




CITY of MEDINA
Board of Zoning Appeals
July 8, 2021 Meeting

Case No: Z21-14
Address: 420 Charleton Drive
Applicant: Holly Phillips
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 southeast corner of Charleton Drive and Brimfield Drive.

Project Introduction:

The applicant requests installing a pool partially within the front yard setback along the Brimfield Dr. side of the subject property within the full fenced portion of the property.

Please find attached to this report:

1. Aerial and site photos
2. Applicant's narrative and proposed received June 17, 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;*

A pool can be located on this property and likely comply.

- B. *Whether the variance is substantial;*

The proposed pool is technically located 100% within the existing front yard setback, but the pool should not be readily visible from outside the property as it is located within the 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 fence 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 to the rear yard, which is the area directly south of the existing house and likely 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 to maintain a standard aesthetic of principal buildings along street frontage when the intended or actual consistent character is primarily principal building front facades. The Brimfield Dr. side of the subject property is more accurately considered the corner side yard, but is required to maintain the a consistent 'open' front yard setback aesthetic.

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.



CHARLETON DR

Pool approx. location

Subject Site

BRIMFIELD DR

Existing 6 foot fence

CAMBRIDGE DR

Z21-14
420 Charleton Dr.
Pool Location variance
July 8, 2021



1 inch = 40 feet





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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.

Address:

420 Charlton

Applicant:

Holly Phillips

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/insubstantial] because

Because pool will only fit in area proposed area, due to existing grades, drainage, and shed.

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

if pool was located behind house it would affect drainage from neighbor. The existing fence is 6' high and can not see pool thru it.

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;

Thought would be able to place pool anywhere inside fence.

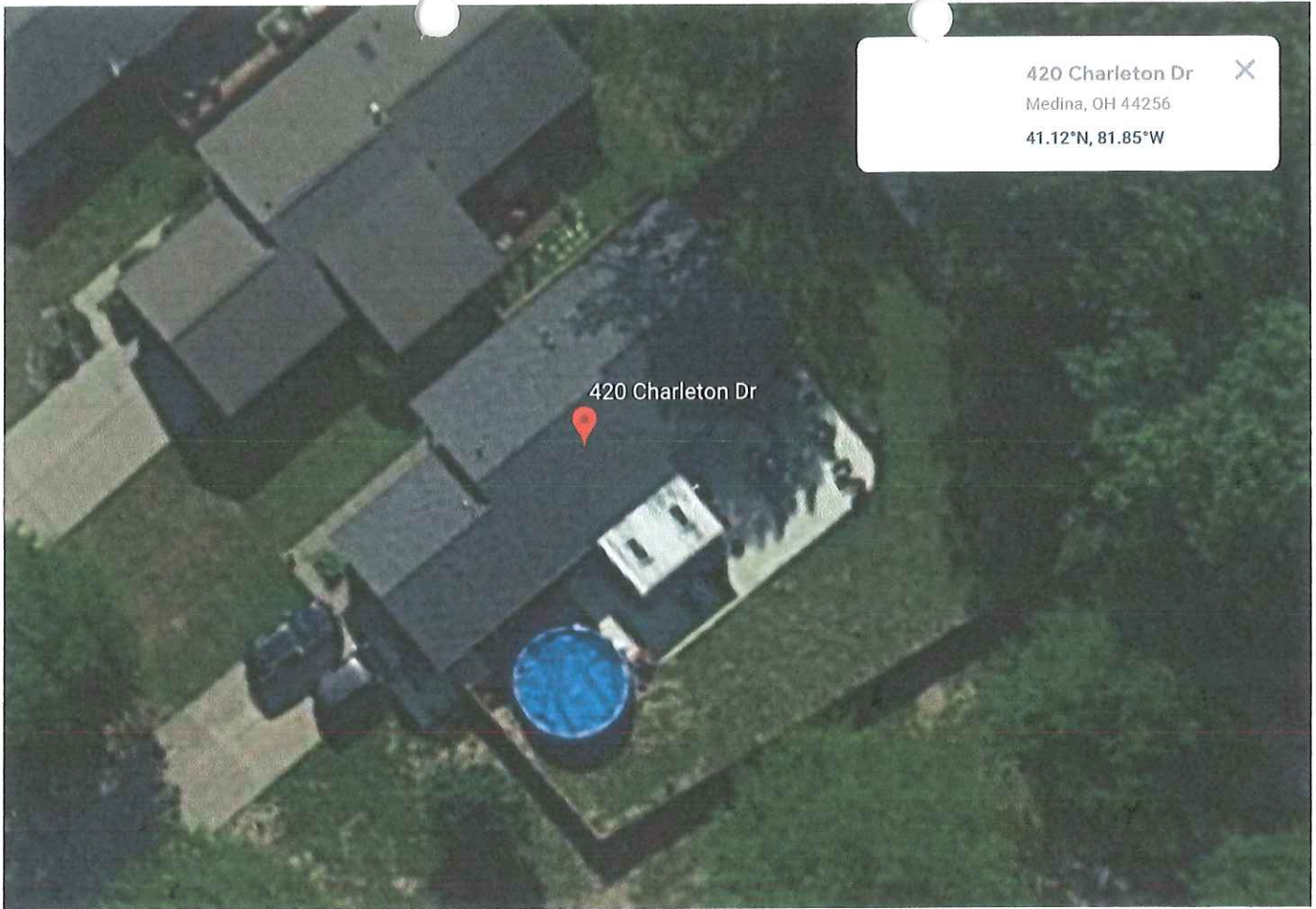
F. The property owner's predicament feasibly [can/can not] be obviated through some method other than a variance because

G. The spirit and intent behind the zoning requirement [would/would not] be observed and substantial justice done by granting a variance because

we would love to add a pool to our property & we have a fence to not interfere with neighbors

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

n/a



420 Charleton Dr ✕
Medina, OH 44256
41.12°N, 81.85°W

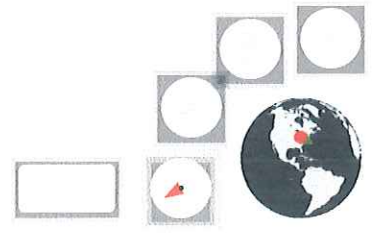
420 Charleton Dr

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BY:



100%



10 m Camera: 407 m 41°07'07"N 81°51'14"W 346 m

Map

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BY: [Redacted]



15 foot pool

