

**MEETING DATE: 10-8-20**

# **BOARD OF ZONING APPEALS**

**Z20-16**

**916 Old Farm Trail**



# CITY of MEDINA

## Board of Zoning Appeals

### October 8, 2020 Meeting

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**Case No:** Z20-16

**Address:** 916 Old Farm Trail

**Applicant:** Chevawn Sluzewski

**Subject:** Variance request to Section 1121.05 of the Planning and Zoning Code to allow an addition 41 feet from the rear property line instead of the minimum 50 feet.

**Zoning:** R-1, Low Density Urban Residential

**Submitted by:** Jonathan Mendel, Community Development Director 

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#### **Project Introduction:**

The applicant proposes a one story addition to the rear of the existing house. The addition is 30.3 feet deep and the existing house is setback about 76 feet rear property line. The addition would encroach 9 feet into the minimum required 50 foot rear setback.

This project will be reviewed by the Planning Commission at the October 8, 2020 meeting as the use of the addition is for an In-Law Suite which is a Conditionally Permitted Use requiring review and approval of a Conditional Zoning Certificate.

Please find attached to this report:

1. Applicant's argument narrative and project plans received September 18, 2020
2. Aerial photograph

#### **Considerations:**

Section 1107.08(b) of the Medina 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 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 existing site can still be used as a single family residential dwelling with an in-law suite without granting a variance.

*B. Whether the variance is substantial;*

The variance may not be substantial. The proposed setback is 41 feet, which is 18% less than the minimum required 50 feet.

*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 neighboring property to the rear (927 E. Smith Road) of the subject property has an existing rear yard setback of about 46 feet, which is existing nonconforming.

Therefore, the applicant's proposed 41 foot rear yard setback would provide 87 feet between houses, when the minimum required for adjoining rear yards is 100 feet under the R-1 50 foot minimum rear yard setback.

Lastly, due to the angle of most of the rear property line, only about 81 sqft of the proposed 518 sqft addition lies within the minimum rear yard setback (~15.6%).

*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 rear yard setback minimum was in effect when the applicant purchased the property.

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

The owner's predicament may feasibly be obviated without a variance as the scale and layout of the addition could be adjusted. Although, given the existing house's layout, the proposed could be the most pragmatic location for the addition, which then puts the addition in the area of the property with the least remaining excess rear yard setback area.

*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, to prevent excessive encroachment into rear yards and to provide minimum separation between buildings.

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.



OLD FARM TL

Subject Site

P20-14 & Z20-16  
CZC for In-Law Suite  
RY setback variance  
for addition  
October 8, 2020



1 inch = 50 feet



# LAWRIE RESIDENCE

## IN-LAW ADDITION

916 OLD FARM TRAIL, MEDINA, OH 44256

We are respectfully asking the Board of Zoning Appeals for a variance to codified ordinance **1121.05 LOT DEVELOPMENT STANDARDS**, specifically to the minimum rear yard standard. We propose to construct an addition to the existing home which will extend beyond the rear setback of 50 feet. We are asking to reduce the rear yard standard setback from 50' to 40' on the southwest corner of the property.

This zoning restriction was not known by the owners at the time of purchase, as the need for the addition has only developed in the past few years. This variance would create the space needed to allow generations to maintain independence through aging while keeping family close in case of an emergency.

The purpose of the addition is to create an in-law suite with a separate bedroom and living space which will provide ADA spacing and openings, and a one-level floor plan. In order to achieve this, we have provided a plan with a minimum footprint to support these features. This is necessary in order to maintain the existing living space for a growing family of five while providing an appropriate amount of space to support independent living for the older generation.

The character of the neighborhood would not be affected. Many homes in the neighborhood have individualized additions, layouts, and footprints to suit the resident's needs. The design builds off the southern colonial style of the existing residence and will improve the curb appeal and function for the residents and the neighborhood.

The proposed addition location is limited by the available site footprint and connections to the existing residence. The proposed addition will breach the setback on the southwest corner of the property, reducing the set back by approximately 20 percent. No other setbacks are in violation. With the setback at an angle to the existing house and future addition, the addition falls within the set back on one corner, and beyond it on the other. The addition could be moved to the east side of the existing house to remain within the setback entirely, but this would require the removal of the existing deck and fenestrations that allow natural light into the existing family room and access to the backyard. By placing the addition on the west side of the home it creates a private backyard for the family, keeping essential outdoor space accessible to a young family.

