

MEETING DATE: 5-12-16

BOARD OF ZONING APPEALS

Z16-13

**St. Francis Xavier
Cemetery**



CITY of MEDINA

Board of Zoning Appeals

May 12, 2016 Meeting

Case No: Z16-13

Address: Weymouth Rd, Parcel Number: 028-19B-16-011
St. Francis Xavier Cemetery

Applicant: Daniel Clor

Subject: Variance request to Section 1130.05 of the Planning and Zoning Code to allow an accessory structure 12 feet from the side property line and 7.5 feet from the rear property line instead of the minimum 20 feet.

Zoning: P-F Public Facilities District

Submitted by: Justin Benko, Associate Planner

JB

Site Location:

The property is located on the south side of Weymouth Road, west of Woodland Drive and east of Rolling Meadows Place.

Project Introduction:

Currently two 8' x 12' sheds exist at the rear of the St. Francis Xavier Cemetery site. The applicant has proposed the demolition of both sheds and the construction of a new 20' x 24' storage building for the site. The existing sheds are located 11 feet from the side lot line and 12 feet from the rear property line; the applicant has proposed setbacks of 12 feet for the side yard setback and 7.5 feet for the rear yard setback. The applicant is seeking a side and rear yard setback variance because P-F Zoning requires a setback of 20 feet for the side and rear yard for accessory buildings.

Please find attached to this report:

1. Aerial photograph of the property.
2. Site plan and building plans
3. Letter from Applicant.
4. Existing conditions photograph

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 and rear 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.

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 operate as a cemetery; however, space for additional grave sites would be reduced due to the construction of additional driveways.

- B. *Whether the variance is substantial;*

The variance may be substantial. The proposed side yard setback is 8 feet or 40% smaller than code requirements. The proposed rear yard setback is 13.5 feet or 63% smaller 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 because the current sheds at the site do not meet the required side or rear yard setbacks for properties in the P-F zoning district. The proposed setback for the side yard is one foot longer than the side yard setback of the existing shed. The proposed rear yard setback would be 22% smaller than the existing shed. Additionally, the adjacent Residential Zoned properties to the east and south could place a similar building at least 5 feet from the lot line.

- 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;

In 2006, the P-F Zoning was created and the St. Francis Cemetery site was rezoned from R-1 Zoning to P-F Zoning. The rear parcel (parcel number 028-19B-16-012) remained R-1 zoning which was likely an oversight. Prior to the zoning map change to P-F zoning, the proposed location of the storage building would have been compliant.

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 storage building with compliant setbacks may interfere with existing grave sites or future cemetery expansion. Relocating to a different portion of the site, may also require the construction of additional driveways.

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.

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 1130.05.

VARIANCE REQUEST FOR ST. FRANCIS XAVIER CEMENTARY

The St. Francis Xavier Cemetery is located at Weymouth Rd. in the City of Medina. The parcel is zoned as Public Facilities.

There currently exists on the property two (2) nominal 8' x 12' free standing wood constructed sheds which are utilized for the storage of materials/tools necessary for grave excavation and maintenance of the grounds. These two structures are inadequate from a size standpoint and are in a deteriorated condition. Groundhogs and other animals frequently invade the interior of both structures.

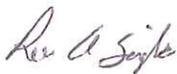
It is being proposed to demolish both buildings and to construct one (1) 20'x 24' storage building. The structure will accommodate all current storage needs as well as future envisioned requirements. The building will be constructed with a 4" thick concrete floor, 10' high sand tone colored split-faced concrete block wall, wood trusses, vinyl sided gables, asphalt roofing, two 8's x 9'H O.H. doors and one man door. The building will not have any utility services.

The current sheds are located a minimum of 11' from the property line abutting 347 Strawberry Lane and minimum of 11.5' from 345 Roshon Lane. The proposed location of the new structure is a minimum of 12' from 347 Strawberry Lane and minimum of 7.5' from 345 Roshon Lane. We need a variance request for both the side and rear yard setbacks which are 20 feet per 1130.05 of the Zoning Code.

