



AGENDA

Regularly Scheduled Hearing | December 19, 2023 | 7:00 p.m. | 555 Frost Rd. Streetsboro, Ohio 44241

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Disposition of Minutes:

January 17, 2023; February 21, 2023; March 21, 2023; June 20, 2023; July 18, 2023; August 15, 2023, November 21, 2023

V. Old Business:

- A. Application #VRA23-12 University Hospital Urgent Care 9449 St. Rt. 14
- A one (1) sign variance from §1159.14(b) to permit the installation of a third wall sign, where a previously granted variance permits 2 wall signs.
 - An 8-inch variance from §1159.05(a) to permit a sign to be setback 2' 4" from the edge of the wall, where code allows for at least 3' setback.

VI. New Business:

- A. Application #VRA23-18 Shed 262 Victorridge Dr.
- A variance from §1151.21(e) to allow for the placement of a detached accessory building in the side yard, where Code permits detached accessory buildings in the rear yard only.

VII. Citizens' Comments

VIII. Board Member Comments:

The next regularly scheduled Board of Zoning and Building Appeals meeting will be held on Tuesday, January 16, 2023 at 7 p.m. in the Council Chambers at City Hall, 555 Frost Rd.

IX. Adjournment

STREETSBORO BOARD OF ZONING AND BUILDING APPEALS

MINUTES

January 17, 2023

Note: These minutes were composed by extracting pertinent information and key points of testimony from an audio recording of the meeting. Detailed information and verbatim statements may be heard and transcribed from the audio recording of this meeting.

CALL TO ORDER: Mayor Broska called the January 17, 2023 organizational meeting and regularly scheduled hearing of the Board of Zoning and Building Appeals to order at 7:01 p.m. in City Council Chambers at 555 Frost Rd. Streetsboro, Ohio 44241.

PLEDGE OF ALLEGIANCE

ROLL CALL: Six board members were present including: Matt Bross, Todd Cooper, Walter Kancyan, Doug Liebler, Anthony Madden, and Marvin Woods. One board member absent: Aaron Hatzo.

Also present: Mayor Glenn Broska, Planning and Zoning Director John H. Cieszkowski Jr., Assistant Planner Jimmy Hoppel, Law Director Paul A. Janis, and Clerk Angella Fausset.

NOMINATION AND ELECTION OF A CHAIRPERSON

Mayor Broska requests nominations for chairperson. Mr. Madden nominates Matt Bross for Chairperson. Mr. Woods seconds the motion. There were no other nominations, and the nomination carried by voice vote unanimously. Matt Bross was elected as the chairperson of the Board and Zoning and Building Appeals for 2023. Mayor Broska turns the meeting over to Chairperson Bross.

NOMINATION AND ELECTION OF A VICE CHAIRPERSON

Mr. Bross requests nominations for vice-chairperson. Mr. Liebler nominates Anthony Madden for vice-chairperson. Mr. Cooper seconds the motion. There were no other nominations, and the nomination carried by voice vote unanimously. Anthony Madden was elected as the vice-chairperson of the Board and Zoning and Building Appeals for 2023.

ADOPT 2023 BOARD OF ZONING AND BUILDING APPEALS RULES AND REGULATIONS

There were no amendments made to the 2022 Board of Zoning and Building Appeals Rules and Regulations. Mr. Kancyan made a motion to adopt the 2023 Board of Zoning and Building Appeals Rules and Regulations. Motion seconded by Mr. Madden. By voice vote, motion carries unanimously.

Chairman Bross read the rules of how the meeting is to proceed from Article 8.

NEW BUSINESS:

10165 Philipp Pkwy.

Lange Grinding

Application #VRA22-11

Parcel # 35-012-00-001-011

Zoning District: I

Applicant Jim Fleming, on behalf of Lange Grinding and Machining, Inc. is requesting a variance from the applicable sections of §1155.02 to allow for 65 parking spaces, as code requires 127 spaces. Variance is for 62 parking spaces.

The chairman swore in the applicant Jim Fleming 2039 Fairway Boulevard, Hudson, Ohio who then presented the request for a variance. Mr. Fleming started by introducing the individuals involved, highlighting the partnership between Rick Lange, Kirk Mooney, and himself as owners of the business and property. He introduced the next generation, Adam Lange and Steve Fleming, who are poised to take over.

