



BOARDS & COMMISSIONS APPLICATION

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

Application Number **Z24-22**

GENERAL	Date of Application <u>6/25/2024</u> Property Location <u>248 South Harmony St, Medina, OH 44256</u> Description of Project <u>Storage Shed location to be considered front yard on corner lot.</u> <hr/> <hr/>
CONTACT INFORMATION	Applicant Name <u>Louis Schubert</u> Address <u>248 South Harmony St</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>330-321-7117</u> Email <u>jeb.julie@gmail.com</u> Property Owner Name <u>Louis Schubert</u> Address <u>248 South Harmony St</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>330-321-7117</u> Email <u>jeb.julie@gmail.com</u>
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	<i>By signing this application, I hereby certify that:</i> 1) <i>The information contained in this application is true and accurate to the best of my knowledge;</i> 2) <i>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;</i> 3) <i>I assume sole responsibility for correspondence regarding this application; and</i> 4) <i>I am aware that all application requirements must be submitted prior to the formal acceptance of my application.</i> Signature <u></u> Date <u>6/25/2024</u>
OFFICIAL USE	Zoning District <u>R-2</u> Fee (See Fee Sheet) \$ <u>200</u> Meeting Date <u>7/11/24</u> Check Box when Fee Paid <input type="checkbox"/>

Z24-22
South Harmony Street Shed

Property Owner: Louis and Julie Schubert
 Applicant: Louis Schubert
 Location: 248 South Harmony Street
 Zoning: R-2 (Medium Density Residential)
 Request: Area Variance to Section 1113.05(l)(2)(A.)(2.) to allow an accessory building in the front yard

LOCATION AND SURROUNDING USES

The subject site is composed of three properties encompassing 1.42 acres located on the northeast corner of East Smith Road and South Harmony Street. Adjacent properties contain the following uses and zoning:

- North – Single-Family Residential (R-2)
- East – Office (R-2)
- South – Single-Family Residential (R-2)
- West – Single-Family Residential (R-3)



BACKGROUND & PROPOSED APPLICATION

The existing site includes a two-story 1,982 sq. ft. single-family home built in 1923 and a 2,423 sq. ft. detached garage. In 2021, the location of an in-law suite in the detached garage was approved by the Planning Commission. In 2024, the applicant received Planning Commission and variance approval for 1,188 sq. ft. of additions on the north and east sides of the property and a wrap-around covered porch. The project included a breezeway connecting the home to the garage.

The applicant is currently requesting to install a 168 sq. ft. (12 ft. x 14 ft.) shed in the southeast portion of the site. The proposed shed will be located 55 ft. from the East Smith Road right-of-way and 15 ft. from the east property line.

ACCESSORY BUILDING LOCATION (SECTION 1113.05(I)(2)(A.)(2.))

Section 1113.05(I)(2)(A.)(2.) requires that accessory buildings must be located in the rear yard.

As the property is a corner lot, there are two options for determining the rear yard: To the east of the principal structure or north of the principal structure. As the home and garage will be attached, creating one large principal structure, the rear yard is limited in either option.

The corner lot has front yards adjacent to South Harmony Street and East Smith Road. The proposed accessory building is located in the front yard between the home and East Smith Road.

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's responses to the Standards for Variances and Appeals include but are not limited to the following:

- The variance is not substantial as the shed has the same aesthetics as the home, the property is large, and the shed will be 55 ft. from the right-of-way.
- The essential character of the neighborhood will not be altered as there will be space from adjacent lots and trees and fencing will provide a visual buffer.
- The predicament could not be obviated through another method as the permitted rear yard is not preferred and is obstructed by trees.

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;
The placement of the shed on the "front" side yard would be more easily accessible due to the driveway location and not using up green space to the north side.

B. Whether the variance is substantial;
With it being a corner lot, the variance does not seem substantial as we think the style of the storage shed will blend well with the aesthetic and look for the home. Given the size of the property, there will still be ample room to the "front" side (over 50 feet) and well within other parameters.

