

MEETING DATE: 6-13-19

BOARD OF ZONING APPEALS

Z19-12

531 N Court



CITY of MEDINA
Board of Zoning Appeals
June 13, 2019 Meeting

Case No: Z19-12

Address: 531 N. Court St.

Applicant: Alan and Sheila Thomas

Subject: Variance request from Section 1125.05 of the Planning and Zoning Code to permit a 3 foot setback from the side and rear property lines for an accessory structure where 5 foot setbacks are required.

Zoning: R-3, High Density Urban Residential

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The site is located on the southwest corner of N. Court St. and Bradway St.

Project Introduction:

The applicant proposes replacing the existing detached garage which currently has nonconforming side and rear setbacks. The applicant requests a variance to allow the 3 foot setback from the side and rear property lines for the accessory structure when the minimum required is 5 feet.

Please find attached to this report:

1. Aerial photograph
2. Applicant's narrative and development plans received May 21, 2019

Considerations:

The Medina 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 building 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;*

A detached garage can be located on this property without the granting of the requested variance, but it would have to be smaller than the proposed building.

- B. *Whether the variance is substantial;*

The requested setbacks are 40% less than the minimum allowed, but the proposed 3 foot setbacks would provide sufficient area to access the west and south sides of the proposed building.

- 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 by the proposed variance request. The proposed detached garage is approximately the same size and setbacks as the existing detached garage. If the minimum 5 foot side setback was followed, the parking pad on the private property in front of the proposed garage (north façade) could be negatively impacted by possibly forcing vehicles to extend over a substantive portion of public sidewalk on Bradway St.

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

The variance will 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 when the applicant purchased the subject property.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

The property owner could move the detached garage to meet the required setbacks, but it could impact the ability to park a vehicle between the garage and the Bradway St. public sidewalk without obstructing the sidewalk.

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 requirement is to provide a standard and predictable amount of development and to provide a minimum level of accessibility at property boundaries.

The BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit variances from section 1125.05.



CITY of MEDINA
Planning and Zoning Department
 Ph(330) 722-0397 Fax (330) 350-1011
 www.medinaoh.org

Board of Zoning Appeals
Area/Size (practical difficulties) worksheet

Case No. _____
 Address: 531 N. Court St.
 Applicant: Alan C. Thomas

A. The property in question (will will not) yield a reasonable return and there [can/cannot] be any beneficial use of the property without the variance because

The current 20x20 garage is too small to park 2 vehicles and the driveway is only 19' from garage to city sidewalk

B. The variance is (substantial insubstantial) because it will allow for a deeper

garage without making the driveway shorter, which is a hazard for pedestrians, Also, the new garage will line up with the apron

C. The essential character of the neighborhood [would/would not] be substantially altered and the adjoining properties [would/would not] suffer substantial detriment as a result of the variance because

Current garage lines up with the apron city installed when sidewalks were installed, if we move it to the left it won't look right.

