

MEETING DATE: 11-10-16

BOARD OF ZONING APPEALS

Z16-25

933 E. Smith



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

Case No: Z16-25
Address: 933 E. Smith Road
Applicant: Mark A Schmuck
Subject: Variance request from Section 1145.06(a) of the Planning and Zoning Code to allow a 40 sqft driveway expansion to an existing nonconforming 1260 sqft driveway.
Zoning: R-1 Low Density Urban Residential
Submitted by: Justin Benko, Associate Planner

B

Site Location:

The property is located on the north side of E. Smith Road west of Guilford Blvd and east of Yorkshire Drive.

Project Introduction:

The applicant recently replaced an existing nonconforming 1260 sqft driveway and expanded the nonconformity by paving 40 sqft of gravel. The applicant is seeking a variance to allow for the expanded driveway.

Please find attached to this report:

1. Site plan.
2. Aerial photograph of the property.
3. Letter from Applicant
4. Letters from adjoining property owners.

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 a driveway 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 continue use of the nonconforming driveway at the site; however, the size of driveway would need to be reduced by 40 sqft.

B. Whether the variance is substantial;

The variance may not be substantial because the degree of nonconformity was expanded 3% or 40 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. Along with the zoning application, the applicant submitted four letters from adjoining property owners in support of the variance which included the neighbor most adjacent to the applicant's driveway.

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. The applicant was informed that the driveway could be replaced but only to its current size.

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 feasibly obviated without a variance. The owner would need to remove the additional 40 sqft of concrete.

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 front yard paving.

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 Section 1145.06(a).

**Request For Variance
Laura Schmid & Mark Schmuck
933 East Smith Road, Medina, Ohio**

We are seeking a variance to our new concrete driveway to allow for an additional approximate 8 ½ foot deep x 9 ½ x 9 ½ triangle and approximately 10 inches along the outer edge of driveway section of concrete.

We had replaced an existing concrete driveway that was in place when we purchased our home in 1999. At the time we purchased our home at 933 East Smith Road, Medina, we did not have knowledge of any said zoning restrictions. The concrete section in question (additional approximate 8 ½ foot deep x 9 ½ x 9 ½ triangle and approximately 10 inches along the outer edge of driveway) was previously filled with small stones not grass, as code 1145.06 also prohibits vehicles not to park on grass. So, to make the driveway look "complete", add curb appeal, possibly increase our, as well as others' property value and provide additional parking (especially for elderly or handicap visitors), plus filling the drop off or gap from previous driveway to neighbors lawn. In lieu of the stones, we had this additional approximate 8 ½ foot deep x 9 ½ x 9 ½ triangle and approximately 10 inches along outer edge of driveway filled with concrete, which we feel gives the front of our home a more finished look while adding useable driveway space, even though per code section 1145.06, states that driveways are permitted at 20 feet in width with an additional 200 square feet for parking.

Above mentioned items, would clearly not affect the delivery of governmental services (e.g., water, sewer, garbage), nor would adding concrete to fill this small section of driveway affect the essential character of the neighborhood.

Since East Smith Road has prohibited parking on either side of the street, we felt that filling in said area with concrete, provides more parking for not only us as the homeowners, but for our neighbors, should they need additional parking for visiting family or friends. Otherwise, the nearest side street parking is on Yorkshire Drive. Which for the elderly or handicap individual, is not feasible or safe to make the roughly 250 foot walk to our home. Additionally, with the heavy volume of traffic on East Smith Road, it can be dangerous to pull in or back out of our driveway. This variance would allow plenty of area for vehicles to turn around before attempting to exit our driveway.

We do understand the city ordinance of 1145.06, however we feel since our recent driveway replacement is completed and paid for, to make additional changes to tear out or modify this area of concrete would cost us as the homeowners additional monies we weren't prepared on spending. This is why we hired a contractor who stated they would submit all necessary paperwork prior to starting the job.