We have reviewed other options of locating the structure, but find it a necessity to locate the structure alongside the existing drive, to not to interfere with any of the existing graves, and to maximize space for future burials.

We believe the option of granting of a side and rear yard variance will allow St. Francis Cemetery to best serves its future needs. We request your approval of the stated variance.

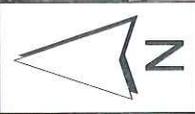
Respectively Submitted



Rev Anthony Sejba



BY:



1 inch = 100 feet

STRAWBERRY LN

ROSHON DR

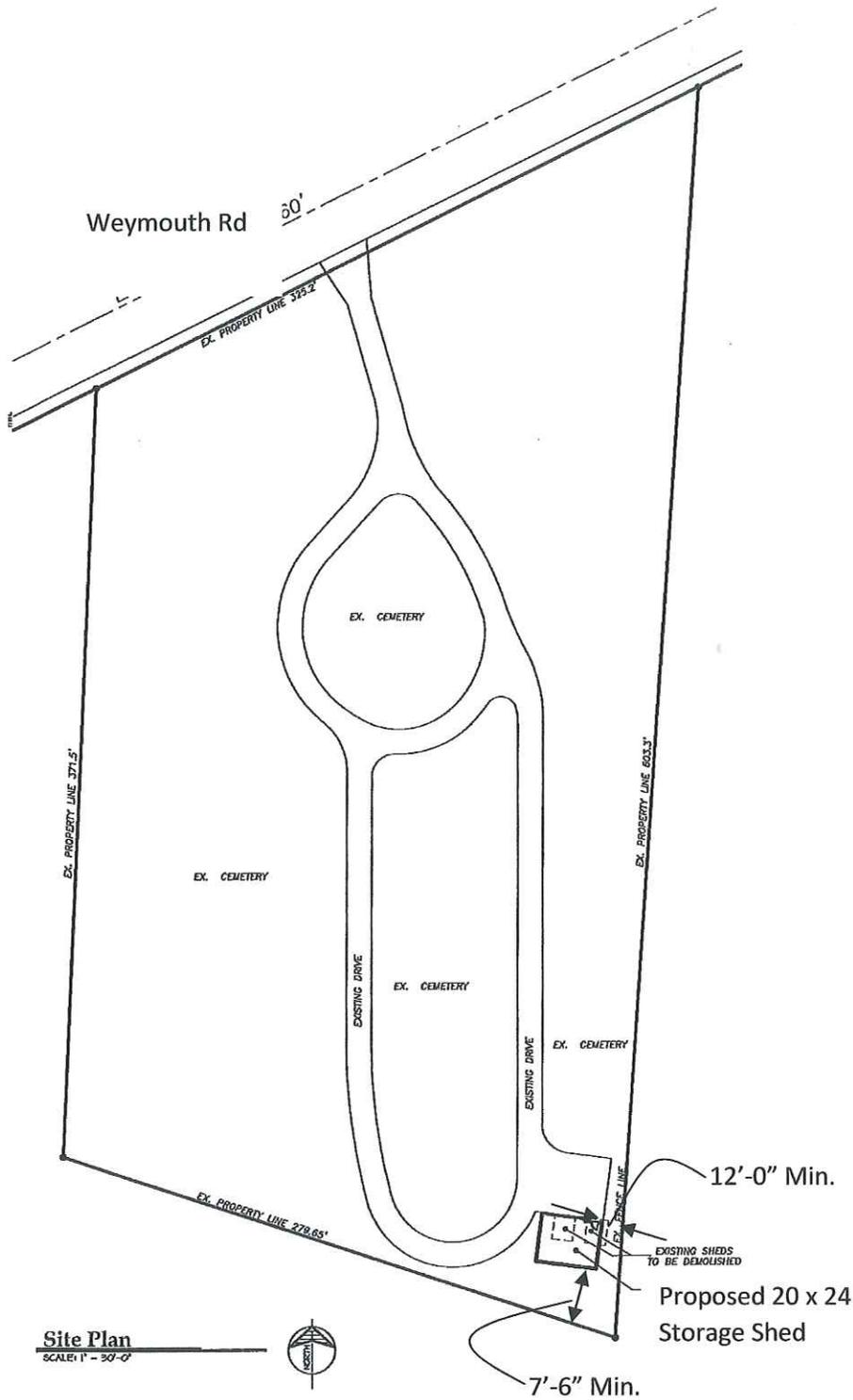
RICHARD DR

Subject Site

Proposed
Acc. Bldg
Location

WEYMOUTH RD

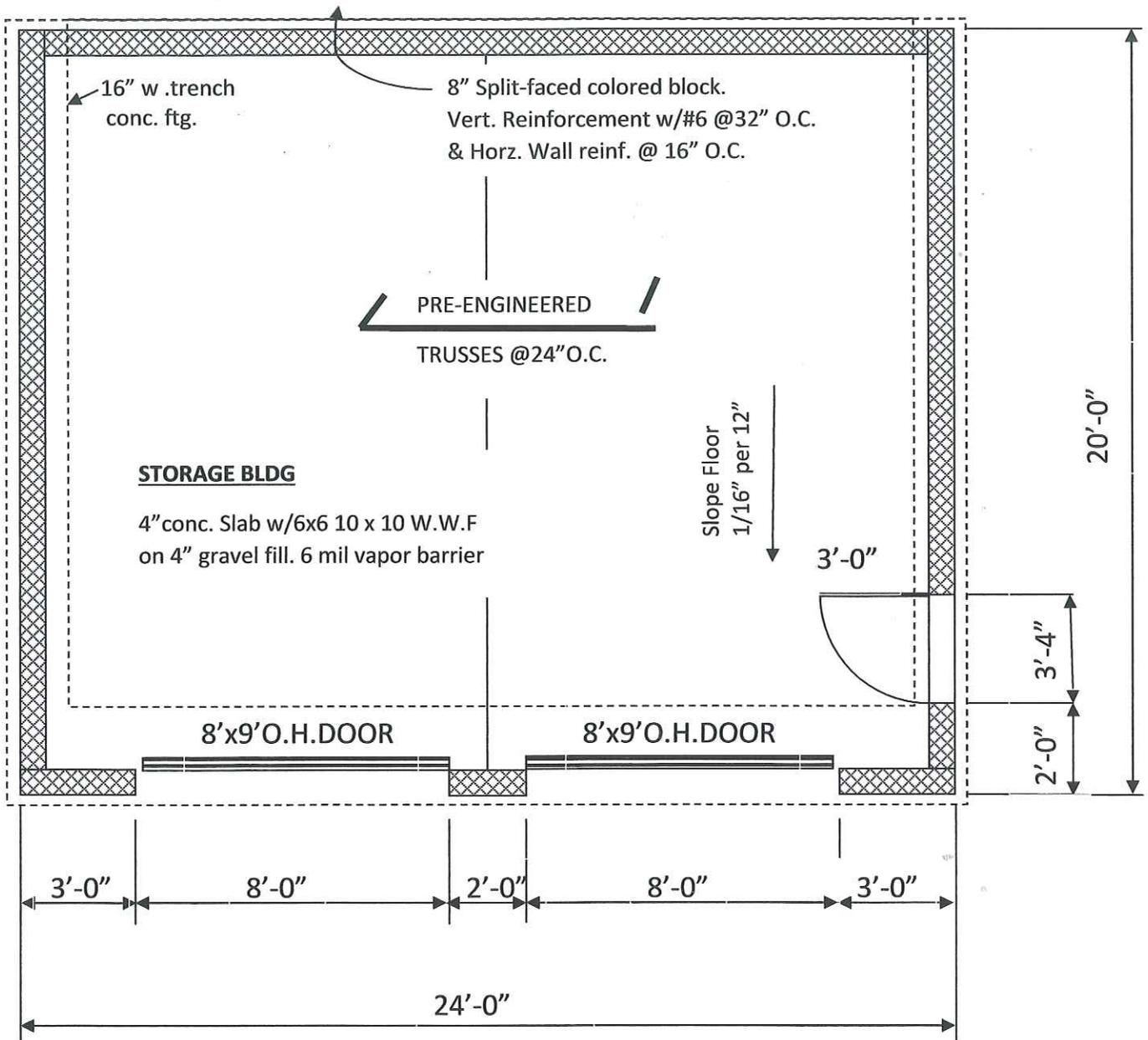
Z16-13
St. Francis Xavier Cemetery
Accessory Bldg Setback Variance
May 12, 2016