We believe this will leave a reasonable amount of yard and add privacy for both the residents of 916 Old Farm Trail and the surrounding properties. The property is such that the addition will be blocked from the southern neighbor by an old-growth tree, to the east by an existing fence, and ultimately result in more privacy for the neighbors to the west.



# LAWRIE RESIDENCE

## IN-LAW ADDITION

916 OLD FARM TRAIL, MEDINA, OH 44256

A consultation has been set up with Columbia Gas of Ohio on 9/18/20, to provide the appropriate instructions for providing access to the existing gas meter on the west side of the house. These recommendations will be noted in the drawings submitted for the building permits. All other governmental services would not be affected.

We have included a letter from the residents describing the need for the construction of this addition. The residents will be present at the review meeting to answer any further questions. We appreciate the time and consideration of all of the board members and look forward to meeting with you on October 8.

# Chevawn Lawrie Sluzewski

September 17, 2020

Dear Medina Planning Commission and Zoning committee,

We are requesting permits and approvals on a mother in law suite addition to the house at 916 Old Farm Trail, Medina, Ohio 44256 for my mother, Renee Lawrie. She is the homeowner of 916 Old Farm Trail, however after her recent divorce, she has been residing in Waterford Village. Due to her age of 72, and her health, she is no longer able to live alone in a two story dwelling. She is capable of living independently, though she needs to be close to family and this provides the best solution.

I am her only child in Ohio and my family and I are living at 916, the house I grew up in. We did this so when the time came where my mom needed more help we would be here. That time has come. She doesn't need full time care, but assistance from time to time, and we have the ability to provide that. Being near family is important to both of us and the addition allows her to have privacy and independence with the benefit of us being nearby.

We are looking forward to having the addition completed so we know that my mom is safe and close if she needs us, but also able to maintain her independence and her regular lifestyle.