D. The variance [would/would not] adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

E. The property owner purchased the property [with/without] knowledge of the zoning restrictions;

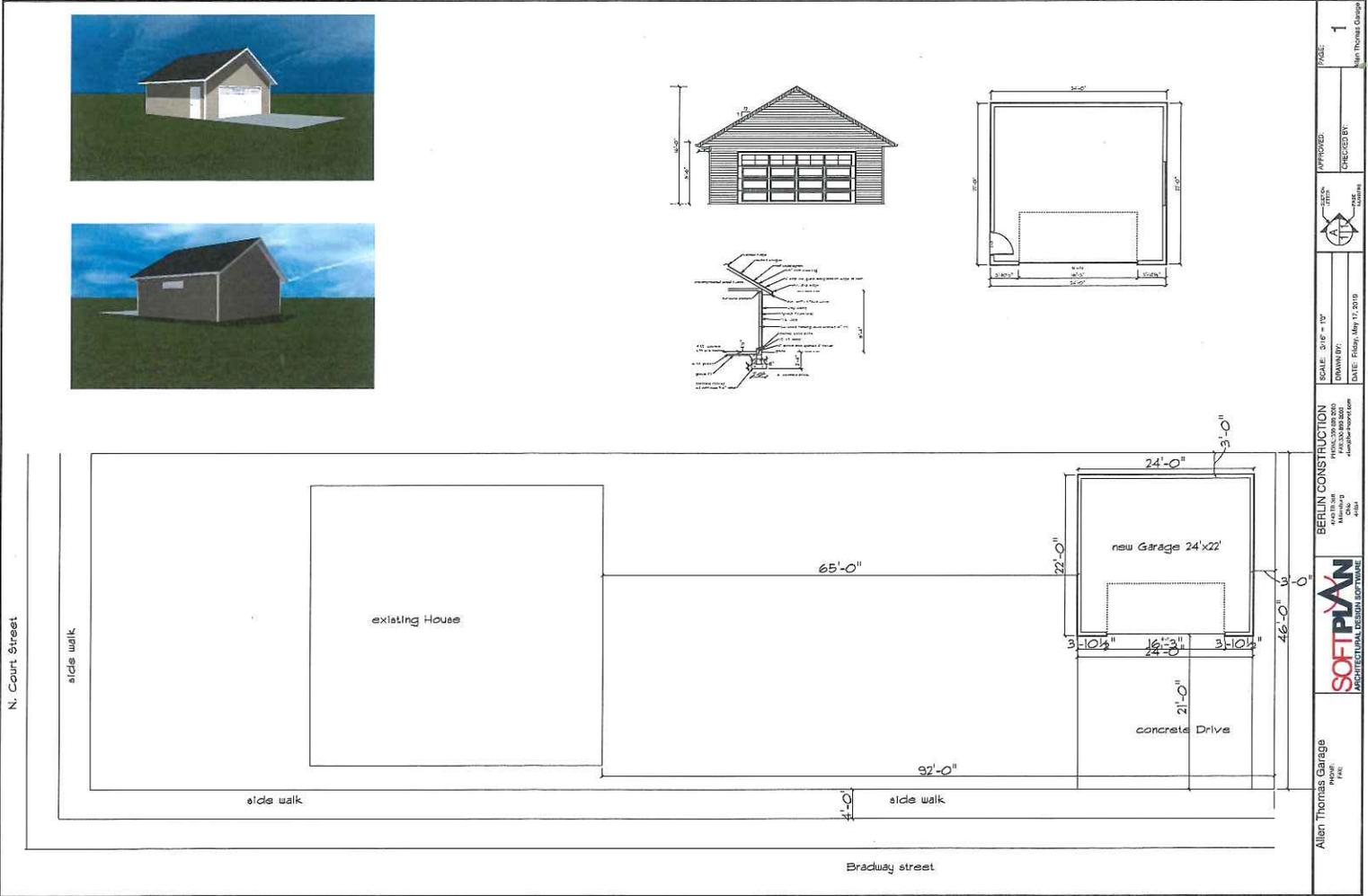
F. The property owner's predicament feasibly [can/can not] be obviated through some method other than a variance because lot size is too small for other plans

