


MEETING DATE: 4-8-21

BOARD OF ZONING APPEALS

**Z21-05
990 Ty Drive**



CITY of MEDINA
Board of Zoning Appeals
April 8, 2021

Case No: Z21-05
Address: 990 Ty Drive
Applicant: Wesley Claypool
Subject: A variance from Section 1113.05(1)(2)A.2 of the Planning & Zoning Code to permit a pool partially in the front yard setback 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 northeast corner of Ty Dive and Partridge Circle.

Project Introduction:

The applicant requests installing a pool partially within the minimum required front yard setback along the Partridge Circle side of the subject property within the full fenced portion of the property.

Please find attached to this report:

1. Aerial photograph of the site
2. Applicant's narrative and proposed received March 15, 2021

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 pool 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 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 pool would be setback at least 24 feet from the southerly property line along the Partridge Cir. frontage and located fully within the portion of the yard enclosed by a full 6 foot tall solid fence.

- B. *Whether the variance is substantial;*

The 24 foot setback variance is 40% of the minimum required 40 foot setback, but the pool will not be readily visible from outside the property as it is located within the fully fence enclosed yard.

- 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 the subject pool would be located within the enclosed yard and visually obscured by a compliant 6 foot tall solid fence.

- 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;*

It is unknown whether the owner had knowledge of the restriction when they purchased the property.

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

The pool could be moved about 16 feet further north in the yard and comply.

- 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 Partridge Cir. side of the subject property is more accurately considered the corner side yard, but is required to maintain the minimum 40 foot front yard setback.

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.

OAKBROOKE DR

TYDR

Subject Site

Approx.
Pool
Location

PARTRIDGE CIR

Z21-05
990 Ty Dr.
Pool Location Variance
April 8, 2021

1 inch = 50 feet





CITY of MEDINA
Planning and Zoning Department
 Ph(330) 722-0397 Fax (330) 350-1011
 www.medinaoh.org

Board of Zoning Appeals
Area/Size (practical difficulties) worksheet

Case No. _____
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 Applicant: Wes & Tricia Claypool

A. The property in question [will/ will not] yield a reasonable return and there [can/cannot] be any beneficial use of the property without the variance because

B. The variance is (substantial) [substantial/insubstantial] because
we need to avoid a main gas line that runs to the street; we need to stay 4ft. away from patio for drainage

C. The essential character of the neighborhood [would would not] be substantially altered and the adjoining properties [would would not] suffer substantial detriment as a result of the variance because
the yard is currently fenced in with a 6 ft. privacy fence

D. The variance [would would not] adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

E. The property owner purchased the property [with without] knowledge of the zoning restrictions;

F. The property owner's predicament feasibly [can can not] be obviated through some method other than a variance because of a main gas line & patio placement

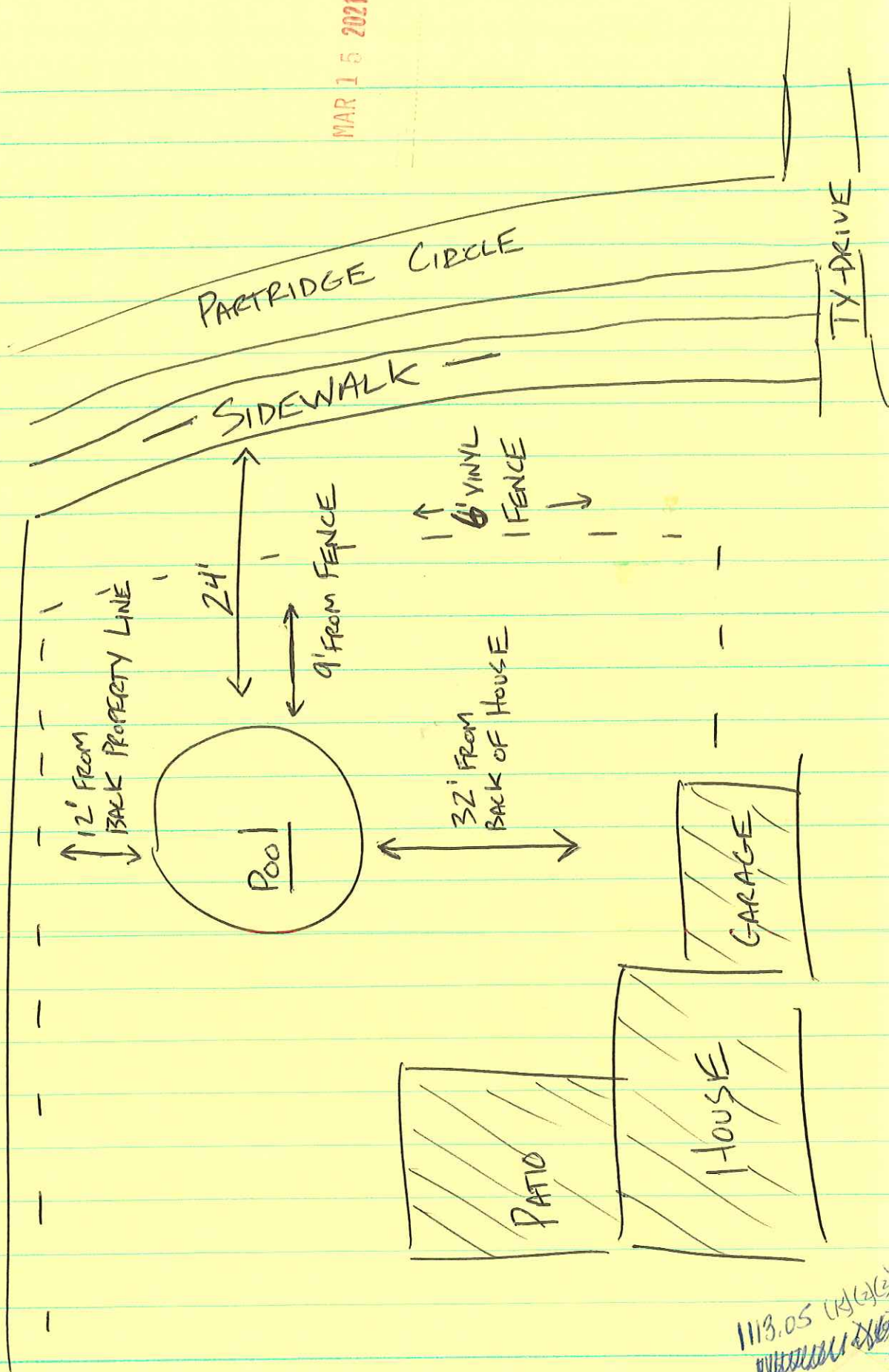
G. The spirit and intent behind the zoning requirement [would would not] be observed and substantial justice done by granting a variance because
the pool will be inside of a fenced-in yard, which is 15 ft. from property line as required, & to avoid main gas line & far enough from patio for drainage

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

MAR 15 2021

990 TY DRIVE
MEDINA, OH.
44256

MAR 15 2021



1113.05 (1)(2)(3)
[Signature]