Sincerely,

Chevawn Lawrie Sluzewski



916 Old Farm Trail Medina, Ohio 44256  
330.416.9096 chevawnsluzewski@gmail.com



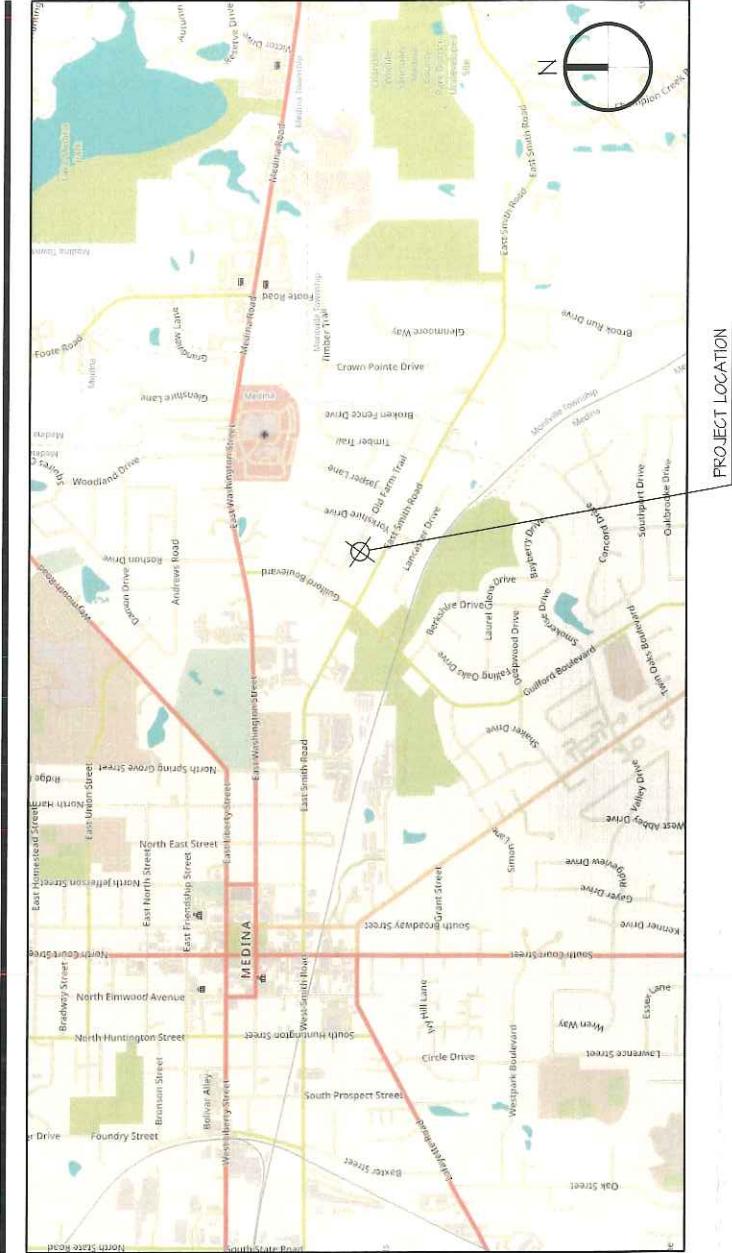


# LAWRIE RESIDENCE

## IN-LAW ADDITION

916 OLD FARM TRAIL, MEDINA, OH 44256

### SITE LOCATION MAP



### PROJECT DATA

#### DESCRIPTION:

THIS IS A 2-STORY SINGLE FAMILY RESIDENCE AND REMAINS A SINGLE FAMILY RESIDENCE. THE SCOPE OF WORK FOR THIS PROJECT INCLUDES AN IN-LAW SUITE ADDITION TO THE SOUTH SIDE OF THE EXISTING HOUSE AND A COVERED WOOD FRAMED PORCH FOR ACCESS TO THE MENTIONED IN-LAW SUITE.

THE IN-LAW SUITE IS A SECONDARY ACCESSORY DWELLING UNIT LOCATED ON THE SAME PROPERTY AS THE PRIMARY DWELLING UNIT, THAT SHARES COMMON FACILITIES, USED FOR THOSE PERSONS RELATED BY BLOOD, ADOPTION OR MARRIAGE TO THOSE OCCUPYING THE PRIMARY DWELLING UNIT.

ALL NEW WORK SHALL COMPLY WITH THE A.H.J., IN CONFORMANCE WITH THE 2019 RCO, 2017 OPC, OMC, AND NEC.

