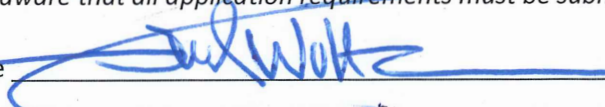




BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue
330-722-9038
www.medinaoh.org

Application Number Z23-18

GENERAL	Date of Application <u>9/5/23</u> Property Location <u>410 STURBRIDGE DRIVE</u> Description of Project <u>10 X 20 GARDEN SHED - SEE ATTACHMENTS.</u>
CONTACT INFORMATION	Applicant Name <u>FRED WOLK</u> Address <u>410 STURBRIDGE DR</u> City <u>MEDINA</u> State <u>OH</u> Zip <u>44256</u> Phone <u>330 635 8715</u> Email <u>FREDWOLK@GMAIL.COM</u> Property Owner Name <u>SAME</u> Address _____ City _____ State _____ Zip _____ Phone _____ Email _____
APPLICATION TYPE	Planning Commission Site Plan <input type="checkbox"/> Conditional Zoning Certificate <input type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> Cert. of Appr. (TCOV) <input type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input checked="" type="checkbox"/> Appeal <input type="checkbox"/>
APPLICANT SIGNATURE	By signing this application, I hereby certify that: 1) The information contained in this application is true and accurate to the best of my knowledge; 2) I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record; 3) I assume sole responsibility for correspondence regarding this application; and 4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application. Signature <u></u> Date <u>9/5/23</u>
OFFICIAL USE	Zoning District <u>R-1</u> Fee (See Fee Sheet) \$ <u>200</u> Meeting Date <u>10-12-23</u> Check Box when Fee Paid <input checked="" type="checkbox"/>

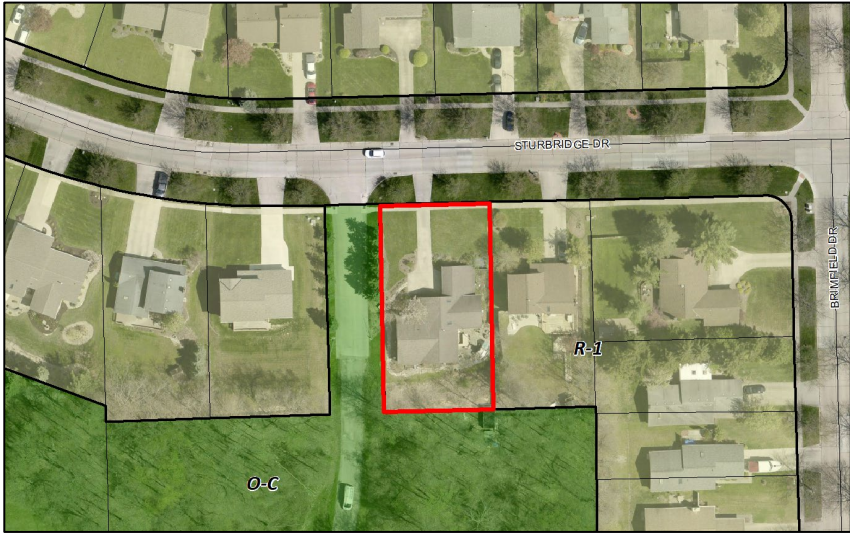
Z23-18
Accessory Structure Rear Setback

Property Owner: Fred and Constance Wolk
Applicant: Fred Wolk
Location: 410 Sturbridge Drive
Zoning: R-1 (Low Density Residential)
Request: Area Variance Section 1113.05(l)(2)(A.)(3.) to allow an accessory structure within the rear yard setback

LOCATION AND SURROUNDING USES

The subject site is composed of 0.28 acres located on the south side of Sturbridge Drive. Adjacent properties contain the following uses and zoning:

- North – Single-Family Residential (R-1)
- East – Single-Family Residential (R-1)
- South – Ken Cleveland Park (O-C)
- West – Ken Cleveland Park (O-C)



PROPOSED APPLICATION

The applicant is proposing to allow a recently constructed 200 sq. ft. (10 ft. x 20 ft.) shed on the south side of the property. The proposal includes the removal of an existing shed, which is located on city park property to the south.

SETBACK REGULATIONS (SECTION 1113.05(l)(2)(A.)(3.))

Section 1113.05(l)(2)(A.)(3.) includes regulations for accessory buildings and structures. The section states that detached accessory buildings shall be built no closer than 5 ft. from rear property lines.

The proposed accessory building is located adjacent to the rear property line, which does not comply with the required setback.

PARKS DIRECTOR COMMENTS

As shown in the submitted documents, a shed was previously constructed on city park property. The City Parks Director has requested that if the variance is approved, it is contingent on the applicant removing the shed and all other items from the city park property.