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;
We do not believe so as there is still ample space from neighboring lots and the aesthetic of the building is pleasing and in keeping with the style of the home. Trees and fencing will assist in minimal visibility from "front" side.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
There would not be disruption to these services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
We were not knowledgeable of this restriction as we considered the "front" to be the Harmony side at the time. We continue to try and make improvements to the home and property and have been through other variance procedures in the past.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
Yes. We could move to the "backyard", however, we believe the overall use and functionality would fit better in our preferred location and maintain the "backyard" to the north as green space/ avoid possible tree removal for placement.

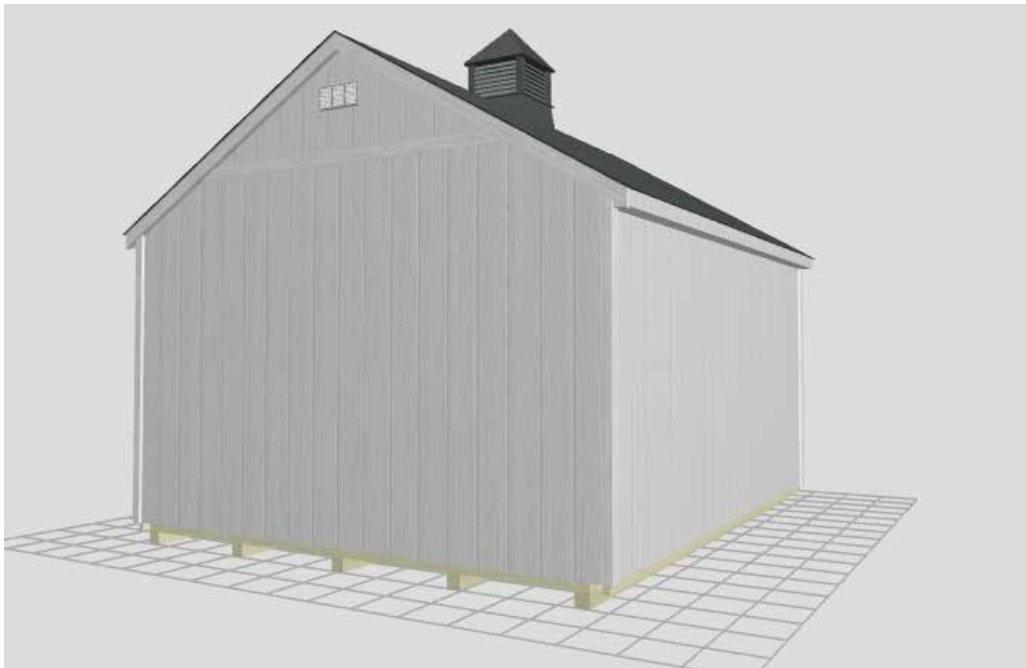
G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
Yes. We believe that this location would keep with the spirit and intent of the board as we believe this will blend well with the preferred location.

Looking Northwest from E. Smith Rd.



Looking Northwest from E. Smith Rd.





- LEGEND**
- COO CURVE DATA
 - EXISTING FIRE HYDRANT
 - EXISTING VALVE
 - EXISTING MANHOLE
 - EXISTING BOX INLET
 - EXISTING CURB INLET
 - EXISTING LIGHT POLE
 - EXISTING POWER POLE
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 - G EXISTING GAS LINE