#### SITE INFORMATION:

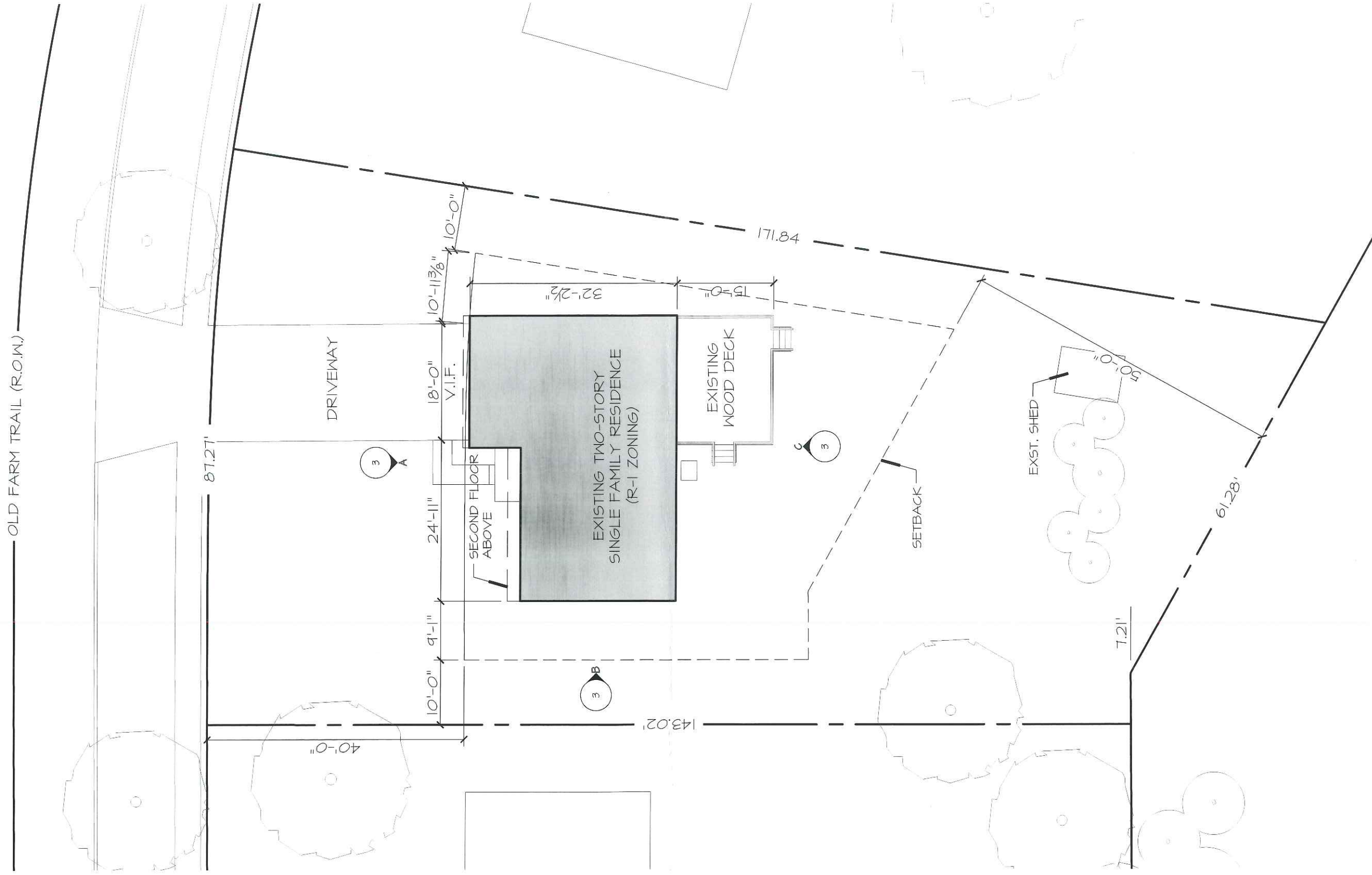
PARCEL NUMBER: 028-14B-26-048  
ADDRESS: 916 OLD FARM TRAIL,  
MEDINA, OH 44256  
FRONTAGE: 88'  
DEPTH: 143'  
ACREAGE: .292

