

MEETING DATE: 5-14-20

BOARD OF ZONING APPEALS

Z20-05

970 Weymouth Road



CITY of MEDINA
Board of Zoning Appeals
May 14, 2020

Case No: Z20-05
Address: 970 Weymouth Road
Applicant: Clancey Sweeney
Subject: A variance from Section 1113.05(1)(2)A.2 of the Planning & Zoning Code to permit an accessory building in the front yard when such structures are required to be in the rear yard.
Zoning: R-1, Low Density Urban Residential
Submitted by: Jonathan Mendel, Community Development Department 

Site Location:

The property is located on the south side of the 900 block of Weymouth Road

Project Introduction:

The applicant constructing a new 16'x40' accessory building in the front yard of the subject property to replace an existing shed. The property is located near the City limit on Weymouth Road across the street from the Bill Dunn Field/Reagan Park parking lot. The existing house is setback about 230 feet from the front property line and the proposed accessory building is located about 150 feet from the front property line. Lastly, the R-2 zoning district minimum front yard setback is 40 feet.

For discussion, here is the Front Yard definition from the Planning and Zoning Code:

1105.0170 YARD.

"Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

(a) **FRONT YARD.** "Front yard" means a yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on the lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty (60) feet.

Please find attached to this report:

1. Aerial photograph of the site
2. Applicant's narrative and proposed received April 23, 2020
3. Comment emails from:
 - a. Leo & Ann Good (neighboring owner to the east at 982 Weymouth Road)
 - b. Joy Wells (neighboring occupant to the west at 960 Weymouth Road)

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 fence 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;*

Whether or not a shed is placed on this property is likely not a factor for the beneficial use of the property.

- B. *Whether the variance is substantial;*

The variance may not be substantial given the large size of the area of the existing front yard and significant setback of the proposed shed from the Weymouth Road frontage.

- 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 as there has been a shed in the proposed location for an extended period of time. The proposed shed, although larger, may not have an appreciable impact on the character of this portion of Weymouth 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;

These regulations were in place when the applicant purchased the subject property in January, 2019.

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

The shed could become an attached accessory building (i.e. physically attached to the house) and would then have to comply with the setback requirements of the R-2 district for the house.

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

Generally, the intent of this requirement is maintain a standard aesthetic of principal buildings along street frontage when the intended or actual consistent character is primarily principal building front facades. The subject property is somewhat an island unto itself and there is not much physical or visual continuity between it and its neighbors to create a strong consistent character.

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)(2)A.2.