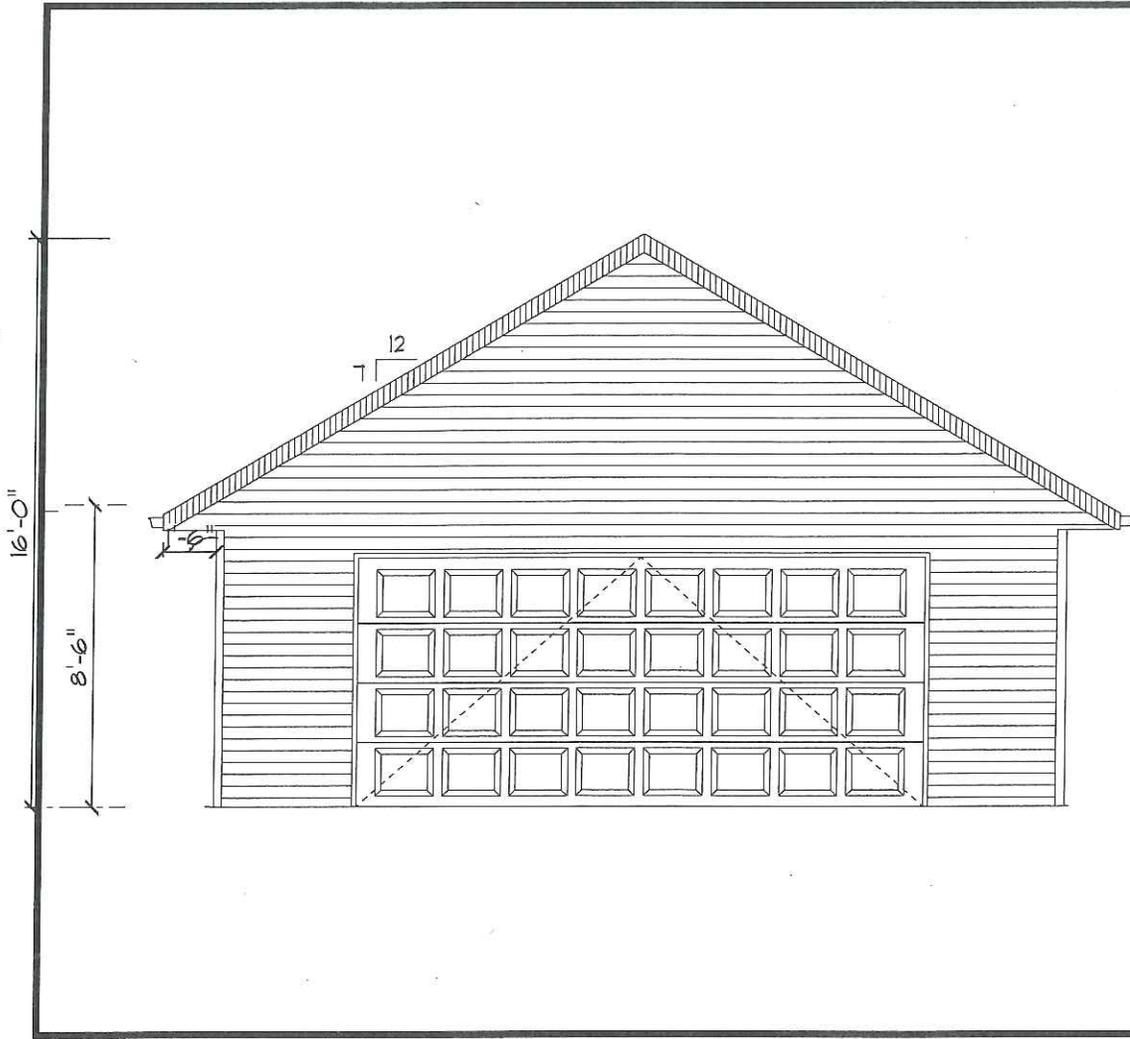
G. The spirit and intent behind the zoning requirement [would/would not] be observed and substantial justice done by granting a variance because

The current garage sits 2' from the west property line and 6' from the south property line. Propose to build 3' from both sides to keep things symmetric and allow for storage. Both neighbors approve.