#### ZONING + BUILDING INFORMATION:

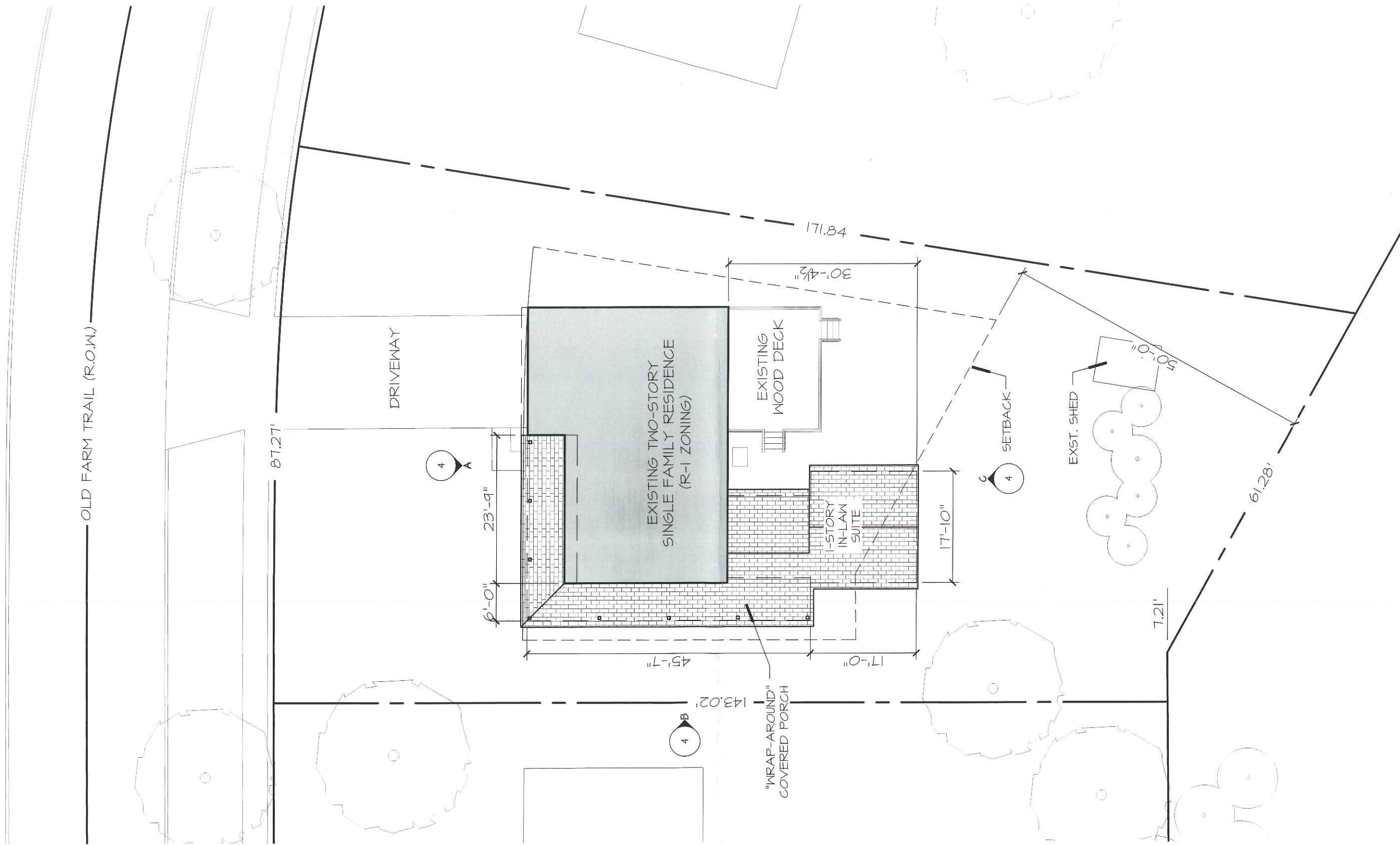
JURISDICTION: MEDINA, OH  
ZONING: R-1 LOW DENSITY URBAN  
RESIDENTIAL  
OCCUPANCY: SINGLE FAMILY  
CONSTRUCTION TYPE: V-B  
THE GROSS AREA OF NEW WORK: 478 S.F.

### DRAWING INDEX

COVER SHEET	--
EXISTING SITE PLAN	1
PROPOSED SITE PLAN	2
EXISTING ELEVATIONS	3
PROPOSED ELEVATIONS	4
PROPOSED FLOOR PLAN	5
EXISTING PHOTOS	6