- PLOT PLAN NOTES:**
1. THIS PLAN SHALL NOT BE CONSIDERED A BOUNDARY SURVEY OF THE PARCEL SHOWN.
 2. LATERAL INVERT ELEVATIONS AND LOCATIONS ARE APPROXIMATE. CONTRACTOR TO FIELD VERIFY ACTUAL LATERAL INVERT ELEVATION AND LOCATION PRIOR TO CONSTRUCTION.
 3. CONTRACTOR TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES ON THE LOT PRIOR TO THE EXCAVATION OF THE FOUNDATION.
 4. EXISTING UNDERGROUND UTILITIES AND PAVEMENT ARE SHOWN PER SURVEY DATED MARCH 2024 AND IMPROVEMENT PLANS.
 5. EXISTING CONTOURS SHOWN ARE REPRESENTATIVE OF FIELD WORK DATED MARCH 2024.
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 7. FOUNDATION DRAIN SUMP PUMP IS REQUIRED UNLESS HOMEOWNER DETERMINES OTHERWISE DURING CONSTRUCTION.
 8. 2% SLOPE FOR SWALES IS PREFERRED, 1% MINIMUM.
 9. MOWABLE AREAS OF THE YARD ARE NOT TO EXCEED 3:1 SLOPE UNLESS OTHERWISE SHOWN ON PLAN.
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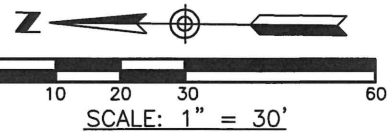
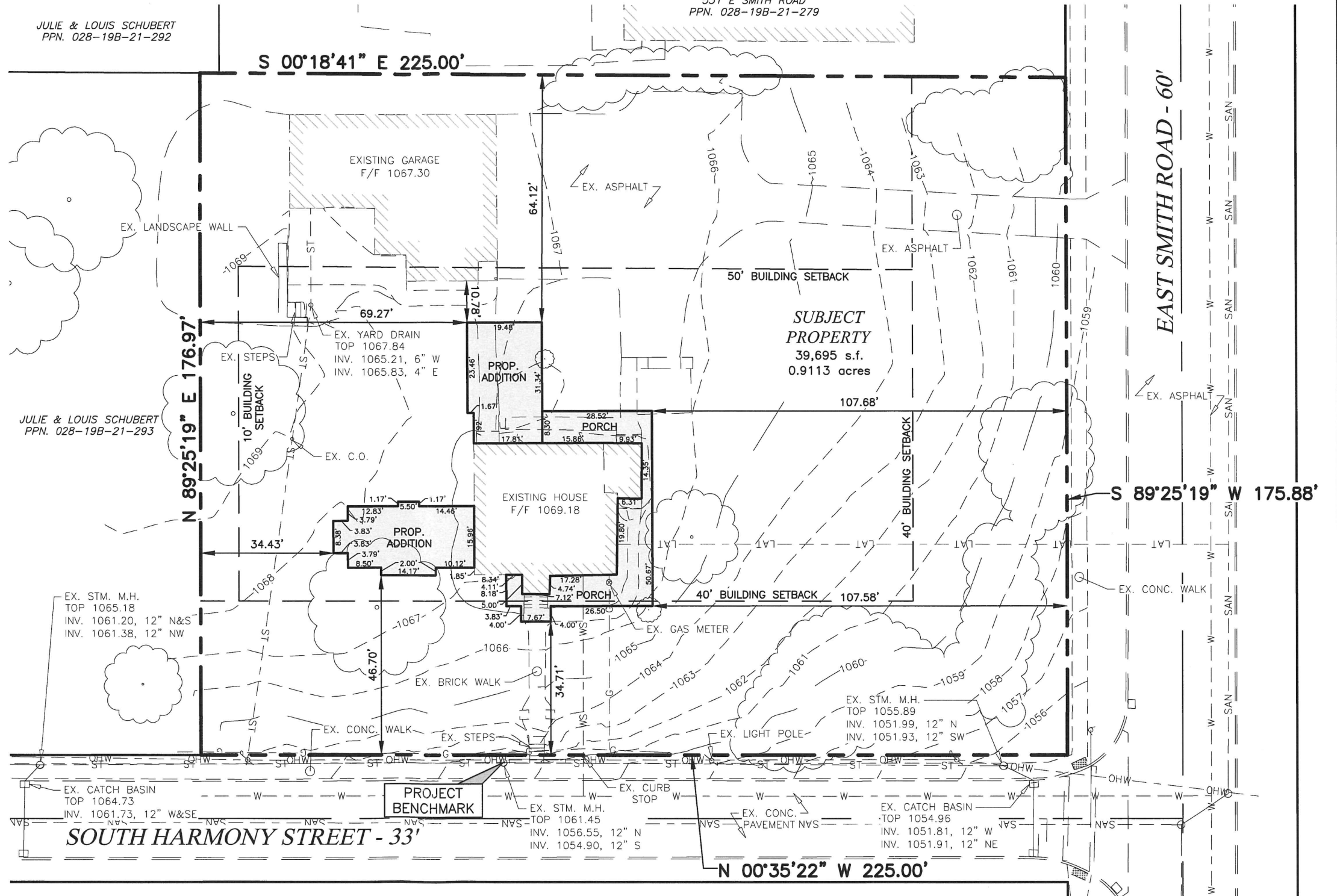
BUILDER:
 OLD WORLD CUSTOM HOMES, LLC
 7054 MEARS GATE DR. NW
 NORTH CANTON, OHIO 44720
 ANDREW EGGEMAN
 330-494-0228



