

MEETING DATE: 04-14-16

BOARD OF ZONING APPEALS

Z16-08

245 N. State Rd.



CITY of MEDINA

Board of Zoning Appeals

April 14, 2016 Meeting

Case No: Z16-08

Address: 245 N. State Road

Applicant: Martin D. Klein – Area Delivery

Subject: Variance request to Section 1113.05 (L)(B)(2) of the Planning and Zoning Code to allow an accessory structure in the front yard.

Zoning: I-1 Industrial District

Submitted by: Justin Benko, Associate Planner



Site Location:

The subject site is located on the west side of N. State Road south of S. Progress Drive and north of W. Liberty Street.

Proposal:

The applicant has submitted a building permit for a 1320 sq. ft. pole building style accessory structure for the front of the building to be used for storage, and due to site constraints, the building has been proposed for the front yard. Code section 1113.05 (L)(B)(2) requires accessory structures to be located in the rear yard.

Please find attached to this report:

1. Proposed Site Plans.
2. Aerial photograph
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 an accessory structure location 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 site can continue to operate without the granting of a variance; however, the functionality of the site may be impeded.

- B. *Whether the variance is substantial;*

The variance may be substantial because it is a 100% variance from 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. The property is located in an industrial zoned area with varying building setbacks and styles.

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

The variance may improve the delivery of governmental services because the proposed location of the storage building will assure adequate circulation remains at the site.

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

The code requirements have been in effect for a significant period of time.

- 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 be obviated without a variance. Placing the storage building to the rear of the principle structure would prevent truck circulation at the site.

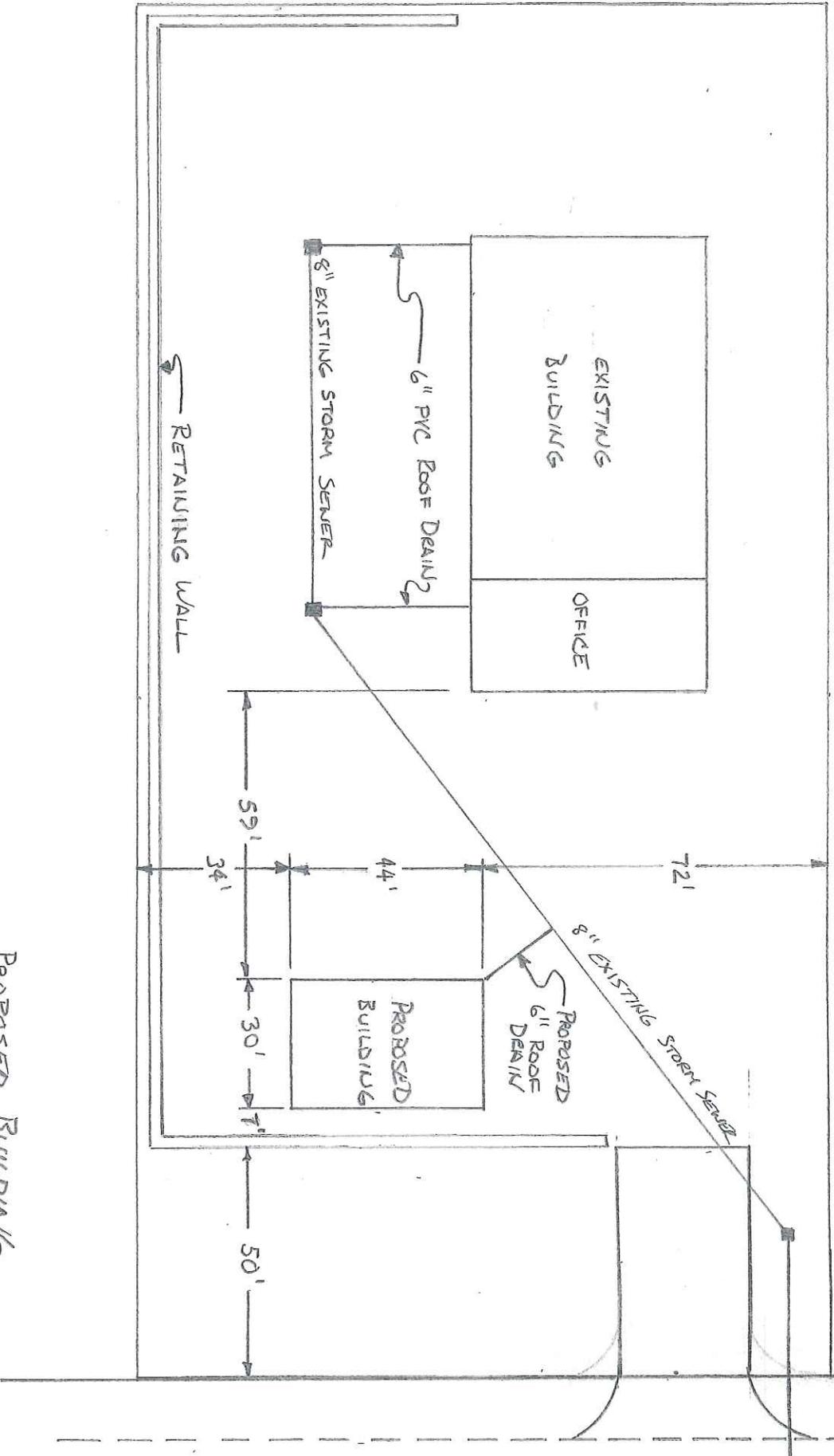
G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

