

**MEETING DATE: 10-10-19**

# **BOARD OF ZONING APPEALS**

**Z19-17**

**517 Woodland**



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**October 10, 2019 Meeting**

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**Case No:** Z19-17  
**Address:** 517 Woodland Dr.  
**Applicant:** William Maxwell  
**Subject:** Variance request to Section 1121.05 of the Planning and Zoning Code to allow an addition 18.25 feet from the north property line instead of the minimum required 40 feet.  
**Zoning:** R-1 (Low Density Urban Residential) District  
**Submitted by:** Jonathan Mendel, Community Development Director 

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**Site Location:**

The property is located on the southwest corner of the Woodland Dr. Strawberry Ln. intersection.

**Project Introduction:**

The applicant proposes an addition to the existing garage. This addition would encroach into the north corner side yard and, since the house is located on a corner lot, the house is required to meet the minimum front yard setback facing both streets. Therefore, the applicant requests a variance from section 1121.05 of the Planning and Zoning Code to allow an addition 18.25 feet from the north property line along Strawberry Ln. when a 40 foot setback is required.

The existing house currently has a 31.5 foot nonconforming setback from the Strawberry Ln. frontage.

Please find attached to this report:

1. Applicant's narrative and site plan received September 18, 2019
2. Aerial photo

**Considerations:**

Section 1107.08(b) of the Planning and Zoning 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 front yard property line setback 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 be used as a single family residential dwelling with accessory garage parking without granting a variance.

*B. Whether the variance is substantial;*

The house is located on a corner lot. Section 1113.05(d) requires properties meet the minimum front yard setbacks facing both streets. The proposed 18.25 ft. setback for the garage addition is 54% less than the minimum required 40 ft. and is 42% less than the existing nonconforming 31.5 ft setback.

*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. Due to the angle of this stretch of Strawberry Ln., the houses most proximate to the proposed addition are at a distance that may avoid substantial detriment.

*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.

*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 since the property could accommodate at least a two car detached garage in the rear yard.

*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 to maintain a specific amount of private open space along the public rights-of-way.

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 1121.05.

# 517 Woodland Ave



Proposed Garage Addition <sup>W. L.</sup> 14' x 26'

Exterior Finish is Sided Same as rest of house  
Roof Line - Same height as house

56' 6" = Front sidewalk to front corner of garage addition (FRONT YARD)

64' = Lot Line to outside corner of garage addition (BACKYARD)

18' 4" = Sidewalk (inside sidewalk) to the outside corner of garage addition

\* Extending 14' from existing garage

SEP 18 2019



**CITY of MEDINA**  
**Planning and Zoning Department**  
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**Board of Zoning Appeals**  
**Area/Size (practical difficulties) worksheet**

Case No. \_\_\_\_\_  
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A. The property in question will not yield a reasonable return and there can be any beneficial use of the property without the variance because existing garage is small for need of 2 car garage. fits needs

B. The variance is insubstantial because There is existing concrete porch (with foundation) which we want primarily in area of proposed garage addition.

C. The essential character of the neighborhood would be substantially altered and the adjoining properties would suffer substantial detriment as a result of the variance because Proposed garage addition extends just 6' past existing foundation which is well within prop boundaries.

D. The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage); Home has a one car garage -- adding to make a 2 car garage and other homes in neighborhood are 2 car garaged. other homes in neighborhood are already closer to sidewalk than our proposal.

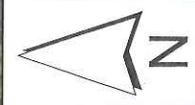
E. The property owner purchased the property with knowledge of the zoning restrictions; Did not realize our side yard is considered front yard because it is corner lot. Had already seen other corner house lots with Bldg closer to road

F. The property owner's predicament feasibly can be obviated through some method other than a variance because That is where garage is located.

G. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance because Enhancing prop + not creating any changes by adding 6' addition past the existing concrete foot.

For all of the above reasons, I move the board approve the request with the following conditions: Other houses in neighborhood development already are closer than our prop. addition will be

SEP 18 2010  
 BY: .....



1 inch = 40 feet

Approx.  
Addition  
Location

Subject Site

WOODLAND DR

STRAWBERRY LN

Z19-17  
517 Woodland Dr.  
Front Setback Variance  
October 10, 2019