REVISIONS:

RUGGIERO PROPERTIES LLC
 531 E SMITH ROAD
 PPN. 028-19B-21-279

JULIE & LOUIS SCHUBERT
 PPN. 028-19B-21-292



248 S HARMONY STREET
 PPN. 028-19B-21-294

LOT BENCHMARK:
 C.L. RIM OF STORM MANHOLE LOCATED AS SHOWN ON PLOT PLAN.
 ELEV. 1161.45

PRELIMINARY PLOT PLAN PREPARED FOR
 OLD WORLD CUSTOM HOMES
 SITUATED IN THE CITY OF MEDINA
 COUNTY OF MEDINA, STATE OF OHIO

PREPARED BY:
GBC DESIGN, INC.
 565 White Pond Dr. Akron, OH 44320-1123
 Phone 330-836-0228 Fax 330-836-5782
 DATE: 4/3/2024
 DRAWN BY: BAW
 PROJECT No. 57031A

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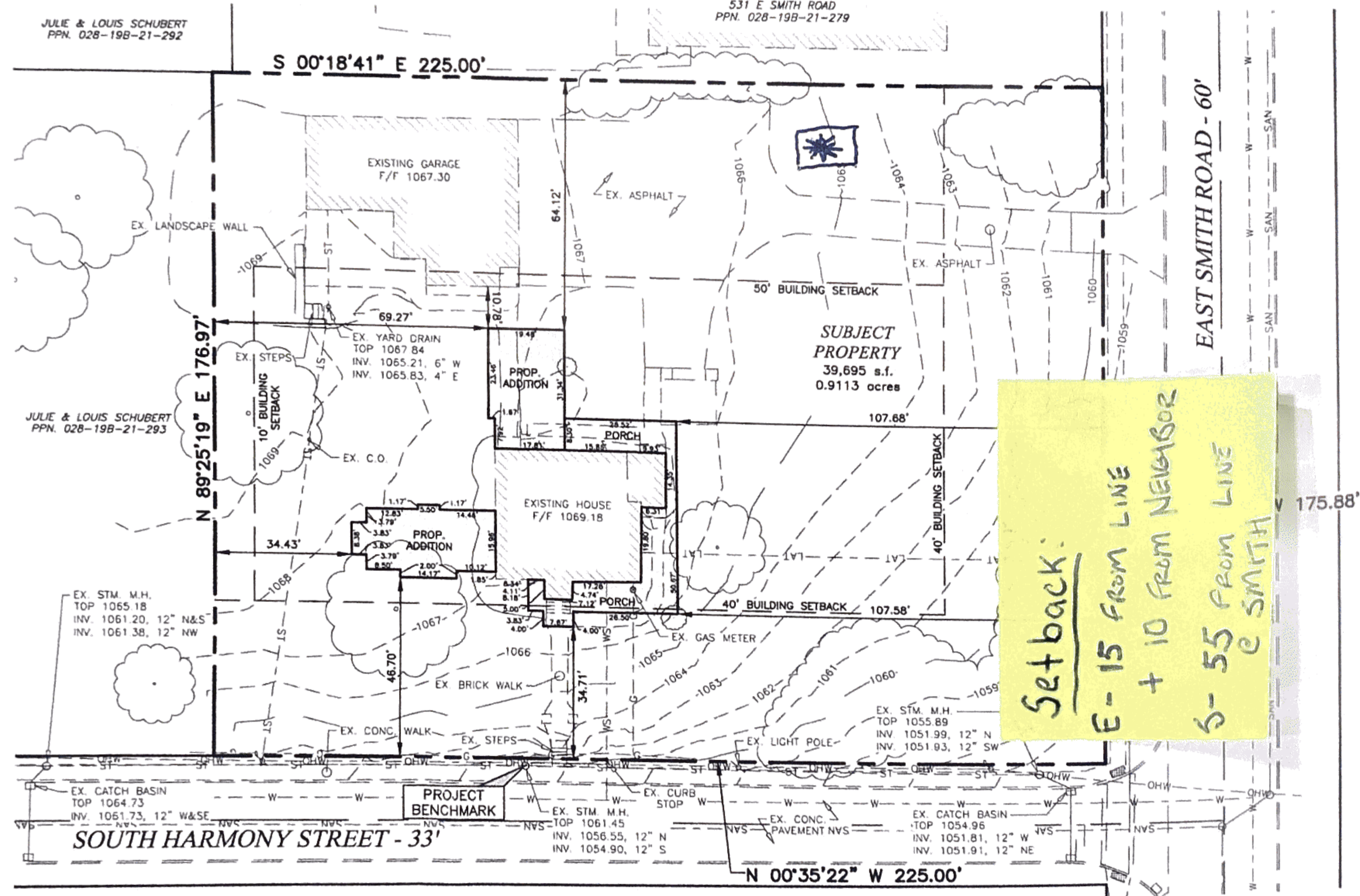
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Setback:
 E - 15 FROM LINE
 + 10 FROM NEIGHBOR
 S - 55 FROM LINE
 @ SMITH