As the subject proposed 200 sq. ft. shed on the applicant's property is located adjacent to the property line, no other structures or items may remain to the south of the subject shed.

STANDARDS FOR VARIANCES AND APPEALS (SECTION 1107.08(i))

Factors applicable to area or size-type variances ("practical difficulty"). 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 a practical difficulty exists and an area or size-type 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;
- B. Whether the variance is substantial;
- 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;
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

APPLICANT'S RESPONSES TO STANDARDS FOR VARIANCES AND APPEALS

The applicant has indicated the following regarding the Standards for Variances and Appeals:

- The variance is not substantial as the location of the property line is not perceptible due to the adjacent wooded parkland.
- The essential character of the neighborhood will not be altered and the proposal does not obstruct any neighbor's access or enjoyment of a city park.
- The situation cannot be obviated through another method as compliance with the setback requirement would place the structure on a steep slope
- The spirit and intent of the zoning requirement will be observed as the structure does not encroach on or affect neighboring residential properties.

Fred Wolk
410 Sturbridge Drive
Zoning Variance Application
Factors for evaluation

A. Will the property yield a reasonable return or beneficial use without a variance?

The property is residential and has no commercial relationship to yielding a return as revenue. However, the building and associated improvements will improve the neighborhood and increase property value. Placement of the building in the available open space is the most beneficial use of the residential property.

Project Description:

The building is by design a potting shed with an attached greenhouse. The building will be used as a greenhouse and for storage of gardening supplies and equipment. The building is constructed of finished high grade commercial materials that are consistent with the quality of neighborhood dwellings. The location of the new building is on top of a hill at the rear of the residential parcel. The topography is a steep hill that rises 10 feet over a 10-foot run, creating a 45-degree incline. The top of the hill is flat and allows a firm base for the 20'x10' building. The existing residential property is heavily landscaped, maintained and constantly improved. The area surrounding the new building will be finished with hardscape and plantings to include; a brick walkway from the base of the hill to the storage side of the building, a stacked stone retaining wall to support the brick walkway, stone steps from the base of the hill to greenhouse entrance side of the building, stacked stone retaining walls to support the stone steps and plantings, stacked stone edging at the base of the hill and numerous trees, shrubs, perennials and annuals to fill the open areas and create a living buffer.

The current location of the building abuts undeveloped city parkland that consists of multiple acres of woods that are part of Ken Cleveland Park. The eastern portion of the park has remained undeveloped for more than 38 years. The future of the wooded parkland, as communicated by city employees who have visited the location and discussed the property during our 38-year residency, is the city has no plan to develop the property nor will the property be sold and developed as residential. The wooded parkland adjoins wooded open space that continues 1000 feet south into Montville Township. The wooded parcels are home to wildlife. The rear of the building is at or inside the south property line. The front of the building is at the top of the hill at the beginning of the downward incline. Moving the building forward five feet from the rear property line requires building a cantilever structure to support the front of the building. This places the entrance to the greenhouse five feet above the incline and the storage entrance at the edge of the incline. The sole purpose for creating a five-foot setback at the rear of the building is to comply with existing zoning. There is no observable line of demarcation. The setback will not change the existing open space transition from residential to parkland. The wooded area is not traversed by park visitors nor residents. There are no known complaints from neighbors.

The hard flat surface at the top of the incline accommodates the entire footprint of the building. The property has not been used due to accessibility and size. Placement of the potting shed/greenhouse in the existing open space is the most beneficial use of the property for the homeowner/petitioner.

B. Is the variance substantial?

The variance is not substantial. The distance is minimal and undetectable without the extensive effort to locate and measure the property boundaries. Persons viewing the structure from a distance would not be able to identify the variance without specific guidance, a plot plan, zoning regulations, and measuring equipment. The park entrance drive is traveled daily by numerous pedestrians who reside in the neighborhood and utilize the park. Without exception, their comments have been supportive of the existing landscape and ongoing improvements.

C. Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer detriment the variance?

The variance will allow residential property improvement. The improvement will increase property value, improve the character of the neighborhood, and potentially provide incentive for others to maintain and improve their properties. The variance does not obstruct any neighbor's access, view nor enjoyment of their properties or the city park.

D. Will the variance affect the delivery of governmental services?

The placement of the building will not interfere with governmental services. All water, sewer, natural gas, electric, cable and city services are located or take place at the opposite end of the residential parcel.

E. Did the property owner purchased the property with knowledge of the zoning restrictions?

The property was purchased in 1985. The remaining subdivision lots were being populated by new single-family housing. The property owner purchased the parcel without consideration of existing nor future zoning restrictions. The subdivision is not part of a homeowner association.