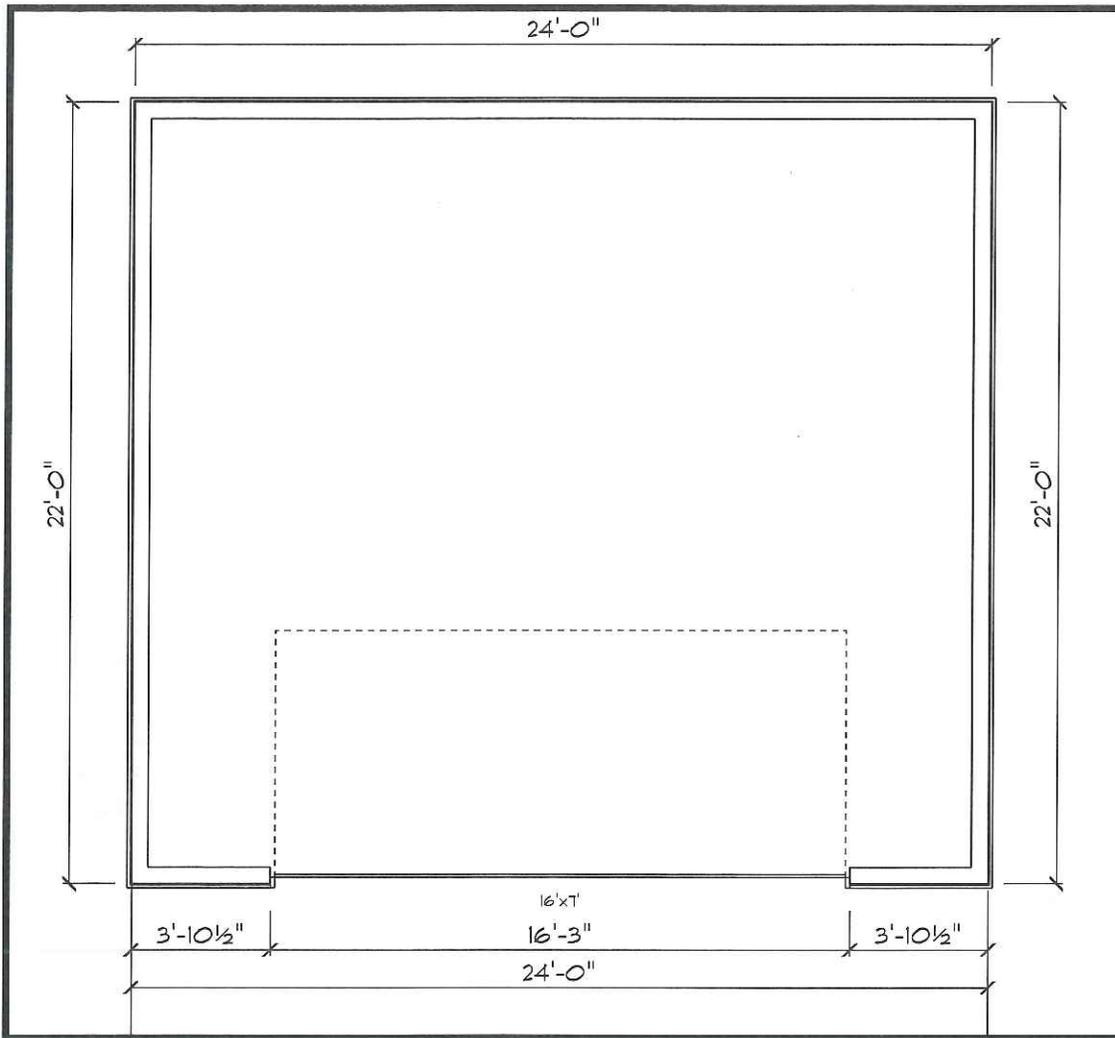
For all of the above reasons, I move the board [approve/disapprove] the request with the following conditions:

RECEIVED
 MAY 21 2019





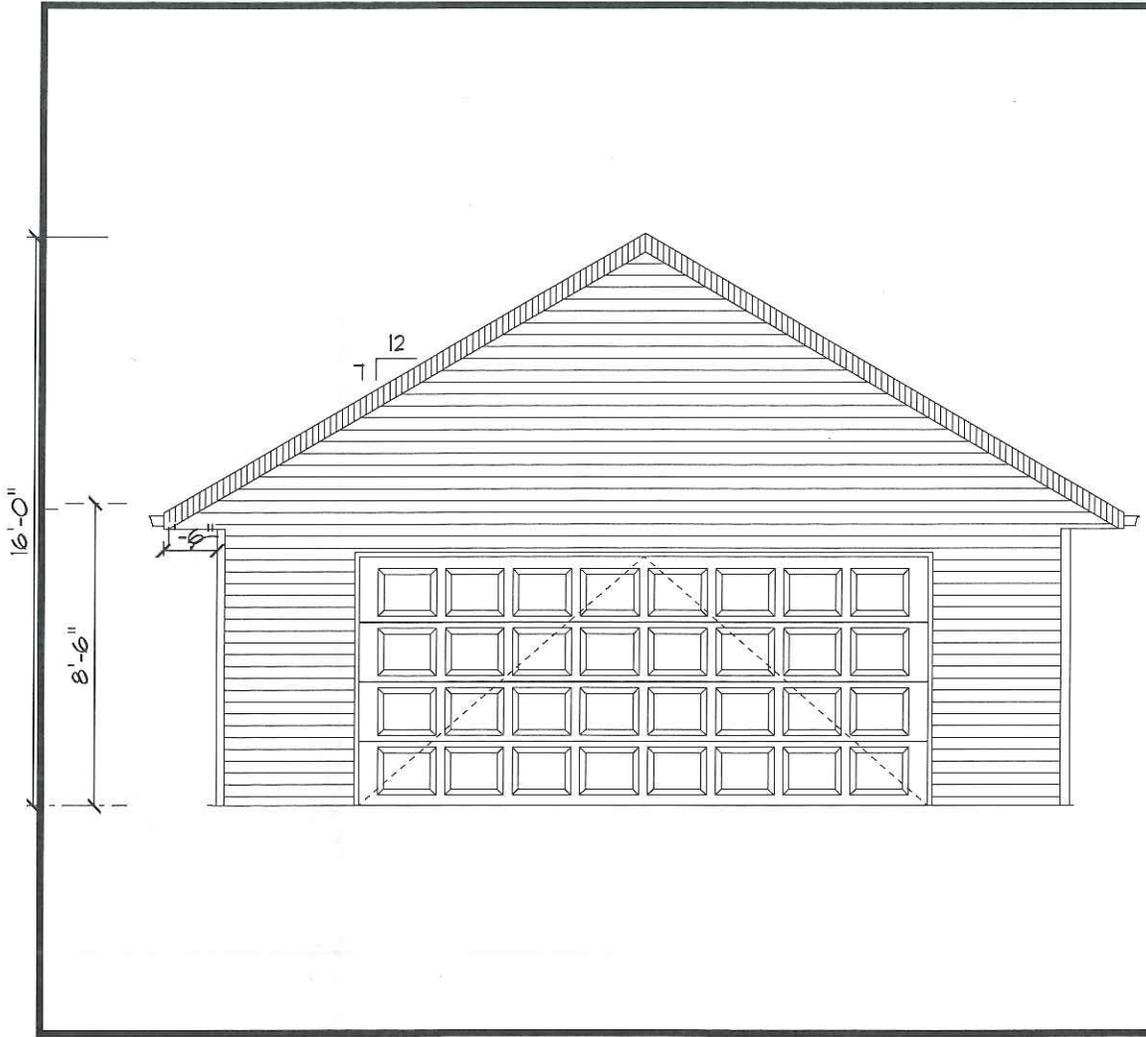
<p>SECTION LETTER A</p> <p>PAGE NUMBERS 11</p>	<p>BERLIN CONSTRUCTION Allen Thomas Garage</p> <p>PHONE: FAX:</p>	<p>4740 TR 356 Millersburg Ohio 44654</p> <p>PHONE: 330-893-2003 FAX: 330-893-2003 elam@berlinconst.com</p>
<p>PAGE: 2</p> <p>exterior letter</p>	<p>DRAWN BY:</p> <p>SCALE: 1/4" = 1'0"</p> <p>DATE: Thursday, May 16, 2019</p>	<p>SOFTPLAN ARCHITECTURAL DESIGN SOFTWARE</p>



BERLIN CONSTRUCTION 4740 TR 356 Millersburg Ohio 44654 PHONE: 330-893-2003 FAX: 330-893-2003 eliam@berlinconst.com	SECTION LETTER A	PAGE NUMBERS 11
	Allen Thomas Garage PHONE: FAX:	
SOFTPLAN ARCHITECTURAL DESIGN SOFTWARE	DRAWN BY:	
	SCALE: 1/4" = 10" DATE: Thursday, May 16, 2019	
PAGE: 1		main letter

REC'D
 MAY 21 2019

BY:



SECTION LETTER A	BERLIN CONSTRUCTION Alien Thomas Garage PHONE: FAX:	4740 TR 356 Millersburg Ohio 44654 PHONE: 330-893-2003 FAX: 330-893-2003 elam@berlinconst.com
PAGE NUMBERS 11	DRAWN BY: SCALE: 1/4" = 10" DATE: Thursday, May 16, 2019	SOFTPLAN ARCHITECTURAL DESIGN SOFTWARE
PAGE: 2 exterior letter		

BRADWAY ST

N COURT ST

Subject Site



Z19-12
531 N. Court St.
Detached garage
setback variance
June 13, 2019

1 inch = 40 feet