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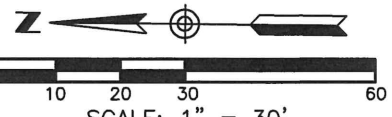
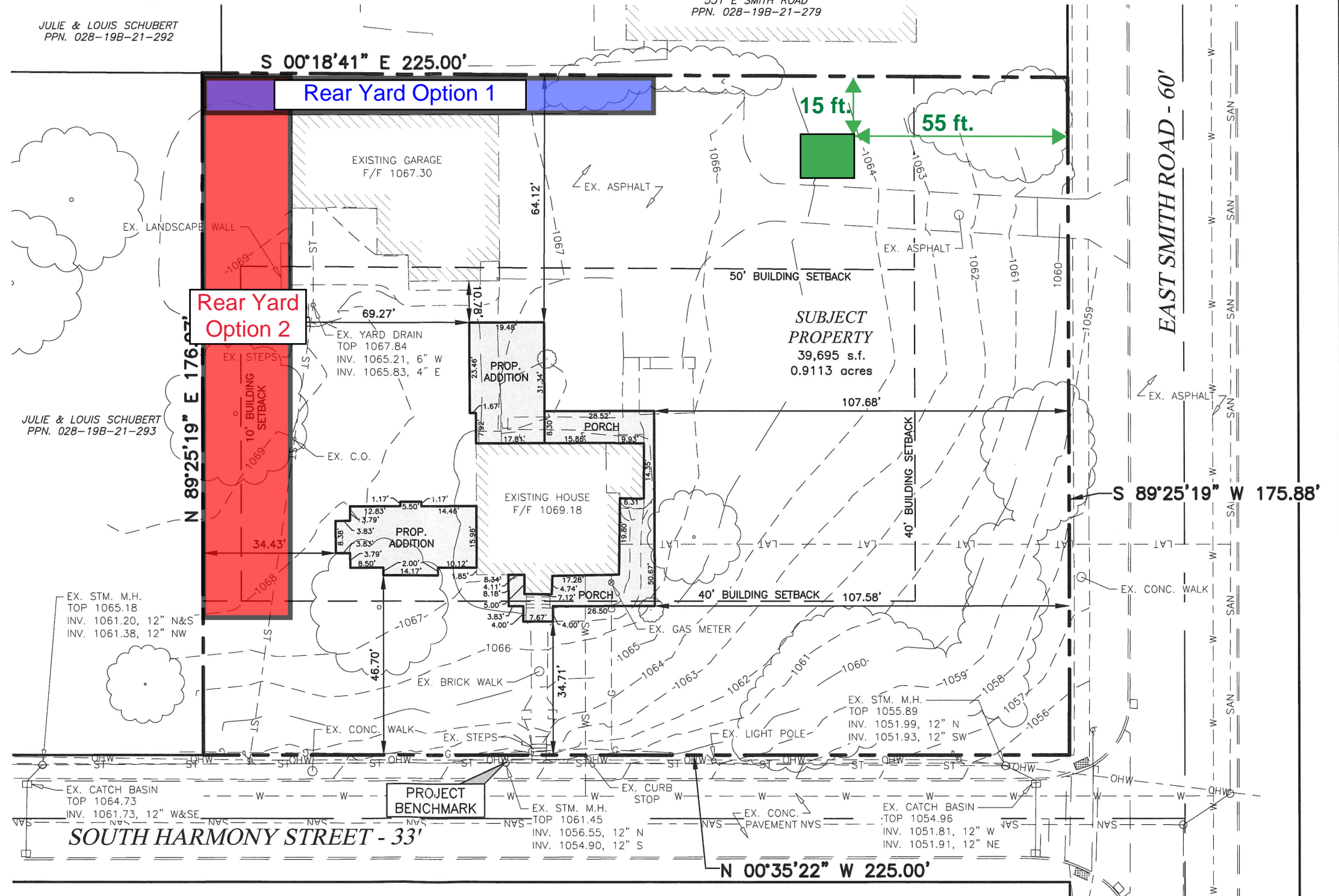
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 Phone 330-836-0228 Fax 330-836-5782
 DATE: 4/3/2024
 DRAWN BY: BAW
 PROJECT No. 57031A