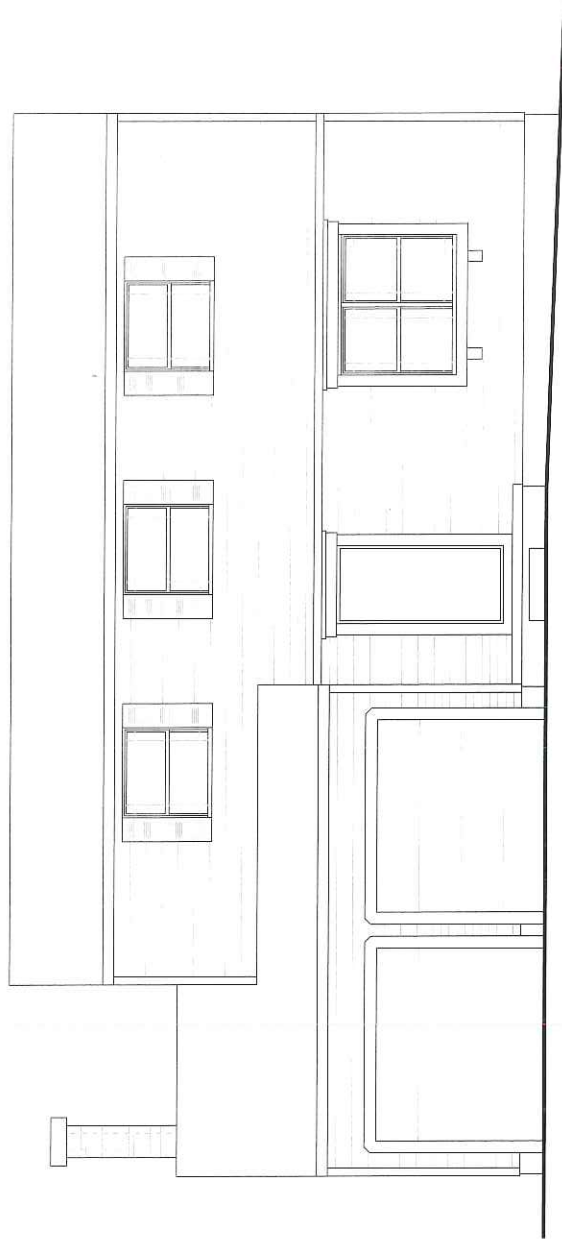




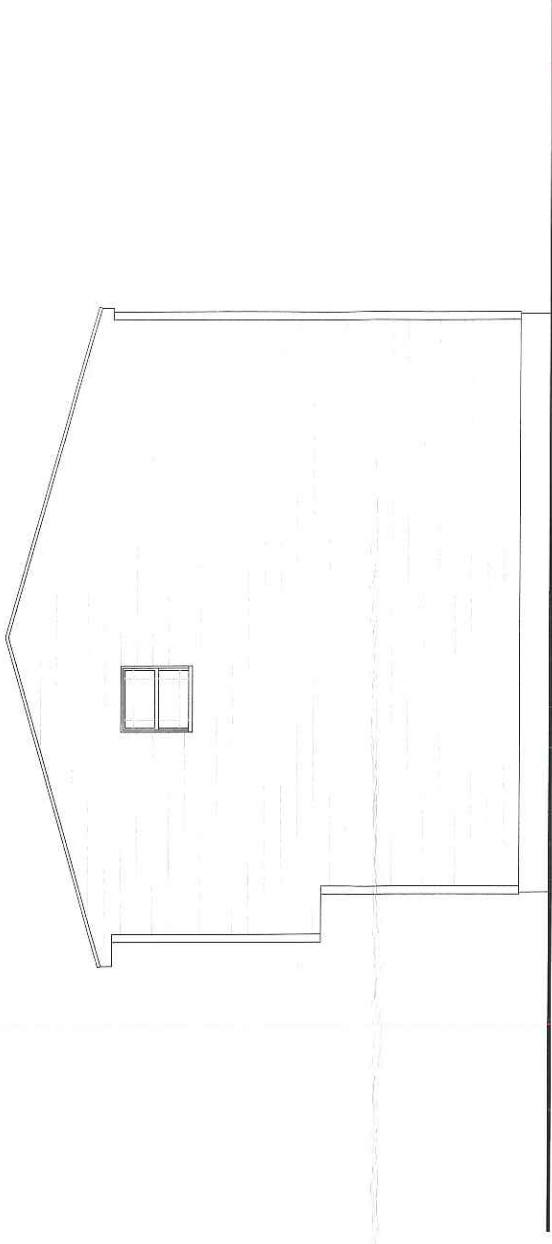
2 PROPOSED SITE PLAN - 916 OLD FARM TRAIL

SCALE 1/16" = 1'-0"