Mr. Fleming explained the pressing need for additional space due to the business's growth over the 34 years of operation. The current facility, originally 30,000 square feet, expanded to 40,000 square feet but is now insufficient. He emphasized the evolving technology in the market, outlining the transition from Blanchard grinding to surface grinding, milling, and recent entry into the machining business. He mentioned the high-priced equipment with specific foundation requirements for accuracy.

The prospect of moving was deemed financially burdensome, with an estimated cost of \$6 million. Mr. Fleming highlighted the challenges of acquiring suitable land and emphasized that the proposed variance aimed to address

parking needs. He acknowledged that they didn't require all the parking spaces stipulated by the code, emphasizing the need for more manufacturing building space to support their growing workload.

Mr. Hoppel, the Assistant Planner, provided a brief summary, noting the 127 code-required parking spaces and Lange Grinding's proposal to reduce it by 62, providing 65 spaces instead. He mentioned the modifications made to ensure truck maneuverability on-site. Staff worked with the applicant, and explored if there could be other options before seeking a variance.

Mayor Broska advocated for more manufacturing space over excessive parking. He shared concerns about losing a business due to a variance denial in the past.

Board members asked about emergency vehicle access, which would be evaluated in the next steps of the process with a Site Plan Amendment Application.

Mr. Madden:

I hereby move on this 17th day of January 2023, that the Streetsboro Board of Zoning and Building Appeals grant: 10165 Philipp Pkwy., Streetsboro, OH 44241 PPN #35-012-00-001-011 a 62-space parking variance from Section 1155.02 to allow for 65 parking spaces, as code requires a minimum of 127 parking spaces. Per the site plans received in application #VRA22-11 on ~~July 25, 2022~~ December 27, 2022 (amended) from the applicant, Jim Fleming, Lange Grinding and Machining, Inc.

Motion seconded by Mr. Cooper.

I'd like to make a motion that understanding that this application was done in December that council will provide us the accurate date for future records. Mr. Bross seconds the motion. By voice vote, motion to amend carries unanimously.

Roll Call Vote:	Mr. Madden	Yes	Mr. Mr. Liebler:	Yes	Mr. Cooper:	Yes
	Mr. Hatzo:	(absent)	Mr. Kancyan:	Yes	Mr. Woods:	Yes
			Mr. Bross:	Yes		

Mr. Madden: I'm voting yes I'm I am still a little concerned with reducing even more parking spaces for snow removal and truck traffic that there will eventually be a problem but trusting you have worked with our city and the departments and everyone is comfortable with doing this I am saying yes although I am a little concerned because if something were to happen in the planning Commission side and any expansion was redirect rejected we've already gone in and given approval for a massive reduction in parking spaces so I'd like to do a contingent on planning saying yes but understanding I can't so I am voting yes but with concern.

Mr. Cooper: I appreciate the applicant's efforts to work with the city to look at other alternatives but seeing there weren't any other available this variance seems to still pretty clearly meet the intent of the code to provide an adequate amount of parking, so I vote yes.

Mr. Liebler: I'm going to vote yes and I'll tell you why. Thinking about the use of this building, industrial warehouse type, to be used as a retail or even if it was owned for that or office space, I don't think that that would be likely even if this happened 30 years down the road. I was going to consider putting in some kind of caveat about it being attached to the building but once they expand the building that wouldn't matter. So, we're stuck with this variance for this property But I think that the business that's been there So it's a value to the city and the risk of something like that is detracting from the value to the city as far outweighed by having that business there? And I believe in working in warehouses before that, you know you'll probably see had about a third of these parking spots filled on your day shift so I believe you have plenty of overflow parking for your specific business and I do believe that even if you guys were to relocate at some point and that was repurposed that that particular type of building would still not have a problem with parking. Thank you for a very good thorough packet.

Mr. Kancyan: I would vote yes. I concur with Mr. Liebler's all his reasons. I can add to that too. I think the owners know as to how to work within their own business constraints and they say they're willing to do that. Nobody knows their business better than them and if I have to cite well one other thing this reminds me when I lived in Michigan used to have you guys are all too young to remember racquetball courts with about a hundred handicapped spots because they had to have you know the I read through this packet that let's just ring these bells and then the other if I need to cite a legitimate reason in

Duncan versus Middlefield I would go to number seven that the parking required the parking code required is not a practical necessary item to this so yes.