R E C E I V E D
OCT 17 2016

BY:

We feel that by granting a variance for what used to be an unusable approximate 8 ½ foot deep x 9 ½ x 9 ½ triangle and approximately 10 inches along the outer edge of driveway area of stones, now filled with concrete that is useable, not only benefits us as the homeowners, but to our neighbors and the neighborhood as a whole, as well as freeing up side street parking on Yorkshire Drive for homeowners who are closer to that area.

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OCT 17 2016

BY:

Google Maps



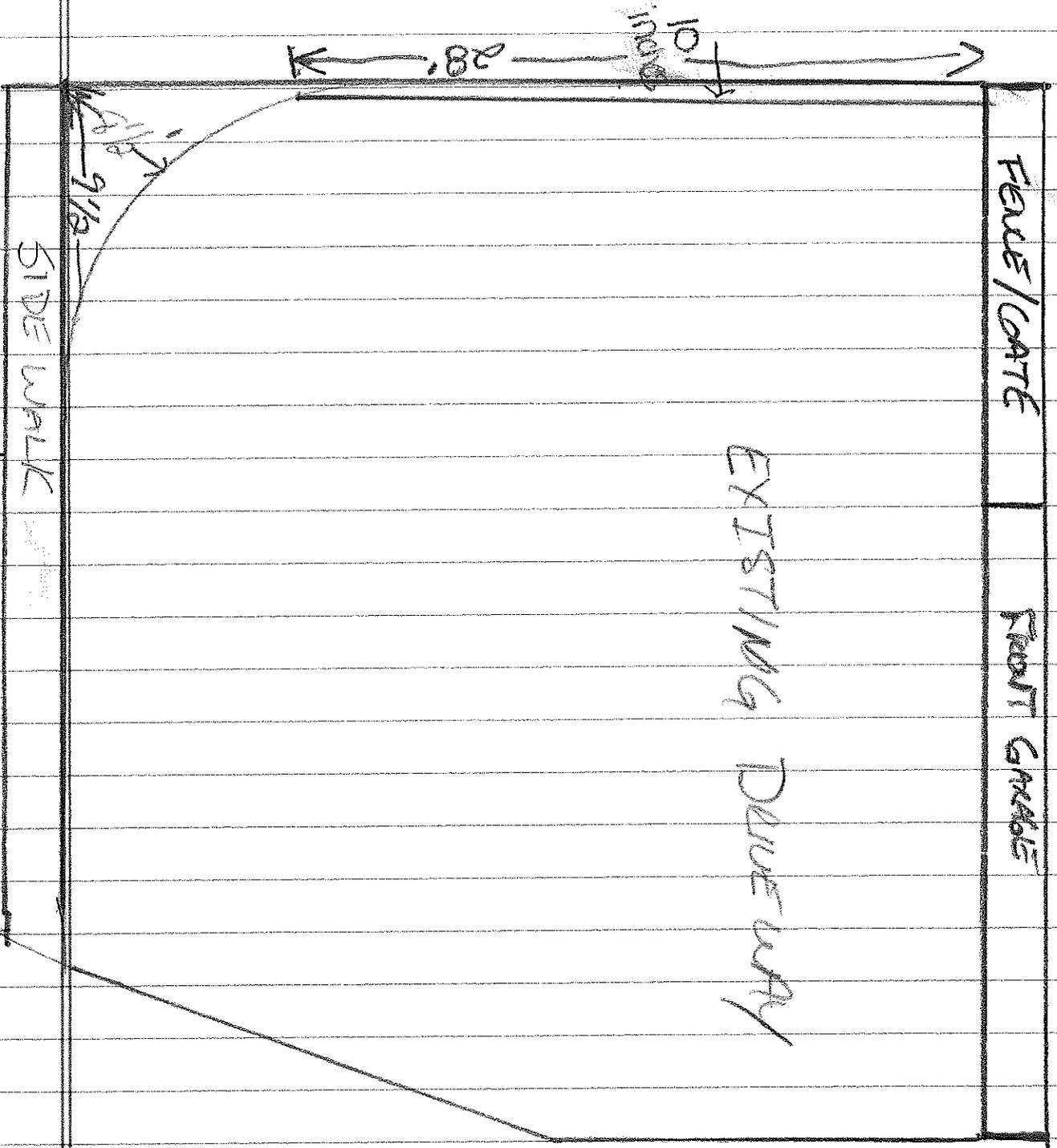
Image capture: Jul 2013 © 2016 Google

Medina, Ohio

Street View - Jul 2013

see attached sketch of area in question.