The property owner sought guidance from the building vendor concerning the need for a permit. The vendor responded that the building did not require a permit from the City of Medina because the square footage is less than the permit threshold for prefabricated buildings and was not being built onsite. Vendor: Jason Schwaberow, Hartville Outdoor Products, (330) 877-8898. The property owner has relied on vendors to handle permit requirements for three prior fence projects.

F. Can the property owner's predicament feasibly be obviated through some method other than variance?

The alternative to granting the variance creates an undue expense for the property owner no discernable advantage to the neighboring properties. Compliance with the five-foot setback requirement entails moving the building forward over a steep incline. The move requires a crane and extensive infrastructure construction. Movement of the building will diminish access and interfere with the intended use. Compliance with the setback will create an unanticipated expense of more than \$2000.

G. Will the spirit and intent of the zoning requirement be observed, and substantial justice be done by granting the variance?

The perceived intent of the zoning requirement to prevent encroachment on neighboring properties. In a residential neighborhood, when abutting parcels are occupied by inhabited dwellings, the requirement minimizes potential neighbor disputes caused by encroachment and proximity concerns. The boundaries at issue are an occupied residential parcel that abuts a fenced eastside property line, and a south (rear) boundary that abuts wooded parkland. The westside boundary is a park access drive. The building is 16 feet from the eastside boundary. The westside boundary is the city right-of-way that is 46 feet from the building. The southside boundary is open woods. The building sits at, or just inside, the southside boundary. The southside of the building sits where a fence is permitted. Many of the residential parcels abutting the parkland have fences constructed on the same property line. Allowing the building to remain as situated on the parkland boundary does not create adverse conditions for the neighborhood not the city. The location of the building does not create the perception of encroachment to any occupied dwellings. The variance will not be obvious nor distinguishable. The city will maintain full access to the parkland and the property owner will be granted intended use of the residential parcel.

Note: An image log of the property is attached for reference. An existing shed on the eastside of the property will be disassembled and removed.

INVESTIGATIVE IMAGE LOG

Fred Wolk
410 Sturbridge Drive
Variance Application Images

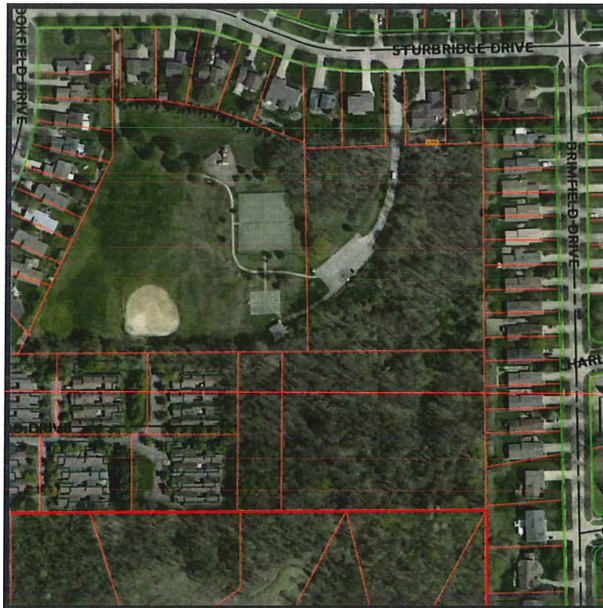
Image #1



Building Location – Orange Rectangle

Image
Description:

Image #2



Neighborhood Overview

Image
Description:

Image #3



View from base of incline

**Image
Description:**

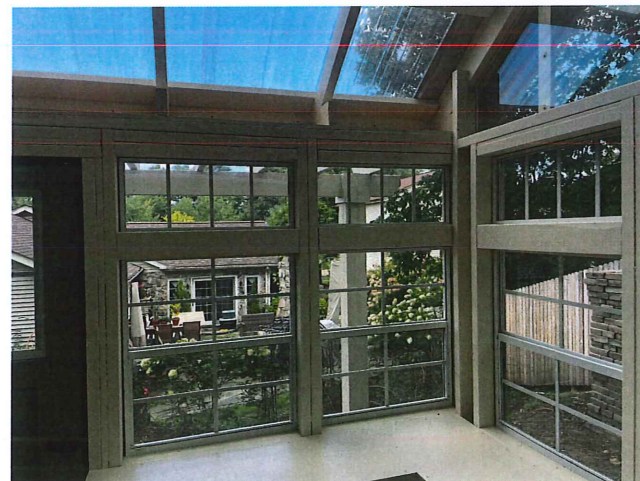
Image #4



View from park drive

**Image
Description:**

Image #5



View from Greenhouse

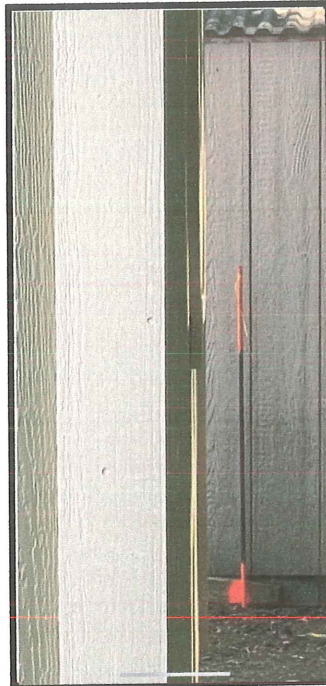
Image #3



Shed #1 – Relationship to south property line – Orange paint and post

Image Description:

Image #4



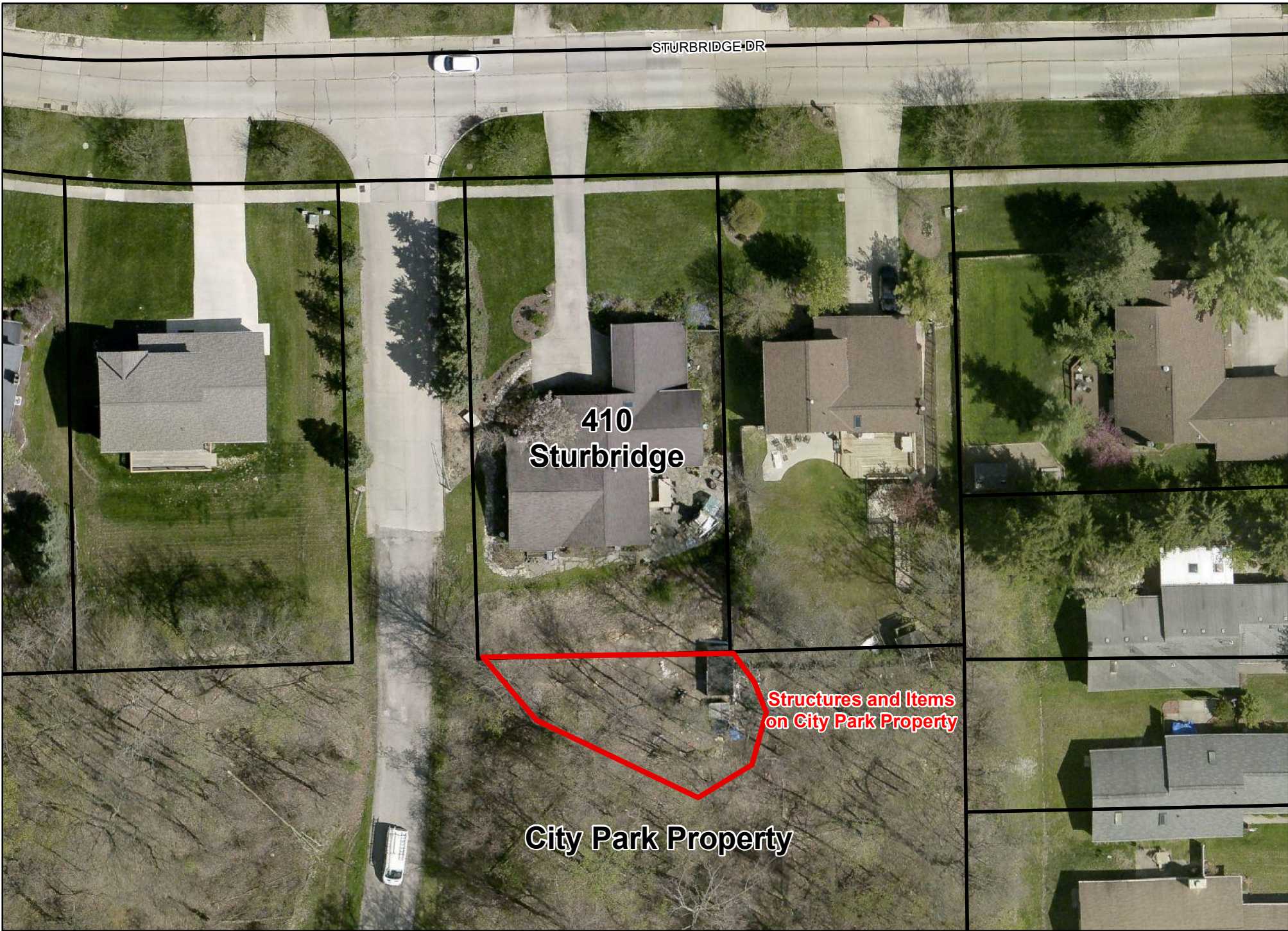
Closeup image of south property line

Image Description:

Image #5



Shed #1 - Relationship to south property line – Yellow line



STURBRIDGE DR

410
Sturbridge

Structures and Items
on City Park Property

City Park Property



0 20 40 60 80 Feet