Mr. Woods: I vote yes as well. I believe that the company has worked well with the city and also that they tried to find other avenues so they wouldn't have to ask for a variance. I think the variance is very fair and I vote yes.

Mr. Bross: I've rarely seen in my 12 years on this board a real hardship for something, not just a financial one, but as you demonstrated with your machinery and that, and it would just be cost prohibitive in itself for a move and it would be physically arduous to actually make that move as well, so that's one of the things I've been concentrating on. It's also historically it's not often applicant is coming to us because of the code for something a less of something less of course it's a setback for something so this is kind of like a request in reverse so to speak but there nevertheless so by the time you get the votes pretty much always it's been decided I am going to vote yes as well

Yes – 6 No – 0

Motion passed; variance granted.

BOARD MEMBER COMMENTS:

Mr. Madden made a motion to not excuse the absence of Mr. Hatz. Motion seconded by Mr. Liebler. By voice vote, motion carried unanimously.

Announcements: The next regularly scheduled Board of Zoning and Building Appeals meeting will be held on Tuesday, February 21, 2023 at 7 p.m. in the Streetsboro Municipal Building located at 555 Frost Road.

CITIZENS COMMENTS:

Paul Yupa, 8749 Seasons Rd. expressed his opinions on the possibility of eliminating minimum parking requirements and the potential impact on future developments. He expressed agreement with the concept of land banking parking spaces, especially if there's no immediate need for the required spaces and if they can be kept in an unpaved area. However, he raised concerns about the proposal to eliminate minimums and its potential impact on various businesses in the long term and emphasized the importance of considering the types of businesses that could occupy a district and their potential future parking needs. He suggested that eliminating minimums might harm the city's flexibility in accommodating future tenants who may require more parking space. Mr. Yupa proposed exploring the possibility of offsite parking, suggesting that businesses could lease spaces elsewhere and provide transportation if needed, and questioned whether this approach could be a feasible alternative to obtaining a variance, as a variance would stay with the property forever. In response, the mayor expressed support for modifications to parking requirements, acknowledging the efforts of city planners in researching and considering various options. The mayor emphasized the need for a realistic approach to parking regulations, considering the evolving nature of businesses, advancements in technology, and the potential environmental benefits of reducing excess parking. The board members expressed confidence in the city planners' ability to come up with a workable solution that sets the city in modern, sustainable development practices.

ADJOURNMENT: There being no further business before this Board a motion to adjourn was made by Mr. Madden and seconded by Mr. Woods, upon voice vote the meeting was adjourned at 7:48 pm.

Attest:

Angella M. Fausset
Clerk

Matt Bross
Chairperson



December 19, 2023

Application #VRA23-12

University Hospitals Urgent Care 9449 St. Rt. 14

REQUEST FOR:

- A ONE (1) SIGN VARIANCE FROM §1159.14(B) TO PERMIT THE INSTALLATION OF A THIRD WALL SIGN, WHEREAS A PREVIOUSLY GRANTED VARIANCE PERMITS 2 WALL SIGNS.
- AN 8-INCH VARIANCE FROM §1159.05(A) TO PERMIT A SIGN TO BE SETBACK 2' 4" FROM THE EDGE OF THE WALL, WHEREAS CODE ALLOWS AT LEAST A 3-FOOT SETBACK.



November 22nd, 2023

Re: University Hospitals Urgent Care

9449 St Rte 14

Streetsboro, OH 44241

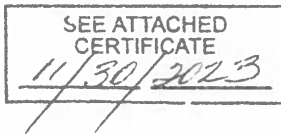
To Whom It May Concern:

Please accept this letter as acknowledgement and agreement that University Hospitals Urgent Care has no intention to propose, pursue or install a sign on the east elevation of their building at the above-mentioned address now or at any point in the future. We are pursuing a variance for sign allowance on the west side of the building for better visibility to patients. If permitted, we do not intend to exceed the total allowed of (2) wall signs. Please consider this letter an agreement that a third sign will not be pursued at any point in the future.