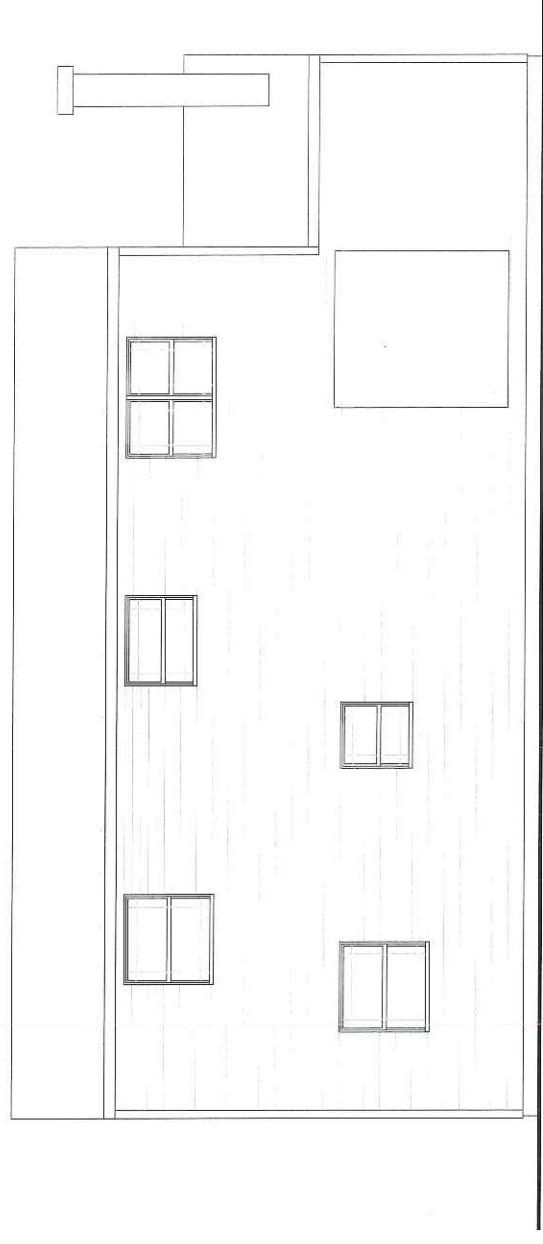
17 SEPTEMBER 2020



A

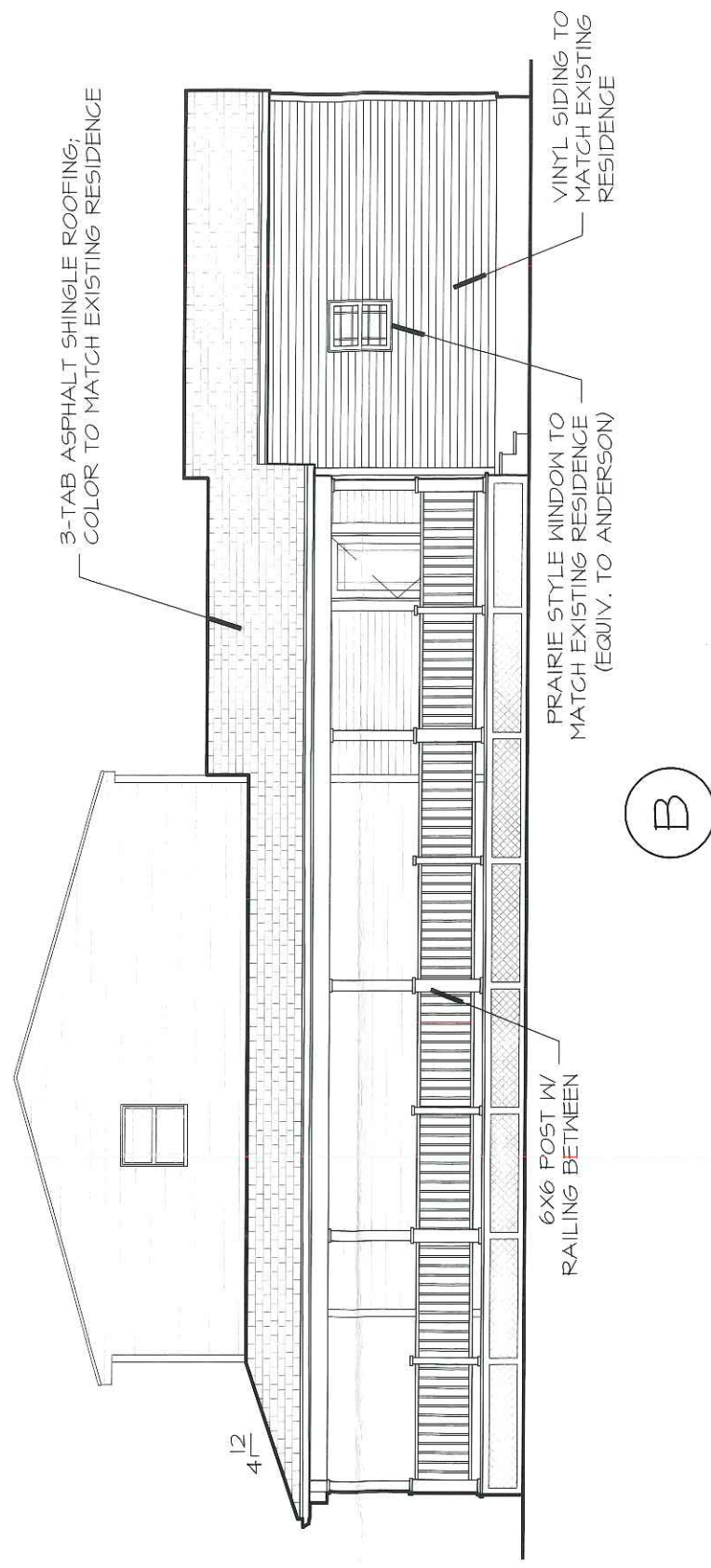
