

MEETING DATE: 04-14-16

BOARD OF ZONING APPEALS

Z16-07

246 W. Homestead



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

Case No: Z16-07
Address: 246 W. Homestead Street
Applicant: Brian Hilberg
Subject: Variance request to Section 1145.10 of the Planning and Zoning Code to allow a driveway that is 26 feet wide at the right of way and 28 feet wide at the curb which exceeds the maximum width of 20 feet at the right of way and 22 feet at the curb.
Zoning: R-3 (High Density Urban Residential) District
Submitted by: Justin Benko, Associate Planner

JB

Site Location:

The property is located on the southeast corner of the N. Huntington Street and W. Homestead Street intersection.

Project Introduction:

The applicant is completing the final site work for a built in garage addition. The addition necessitated the instillation of a retaining wall adjacent to the driveway. Due to the slopping topography of the driveway and because the driveway is relatively short in length, the applicant is seeking a variance to allow the driveway to exceed code requirements in width and width at the curb to improve the safety when pulling out onto N. Huntington Street.

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 driveway width 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.

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 not be substantial. The driveway is 30% wider at the lot line and 36% wider at the curb 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;

The essential character of the neighborhood may not be altered. Currently the driveway is gravel. Paving the driveway will constitute a considerable improvement at the site.

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 driveway would impede the applicant's ability to safely exit the driveway.

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 and to prevent excessive pavement in front and side yards.

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 1145.10.

Z16-07
246 W. Homestead St.
Driveway Width Var
April 14, 2016

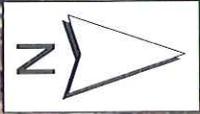
N HUNTINGTON ST



Subject Site

W HOMESTEAD ST

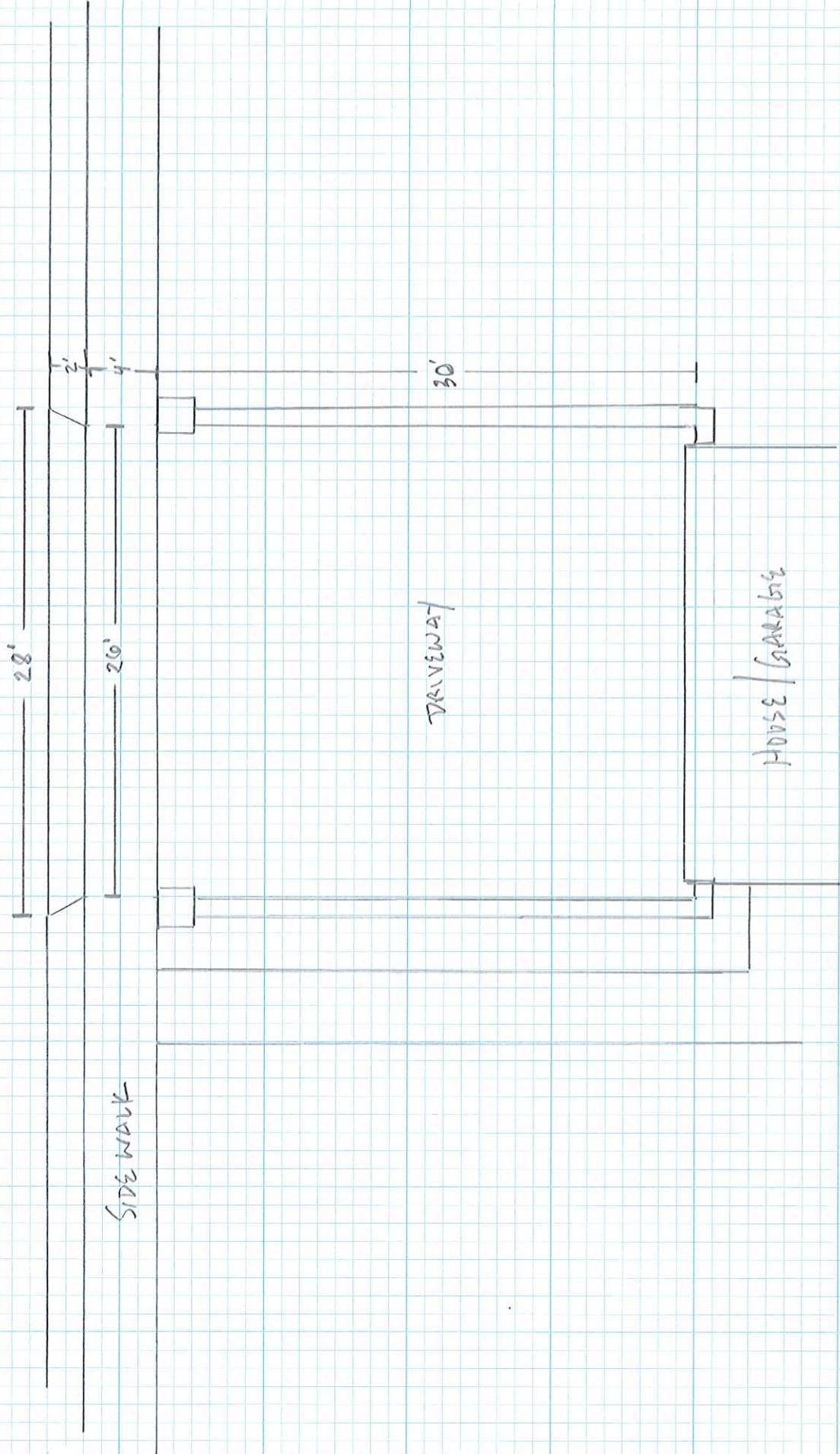
1 inch = 50 feet



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MAR 14 2016

BY:

N. HUNTINGTON ST.



**Request for variance:
Brian & Mary Hilberg
246 West Homestead Street**

We are seeking a variance to allow our new driveway apron to be 26' at the right of way and to be 28' at the curb line. Section 1145.10(E) of the Planning and Zoning Code allows for the maximum width of a residential driveway to be 20' at the right-of-way and to be 22' at the curb line.

Section 1145.06(A) of the Planning and Zoning Code allows for a 20' wide residential driveway and for "any area to be used for the turning of vehicles but not to exceed an area of 200 square feet." We previously received approval for an area of 180 square feet for this purpose. Because the length of our driveway from the garage to the right-of-way is only 30', this approval essentially allows the entire length of our driveway to be 26' wide.

We are seeking the above variance for both practical and aesthetic reasons. Our driveway is actually on North Huntington Street just south of West Homestead Street. Because of the increasing volume of traffic on North Huntington and the close proximity of our driveway to the West Homestead intersection, it can be extremely difficult (and dangerous) at times to attempt to pull in and/or back out of our driveway. Even if northbound traffic allows us to back out we still have to contend with the almost constant flow of southbound traffic leaving the stop sign at the intersection. This is further aggravated by the fact that our driveway slopes downward from the right-of-way to the garage making it difficult to see southbound traffic while backing out. This variance would allow plenty of area for vehicles to turn around before attempting to exit our driveway.

Additionally, because the driveway is only 30' long, a driveway apron that meets the current zoning code of 20' wide would appear very unusual adjoining a 26' wide driveway. This variance would allow the apron and driveway to be a consistent width.

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