ST. FRANCIS XAVIER CEMETERY
Plot Plan

RECEIVED
APR 12 2016

17:.....



FLOOR PLAN

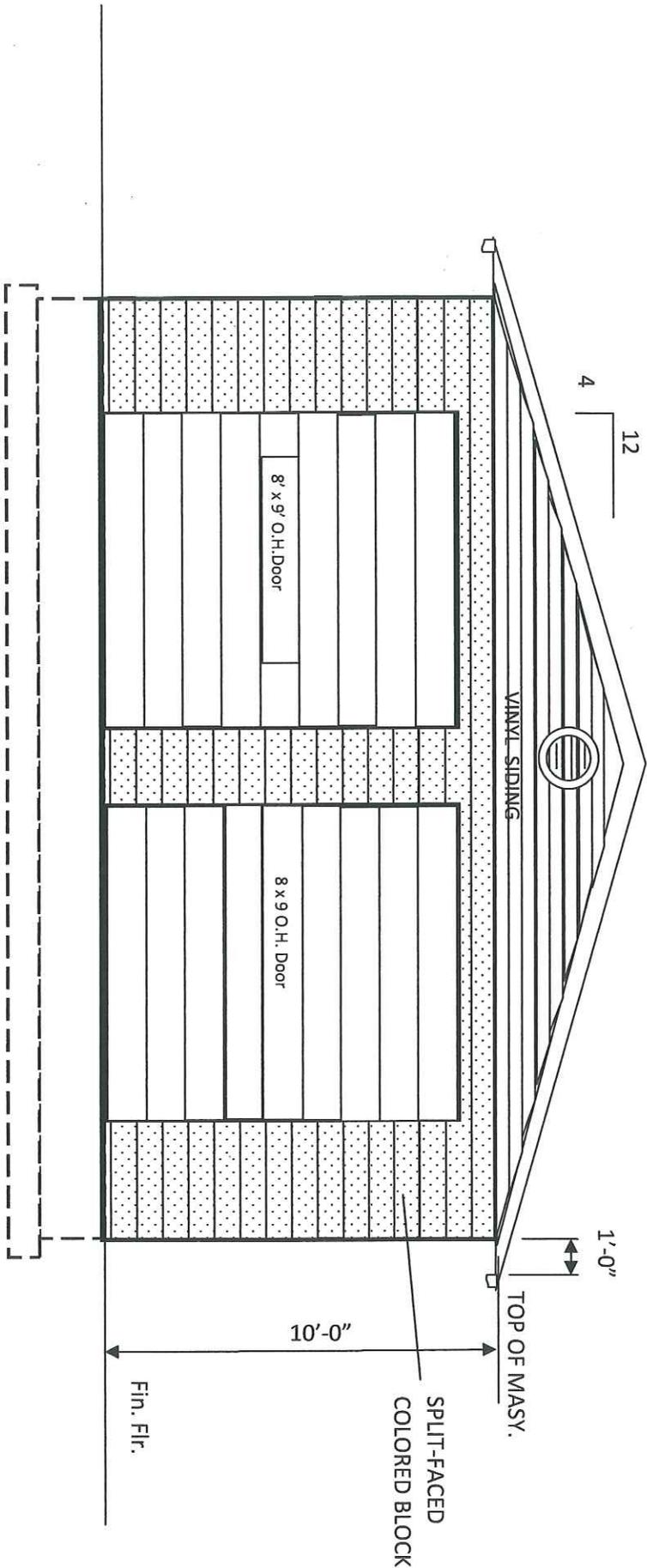
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BY:

St. Francis Xavier Cemetery
Weymouth Rd, Medina OH
Sht. 1/4

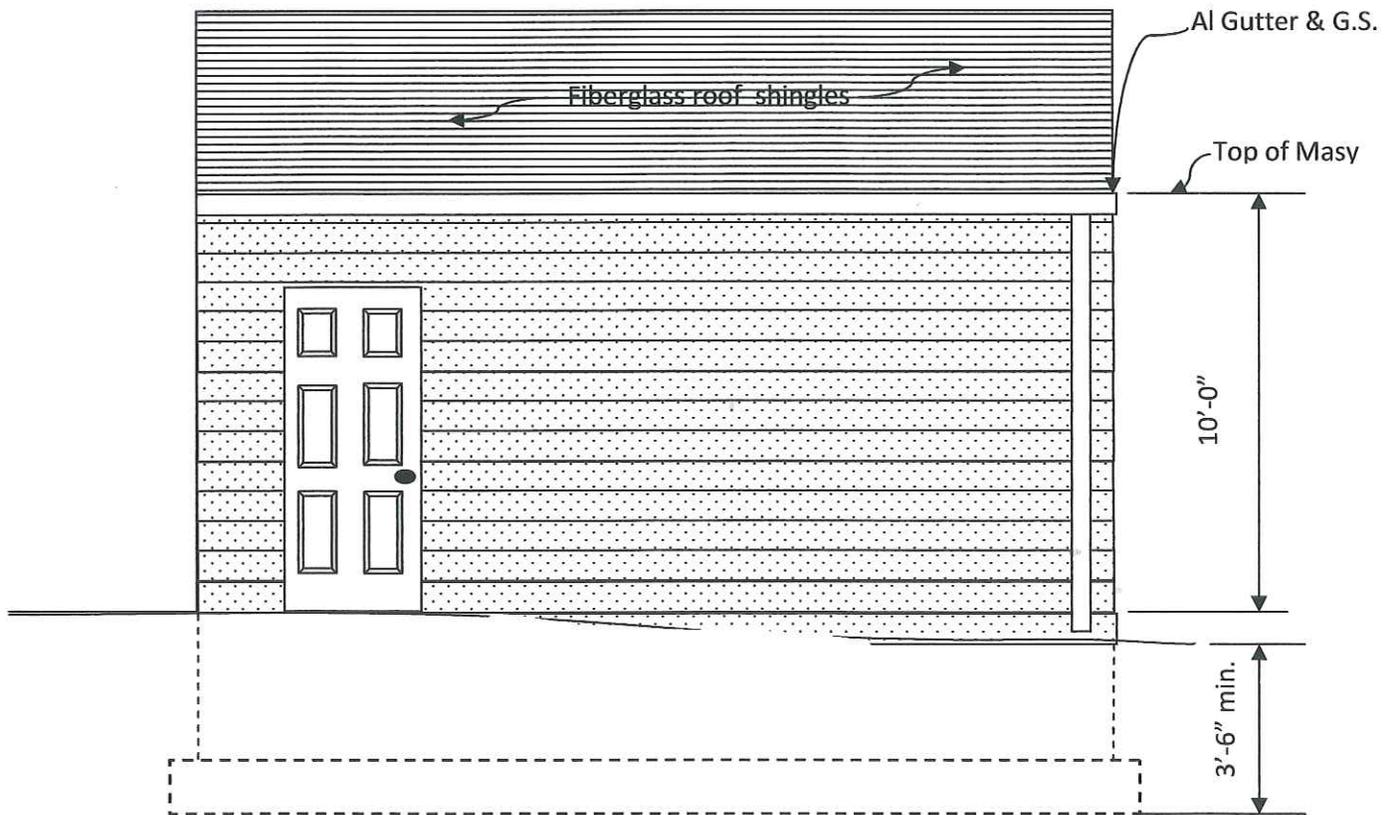
REGISTERED
APR 12 2016

BY:



FRONT ELEVATION

St. Francis Xavier Cemetery
Weymouth Rd, Medina OH
Sht. 2/4



RIGHT SIDE ELEVATION

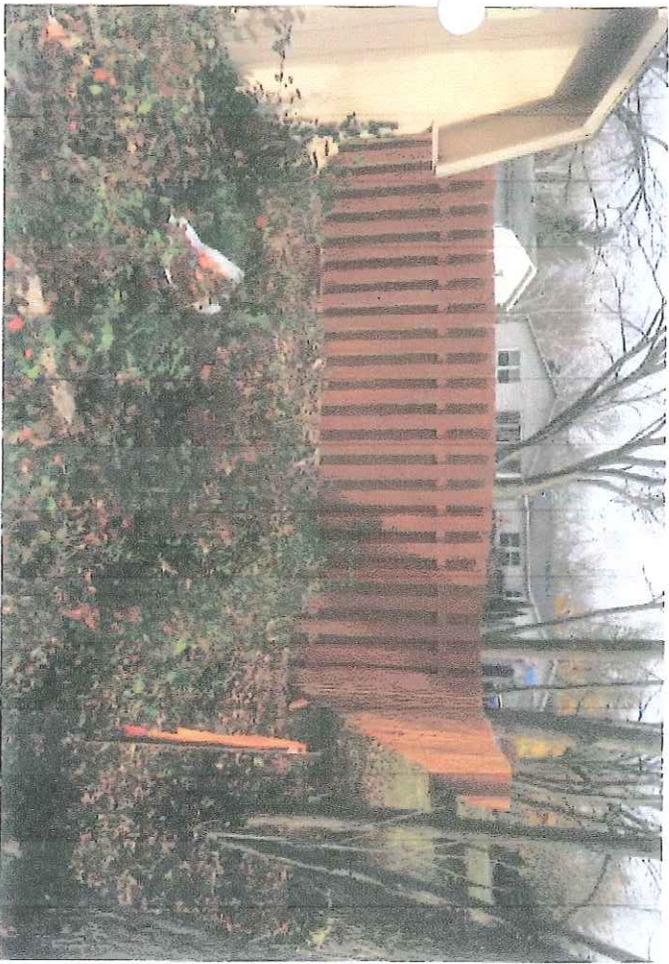
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St. Francis Xavier Cemetery
Weymouth Rd, Medina OH
Sht. 3/4