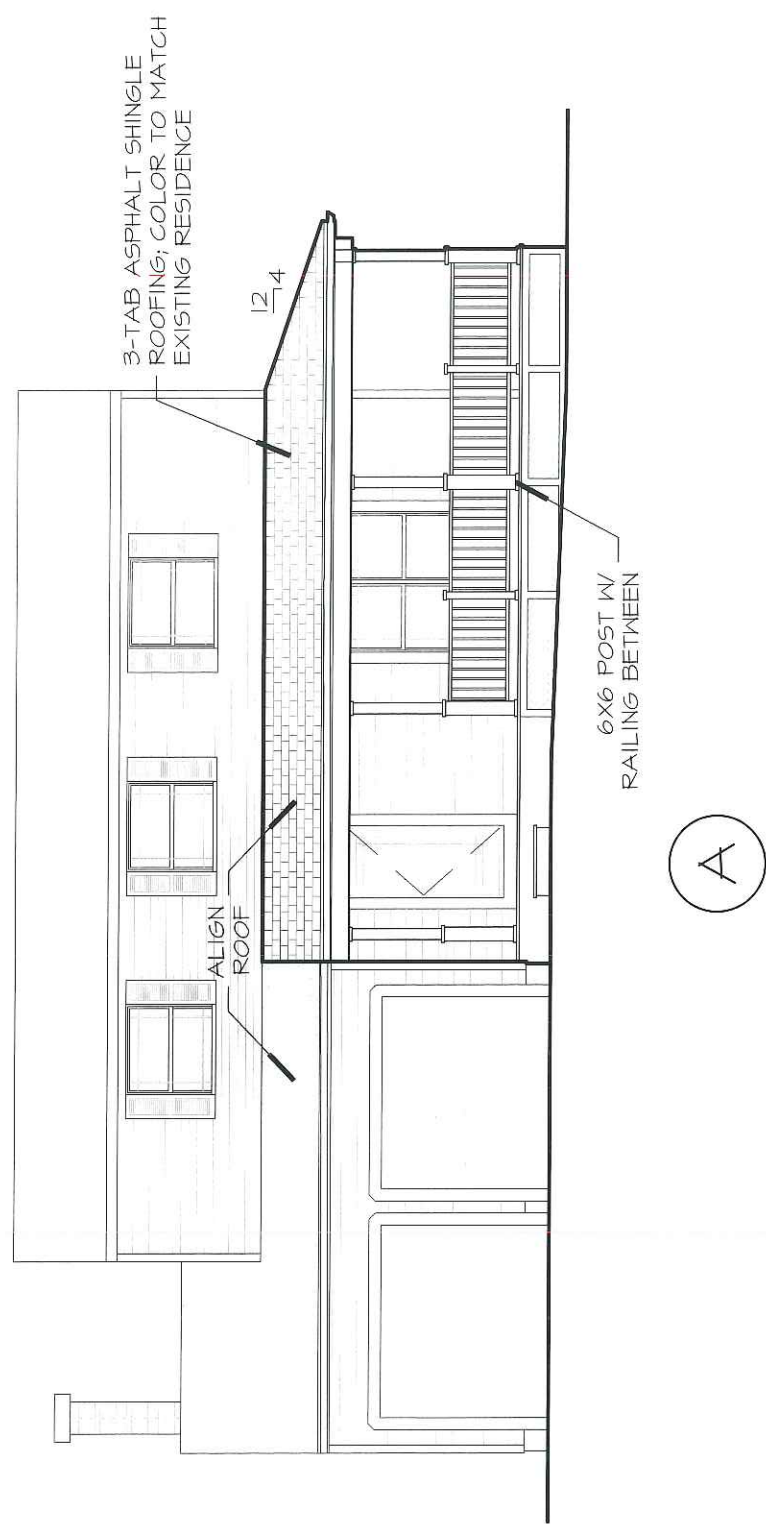


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