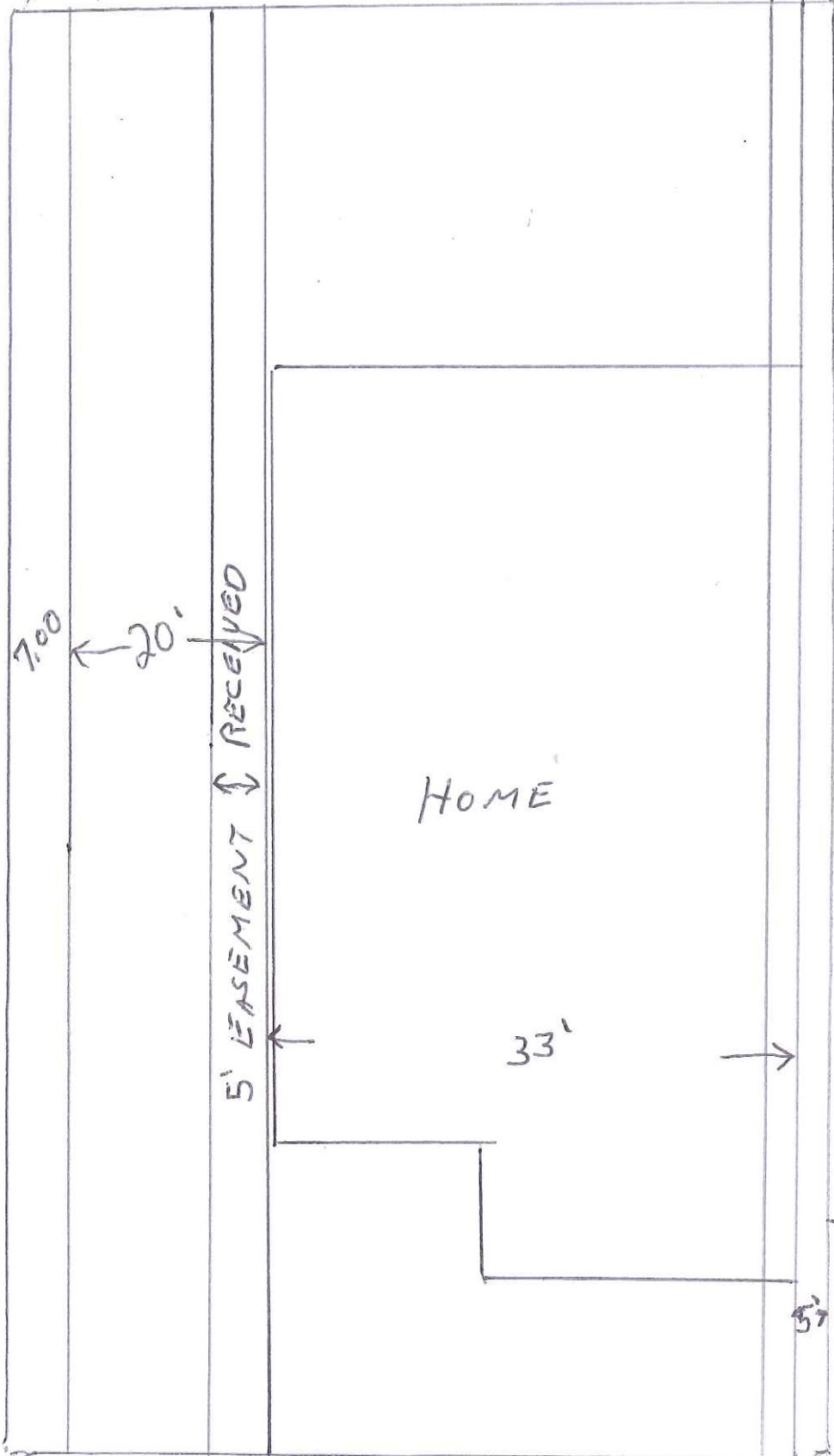
N

Z16-06
Side setback variance
Ryan Rd
April 14, 2016

E

10' Side-yard

N



S

HOME

7.00

← 20'

EASEMENT RECEIVED

5'

33'

5'

