

**MEETING DATE: 11-10-16**

# **BOARD OF ZONING APPEALS**

**Z16-24**

**745 Lafayette Rd.**



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**November 10, 2016 Meeting**

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**Case No:** Z16-24

**Address:** 745 Lafayette Road

**Applicant:** Kenneth Wyant

**Subject:** Variance request from Section 1113.05(l)(A)(7) of the Planning and Zoning Code to allow 1128 sqft of accessory buildings where only 1032 sqft is permitted

**Zoning:** C-3 General Commercial

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

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**Site Location:**

The property is located on the northeast corner of the Lafayette Road and Fair Road intersection.

**Project Introduction:**

The applicant constructed a permitted 936 sqft 3 car detached garage on the site in 2015. The applicant is seeking a variance for the proposed construction of a 192 sq. ft. shed at the site which would bring the combined square footage of accessory structures at the site to 1128 sqft. Per code section 1113.05(l)(A)(7) the maximum allow square footage for accessory structures is 1032 sqft.

Please find attached to this report:

1. Site plan.
2. Aerial photograph of the property.

**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 variance to exceed allowable square footage for an accessory structure 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 applicant can still construct an accessory structure that is 96 sqft or less.

- B. *Whether the variance is substantial;*

The variance may not be substantial as the proposed shed exceeds code requirements by 9% or 96 sqft.

- 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 substantially altered. The subject property is adjacent to the entrance of the Medina County Fairgrounds and the larger shed may be visually indiscernible compared to a compliant shed.

- 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. It is not known if the applicant had knowledge of the code requirements prior submitting the building permit for the shed.

- 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 be feasibly be obviated without a variance. The shed could be reduced to 96 sqft.

*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 prevent excessive rear yard coverage from 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(1)(A)(7).

Z16-24  
745 Lafayette Road  
Acc. bldg variance  
November 10, 2016

Subject Site

LAFAYETTE RD

FAIR RD



1 inch = 100 feet