R E C E I V E D
O C T 1 7 2 0 1 6
B Y:



R E C E I V E
 OCT 17 2016

BY:

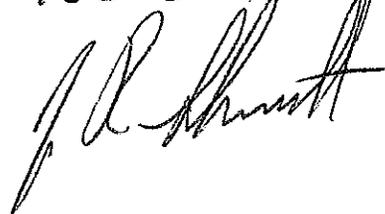
9-21-16

To whom it may concern,

As the long time property owner at 930 E. Smith Rd I have absolutely no problem whatsoever with Mark Schmuck's driveway at 933 E. Smith Rd. It is a VAST improvement over the old "patch-work" driveway that the former owner Robert W. Sanford had!!

Mark has done nothing but improve his property since he has moved in! For people with multiple vehicles such as Mark and myself, the extra parking space is nice to have since the city banned parking on E. Smith Rd a few years back. All properties in Medina should look as good as his, my own included!!

John R. Schmidt
930 E. Smith Rd



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BY:

Sept. 27, 2016

To Whom It May Concern:

Regarding the driveway at 933 E. Smith Road: I live across the street from Mr & Mrs Schmuck and as far as the new driveway all I can say is that it has greatly improved the curb appeal and looks so much better than the old one. and I have absolutely no problem with it.

As a matter of fact, being as we are not allowed to park on either side of our street (which we were assessed for when it was put in) Mark's new driveway has been a blessing to myself and my family as he has let us park there when we have family gatherings.

The fresh new look of Mr & Mrs Schmuck's driveway has improved the look of our whole street.

Shirley Biegel
920 E. Smith Rd.
Medina, Oh 44256

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OCT 17 2016

BY:

Amy and Ryan Cox
931 E. Smith Rd.
Medina, Ohio 44256
October 5, 2016

To Whom It May Concern:

This letter is to inform you how pleased Ryan and I are with the new driveway that was installed at 933 E. Smith Rd.

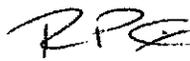
It is obvious that Mark and Laura invested a lot of time and money into this project and the end result is fantastic. Without a doubt, it improves not only the value of their home, but the value of the surrounding homes in our neighborhood as well. Any changes or alterations to the driveway would result in unnecessary costs and stress and would have a negative aesthetic impact on the neighborhood.

Please do not hesitate to contact us with any questions.

Sincerely,



Amy G. Cox



Ryan P. Cox

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BY:

October 15, 2016

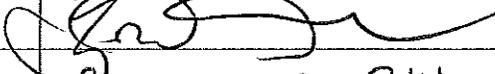
944 Old Farm Trl
Medina, Ohio 44256

To Whom it may concern,

It is in our opinion that the changes made to the driveway at 933 E. Smith Rd, Medina Ohio does not negatively impact the neighborhood. In fact, we feel it is a vast improvement to the property, and neighborhood. It is very clean, maintained and well done. We have been a neighbor for the past 2 1/2 years and have always been impressed with the maintenance and care to the property and are in complete favor the changes made to the driveway as it has great curb appeal and helps maintain and increase property values.

Thank you

Melissa L Black
Melissa L Black

 Zane Schaefer
Owners of 944 Old Farm Trl, Medina 44256

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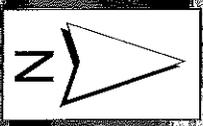
Z16-25
933 E. Smith
Driveway Area Variance
November 10, 2016

E SMITH RD

Subject Site

YORKSHIRE DR

OLD FARM TL



1 inch = 50 feet