Recently Approved Additions & Porch



FRONT ELEVATION

SCALE: 1/8" = 1'-0"

(Facing East Smith Street - South)



REAR ELEVATION

SCALE: 1/8" = 1'-0"

(Facing North)

The Schubert Residence

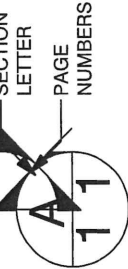
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DRAWN BY:
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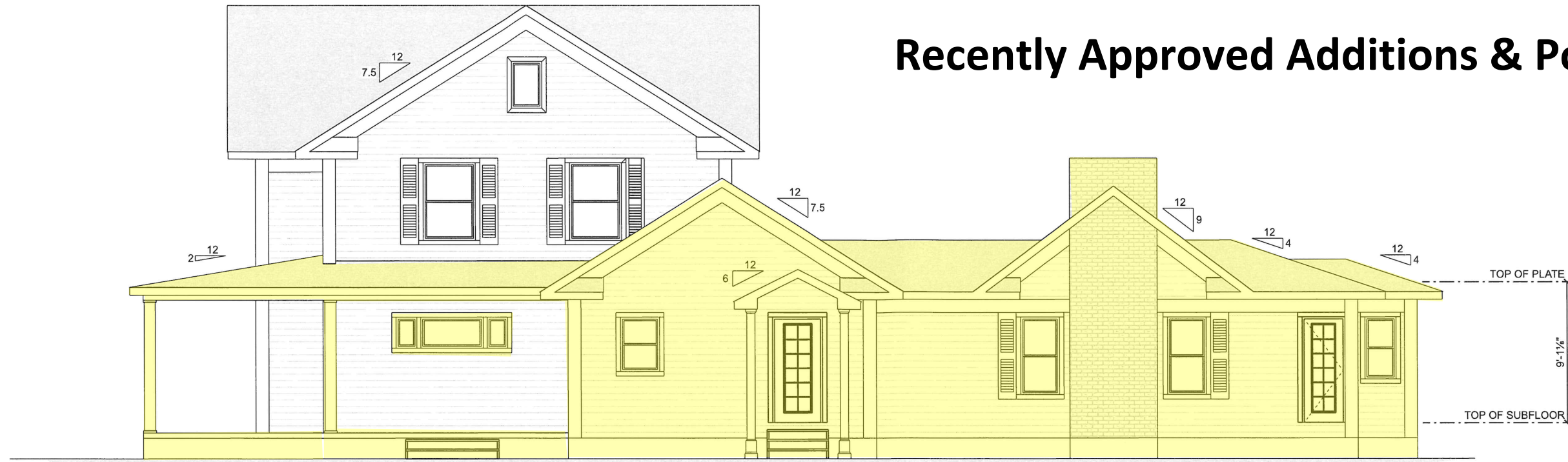
DATE: 3/20/2024