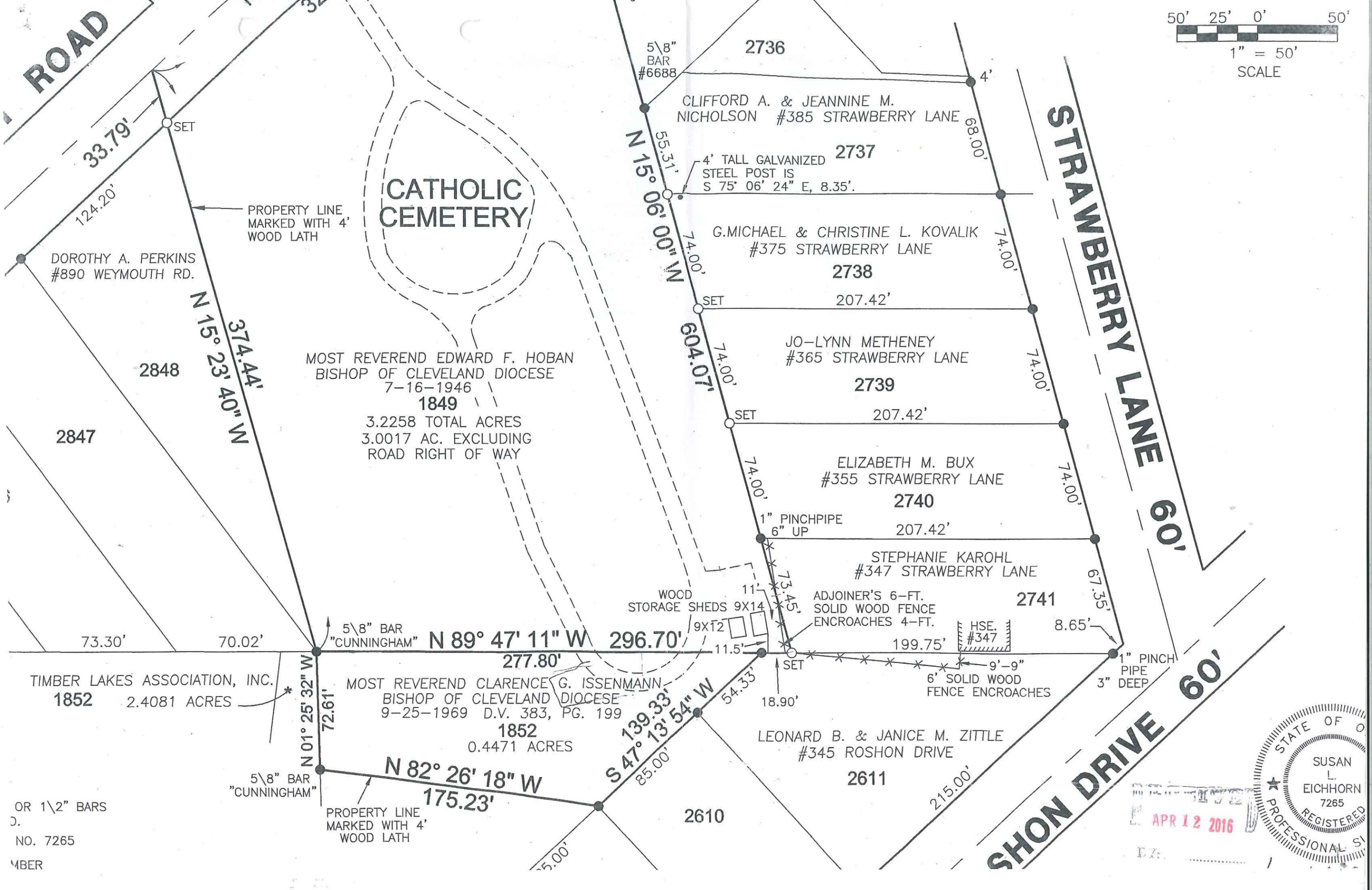
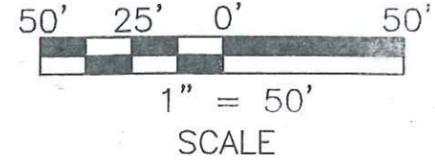


BY:



RECEIVED
APR 12 2016

BY:



ROAD

STRAWBERRY LANE 60'

SHON DRIVE 60'

CATHOLIC CEMETERY

MOST REVEREND EDWARD F. HOBAN
BISHOP OF CLEVELAND DIOCESE
7-16-1946
1849
3.2258 TOTAL ACRES
3.0017 AC. EXCLUDING
ROAD RIGHT OF WAY

DOROTHY A. PERKINS
#890 WEYMOUTH RD.

CLIFFORD A. & JEANNINE M.
NICHOLSON #385 STRAWBERRY LANE

4' TALL GALVANIZED
STEEL POST IS
S 75° 06' 24" E, 8.35'

G.MICHAEL & CHRISTINE L. KOVALIK
#375 STRAWBERRY LANE

JO-LYNN METHENEY
#365 STRAWBERRY LANE

ELIZABETH M. BUX
#355 STRAWBERRY LANE

STEPHANIE KAROHL
#347 STRAWBERRY LANE

ADJOINER'S 6-FT.
SOLID WOOD FENCE
ENCROACHES 4-FT.

LEONARD B. & JANICE M. ZITTLE
#345 ROSHON DRIVE

TIMBER LAKES ASSOCIATION, INC.
1852 2.4081 ACRES

MOST REVEREND CLARENCE G. ISSEMMANN
BISHOP OF CLEVELAND DIOCESE
9-25-1969 D.V. 383, PG. 199
1852
0.4471 ACRES

OR 1\2" BARS
D.
NO. 7265
MBER



APR 12 2016