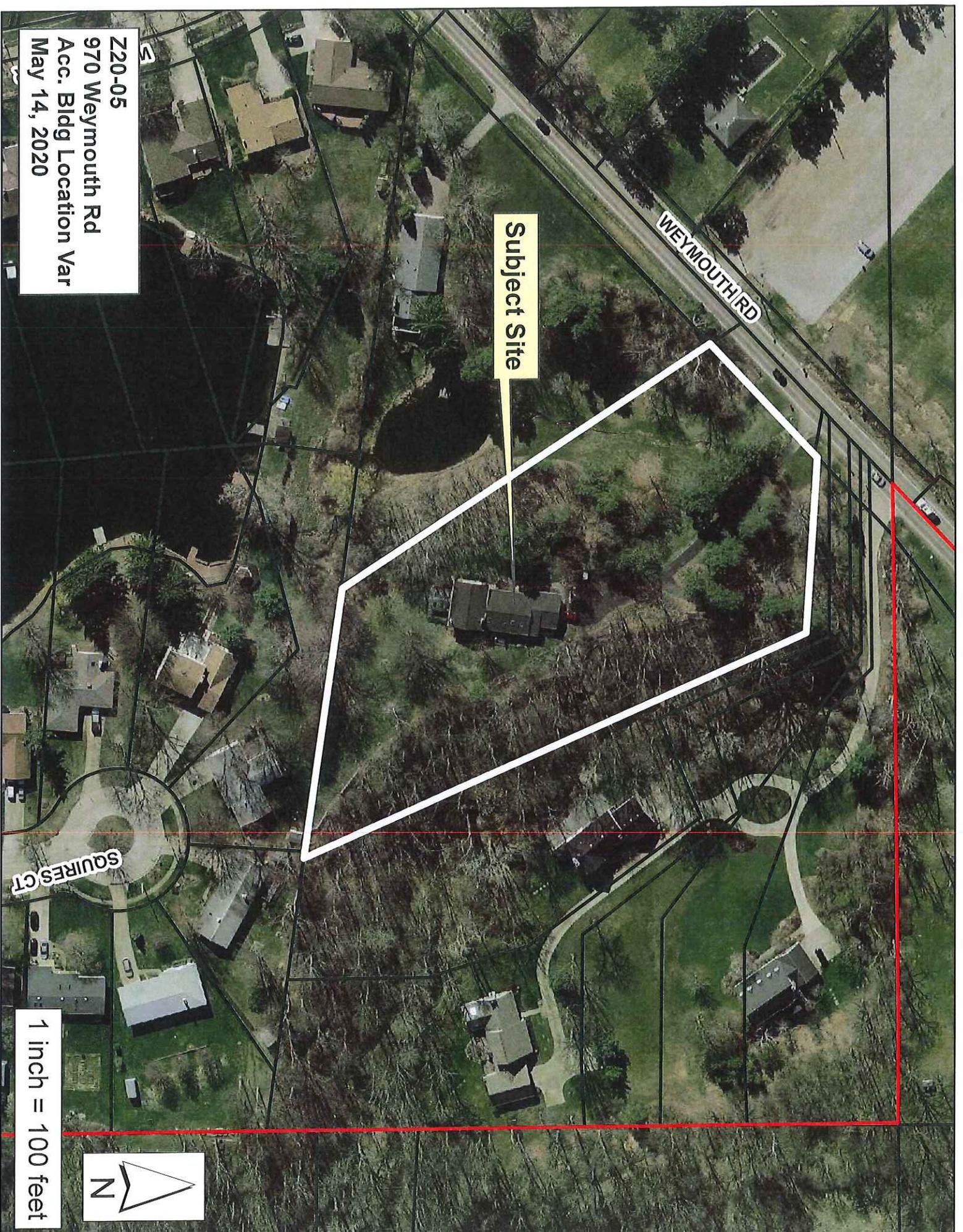
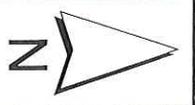
Z20-05
970 Weymouth Rd
Acc. Bldg Location Var
May 14, 2020

Subject Site

SQUIRES CT

WEYMOUTH RD

1 inch = 100 feet



Variances and appeal for accessory building at 970 Weymouth Rd, Medina, Ohio, 44256