FRONT & REAR ELEVATION



Old World Custom Renovations
330.494.0228
www.oldworldclassics.com
7056 Mears Gate Dr. NW
North Canton, OH 44720

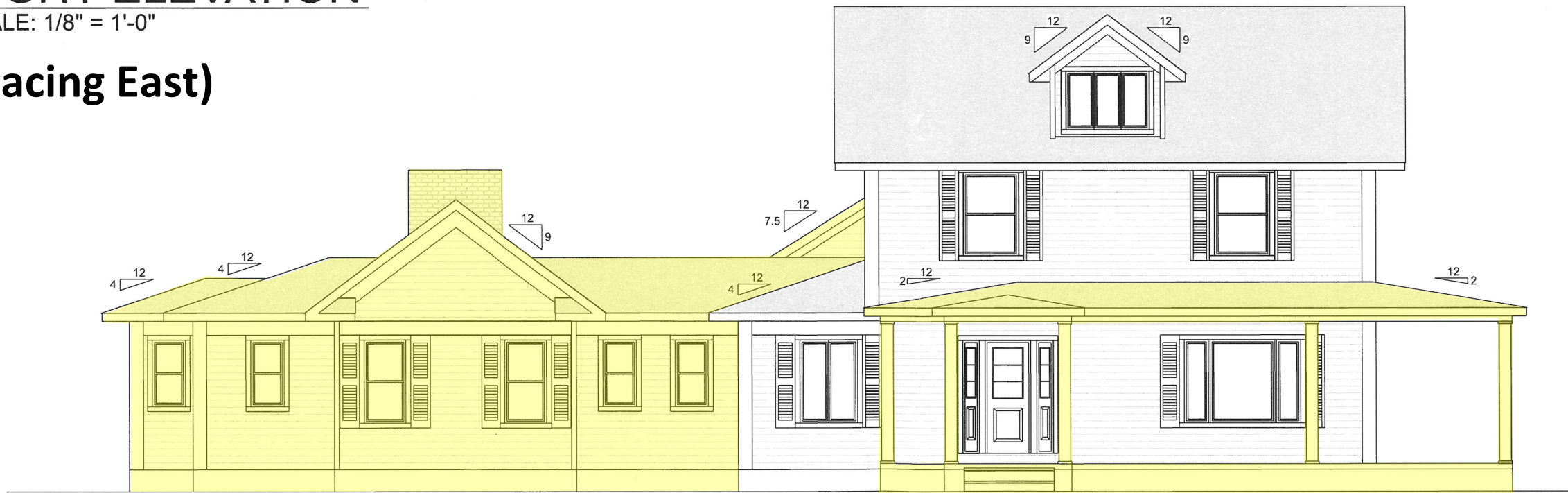
Recently Approved Additions & Porch



RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

(Facing East)



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

(Facing South Harmony Street - West)

The Schubert Residence

OH

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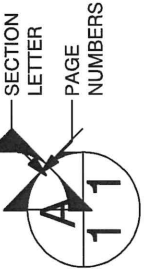
2

SIDE ELEVATIONS

DRAWN BY:

SCALE: 1/8" = 1'-0"

DATE: 3/20/2024



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