

MEETING DATE: 10-10-19

BOARD OF ZONING APPEALS

Z19-18

830 E. Washington



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

Case No: Z19-18

Address: 830 E. Washington St.

Applicant: Greg & Jeannette Meder

Subject: Variance request from Section 1113.05(n) of the Planning and Zoning Code to permit the keeping of goats on the residential property at 830 E. Washington St. when goats are not a permitted type of farm animal under Section 1113.05(n).

Zoning: R-1, Low Density Urban Residential

Submitted by: Jonathan Mendel, Community Development Director 

Project Introduction:

The applicant currently houses goats at their R-1 zoned property at 830 E. Washington St. Section 1113.05(n) of the Planning and Zoning Code permits keeping a narrow range of farm animals on residential properties. These include "chicken, ducks, rabbits, and similar animals". Goats are not considered a 'similar animal' to chicken, ducks or rabbits as goats can be much larger and have greater potential to be a nuisance.

Please find attached to this report:

1. Applicant's project narrative received September 18, 2019
2. Aerial photograph of the property.

Considerations:

Section 1107.08(b) of the Planning & 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 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 subject property can keep chickens, ducks and rabbits and similar animals

- B. *Whether the variance is substantial;*

The variance is substantial. This would be a '100%' variance as goats are not a permitted farm animal under 1113.05(n).

- 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 applicant's property is adjacent to residential zoning and occupancy on all sides, but is also situated at the intersection of an arterial road and a collector road.

- 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 current code was in effect when the applicant purchased in the property in 2016

- 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 obviated by housing the goats at another site where such animals would be permitted, which would not be within the City of Medina.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

The intent of permitting the keeping of “chicken, ducks, rabbits, and similar animals” was to allow animals that are generally the same scale, size and impact as typical houses pets, such as dogs and cats.

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(n).



CITY of MEDINA
Planning and Zoning Department
 Ph(330) 722-0397 Fax (330) 350-1011
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Board of Zoning Appeals
Use (unnecessary hardships) worksheet

Case No.

Address:

830 East Washington

Applicant:

GREG & JEANETTE MEDER

A. The variance requested stems from a condition which is unique [unique/not unique] to the property at issue and not ordinarily [not ordinarily/ordinarily] found in the same zone or district;

A Request For the upkeep + care for goats on our property

B. The hardship condition is [is/is not] created by actions of the applicant;

C. The granting of the variance [will/will not] adversely affect the rights of adjacent owners because

They enjoy the animals being there - they like to see them
 It is somewhat a comfort to them.

D. The granting of the variance [will/will not] adversely affect the public health, safety or general welfare because

The animals are kept in their own housing inside a fenced in
 area, completely harmless, loving + gentle.

E. The variance will [will/will not] be consistent with the general spirit and intent of this Ordinance because

Public safety is secured, the goats are harmless + gentle
 animals - housing is kept very clean at all times with no complaints
 from surrounding area

F. The variance sought is [is/is not] the minimum which will afford relief to the applicant because

these are comfort animals for our health + will bring

G. There is no [is/is no] other economically viable use which is permitted in the zoning district because

We have considered registering the goats to be comfort animals
 to the elderly + terminally ill

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

that all housing + upkeep of these animals is maintained. that would
 include: up to date veterinarian visits, regular cleaning of their
 barn + the best nutrition for them

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 SEP 18 2010

BT:

Z19-18
830 E. Washington St.
Farm animal variance
October 10, 2019

Subject Site



E WASHINGTON ST

GUILFORD BLVD

1 inch = 50 feet