41' TO EXISTING HOME

VARIANCE Sought

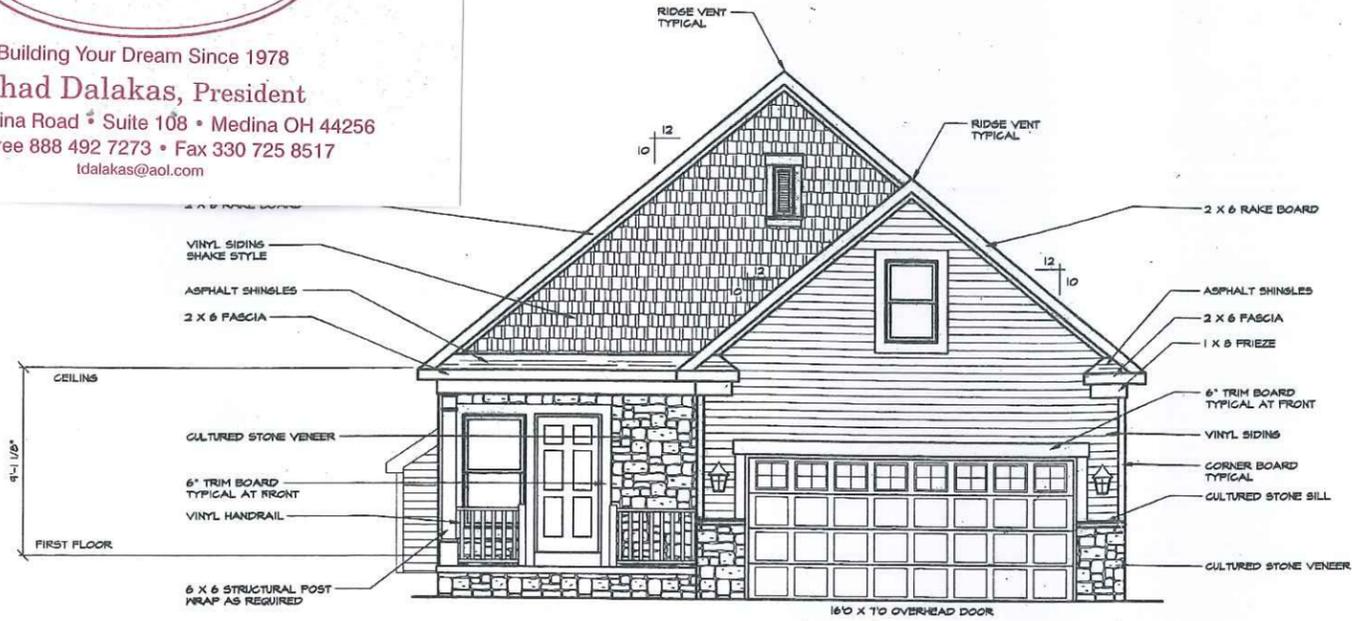
PPN 028-19C-18-005
City Lot - 8332

RECEIVED
MAR 11 2016

W



Building Your Dream Since 1978
Thad Dalakas, President
 3593 Medina Road • Suite 108 • Medina OH 44256
 Toll Free 888 492 7273 • Fax 330 725 8517
 tdalakas@aol.com



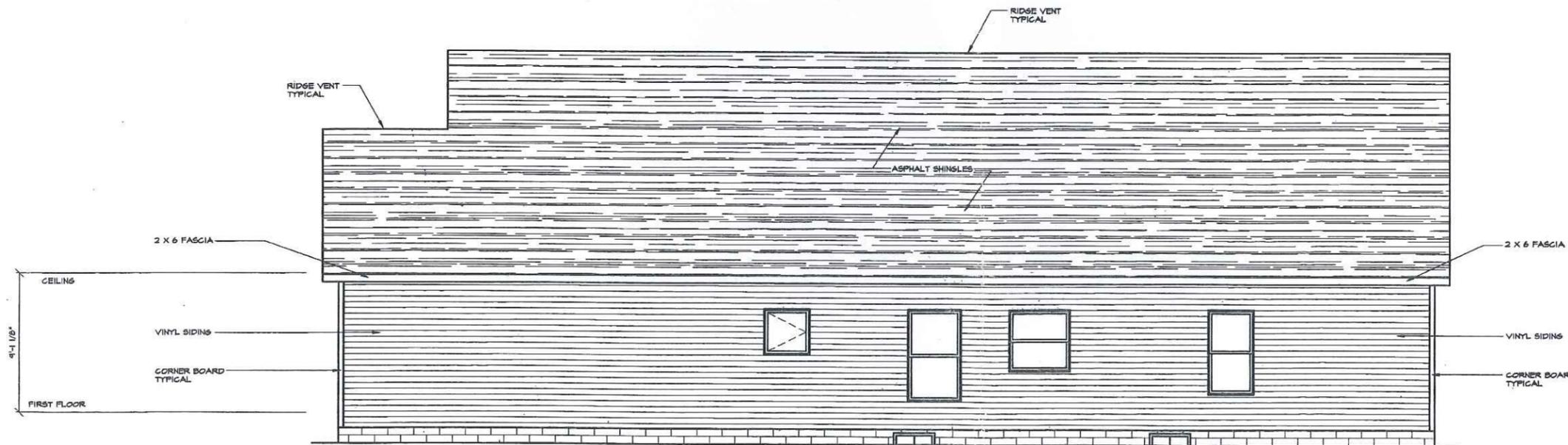
FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

LIST OF DRAWINGS

1. ELEVATIONS
2. ELEVATIONS
3. FOUNDATION PLAN
4. FIRST FLOOR PLAN
5. MISCELLANEOUS
6. ELECTRICAL PLAN
7. DETAILS

SQUARE FOOTAGE TOTALS

FIRST FLOOR	1614 SQUARE FEET
GARAGE	418 SQUARE FEET
FRONT PORCH	14 SQUARE FEET
REAR PATIO	150 SQUARE FEET
FOUNDATION SLAB	1450 SQUARE FEET



RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"

REVISION

JOB DESCRIPTION
 PROPOSED RESIDENCE FOR
MACHOVINA RESIDENCE
 PPN 028-196-18-005 RYAN ROAD
 MEDINA, OHIO

RECEIVED
 MAR 11 2016

BY:

Homeowners: _____

We have reviewed all pages and approve them for construction.

Signature _____ Date _____ Signature _____ Date _____

DRAWN BY
 J.R.G.
 DATE
 1/11/16
 SCALE
 1/4" = 1'-0"
 REF. NUMBER
 SQ. FT.

DRAWING NUMBER
1

RIDGELINE005