1. A clear description of the proposed work.
 - a. We would like to replace the 25-year-old, 8x12ft shed that is already on the property with a pre-built 16x40 ft executive painted shed from Hartville Outdoor Products in Medina. It would be an attractive tan wood siding with a brown metal roof to match the color scheme of the wooded lot. The shed would rest on a leveled limestone bed with a paved drive leading to the site that would be tucked into a highly wooded area with minimal visibility from the road and surrounding area.
2. Specific reference to the section of the code to which a variance is sought.
 - a. We are asking for a variance to the CODIFIED ORDINANCES OF MEDINA PART ELEVEN - PLANNING AND ZONING CODE, TITLE FIVE, Chap. 1113.05, (m), (2), 2 which states: "Detached accessory building shall be located in the rear yard."
3. The exceptional conditions pertaining to the property which would cause practical difficulty if the provision of the Ordinance were strictly applied.
 - a. The rear yard is inaccessible by a vehicle as it is in between two heavily wooded ravines with very little flat and open ground. The rear yard makes up 0.42 acres of our 2.35 total acreage, and of that only 0.1 acres would be suitable for a shed due to the steep and wooded nature of the rear yard. Without the variance, installation of the purchased shed will not be possible.
 - b. In addition to the inaccessibility of the rear yard, attempting to place a shed in the allowable area per the City of Medina would result in obstructing the natural view for three homeowners located in a cul-de-sac adjacent to the rear property line with one home within 30 feet of the allowable build area.
 - c. The 16x40 ft shed was invoiced at \$21,967.76 and the payment process has already begun prior to my full understanding of the permit status and zoning restrictions. If the variance is allowed, the shed will drastically improve the property value by adding the much-needed utility space as well as an aesthetically pleasing appearance with a professional finished look, opposed to the 25-year-old, rotting and leaking shed that occupies the space. The space is needed for the storage of our rideable lawn mower with attachments, snow blower, power washer, wheel-barrel, garden trailer, recreational sporting equipment and other equipment that will inevitably end up outside, uncovered and unsecured if the building permit and variance is denied. This will create a financial hardship and security risk for myself as well as expose many expensive investments to the elements and wandering eyes in search of such unsecured items. Please consider allowing a variance to this ordinance as strictly enforcing it would create a hardship for myself and an eye sore for the adjacent homeowners of my property.

APR 23 2020

BY:

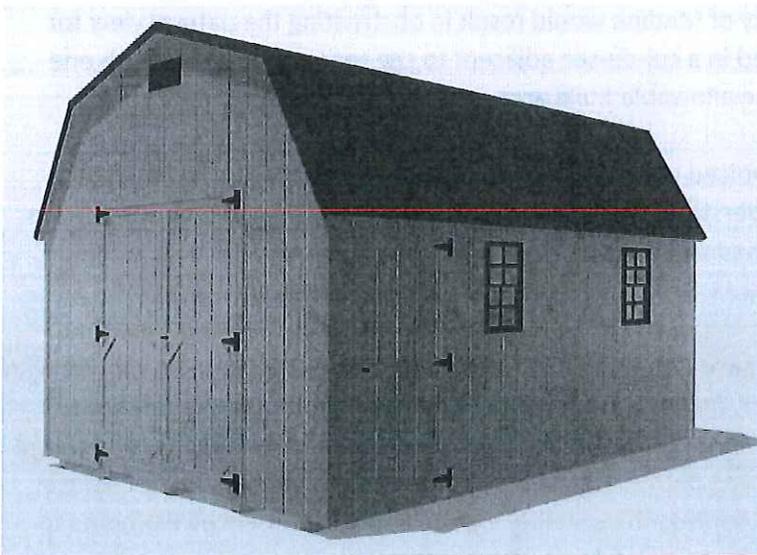
Please see the attached photos of the existing shed as well as a ruff example of the intended shed to takes its place.

Below the photos you'll find an aerial view of the property and adjacent properties to include property lines, contour lines, the intended location for the shed and distances from the shed to the property lines as well as the home on the intended property. The aerial view, distances and area were found using the Medina County Auditor's website.

Current:



New 16x40 ft (not exact, stock photo used to show close color and design):



APR 23 2020



Scale 1:550

02819B11101

1058

02819B110

02819B11071

02819B11071

02819B11071

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970

940

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37 ft

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Jonathan Mendel

From: Richard Good <richardgood@zoominternet.net>
Sent: Monday, May 4, 2020 4:10 PM
To: Jonathan Mendel
Subject: Variance Request

With respect to case number Z20-05 we(Leo Richard and Barbara Ann Good 982 Weymouth Road Medina, Ohio) have no objection to the placement of said structure on the property located at 970 Weymouth Road.

Best Regards

Jonathan Mendel

From: Joy Wells <ajoywells@icloud.com>
Sent: Tuesday, May 5, 2020 1:43 PM
To: Jonathan Mendel
Subject: Case z20-05

I live at 960 Weymouth and I don't object.

Sent from my iPad