The spirit and intent of the zoning requirement is to provide for a consistent look on any given street and to prevent indiscriminate placement of accessory structures.

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 1113.05 (L)(B)(2).

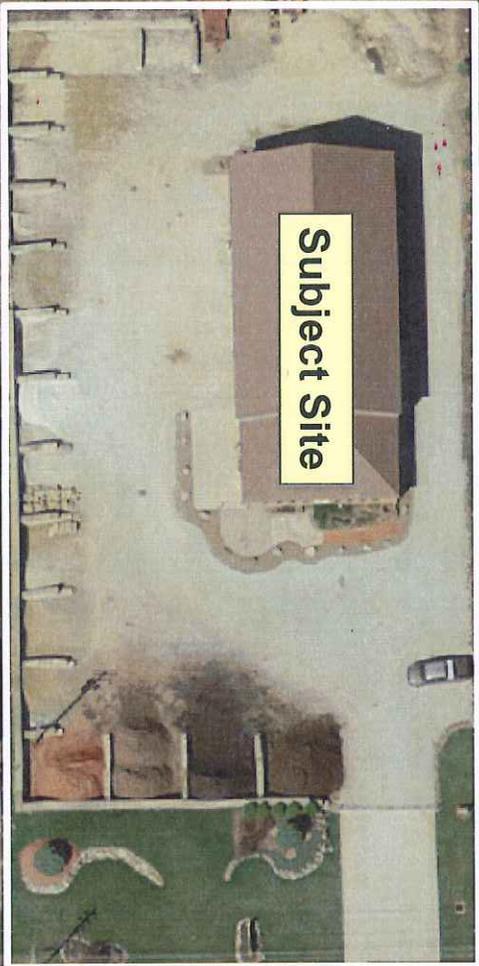
MAR 14 2016

BY:



AREA DELIVERY, INC.
245 N. STATE RD

PROPOSED BUILDING
PROPOSED ROOF DRAIN

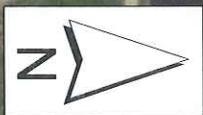


Subject Site

STATE RD

Z16-08
245 N. State Road
Accessory Bldg Var
April 14, 2016

1 inch = 60 feet



The proposed building is for additional storage. Building it in front of the existing building allows semi trucks to pull in off the road, circle the existing building, then head back onto the road. This is why putting the proposed building in back would not work.

ARCA DELIVERY, INC.
245 N. STATE RD.
MEDINA, OHIO 44256