Sincerely

A handwritten signature in cursive script that reads 'Carol Byron'.

Carol Byron, Trustee
The Byron Family Revocable Living Trust
P.O. Box 1837
Covina, CA 91722
626-841-9290



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Los Angeles)

On Nov. 30th 2023 before me, EVELYNE L. VENERABLE (Notary Public),
Date Here Insert Name and Title of the Officer

personally appeared CAROL BYRON
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: UNIVERSITY OF CALIFORNIA
Document Date: Nov 29th 2023 Number of Pages: 1
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

AFFIDAVIT OF VARIANCE REQUEST

I, Carol Byron, Trustee, owner of the property listed below certify that I have granted, Expedite The Diehl, my duly authorized agent(s), permission to obtain the zoning variations at the following address:

9449 State Route 14, Streetsboro Ohio 44241
Address of permit location

I understand that I am authorizing them to represent us for necessary zoning variances for University Hospital Urgent Care. I have also given them permission to request revocation of the previous variance for the east elevation to allow the approval of a variance for the west elevation.

Please accept this as acknowledgement that should it please the board to approve the variance on the west elevation, as property owner I would respectfully withdraw the approval of my variance for the east elevation.

Carol Byron
Signature of Property Owner

12-7-2023
Date

Notary

State of CALIFORNIA

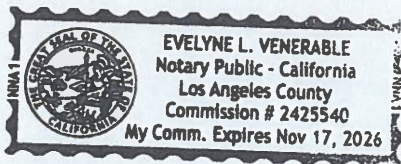
City/ County of LOS ANGELES

I, EVELYNE L. VENERABLE Notary Public in and for the aforesaid State hereby certify that CAROL BYRON appeared before me in the State and City/County aforesaid and executed this affidavit on this 7 day of "2023."

Evelyne L. Venerable
Notary Public

My Commission Expires the 17 day of November, 2026.
Date Month year

Seal



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On Dec 7th 2023 before me, EVELYNE L. VENERABLE (Notary Public), Here Insert Name and Title of the Officer

personally appeared Carol Byron Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature] Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: AFFIDAVIT OF VARIANCE REQUEST
Document Date: 12/07/2023 Number of Pages: 1
Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
[] Corporate Officer -- Title(s):
[] Partner -- [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:

Signer's Name:
[] Corporate Officer -- Title(s):
[] Partner -- [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:



December 19, 2023

Application #VRA23-18

SHED

262 VICTORRIDGE DR.

REQUEST FOR:

- A VARIANCE FROM §1151.21(E) TO ALLOW FOR THE PLACEMENT OF A DETACHED ACCESSORY BUILDING IN THE SIDE YARD, WHERE CODE PERMITS DETACHED ACCESSORY BUILDINGS IN THE REAR YARD ONLY.

November 28, 2023

To whom it may concern:

My name is Erin Spevak and I am the property owner at 262 Victorridge Drive, Streetsboro, Ohio 44241. I am writing to request a variance for our detached accessory building (Streetsboro Codified Ordinance 1151.21). Compliance with the current zoning laws as to where we can place our shed will cause undue hardship on us due to the riparian setback and other issues with the elevation levels of our property. The proposed area that we are asking to place our detached accessory building is necessary for reasonable use of the property and it does not alter the essential character of the neighborhood. We hereby request that the Streetsboro Planning and Zoning Department grant our variance request, per the drawings submitted, and permit a shed in the side yard.

Respectfully submitted,

Erin Spevak

No residential structure shall be erected upon a lot with another dwelling, except that a two-story garage with living quarters upon the second floor may be permitted provided such quarters are occupied by guests or a servant (and his family) employed by the family occupying the main structure.
(Ord. 1989-51, Passed 8-28-89)

1151.19 STRUCTURES CONSTRUCTED NEAR OIL, GAS, BRINE WELLS OR STORAGE TANKS.

Structures, or any parts thereof, shall not be erected, located or constructed closer than 100 feet from existing oil, gas, brine wells or storage tanks. (Ord. 1989-51, Passed 8-28-89)

1151.20 TEMPORARY BUILDINGS.

Temporary buildings for use incidental to construction work may be erected in any of the zone districts herein established, however, such temporary building or buildings shall be removed upon the completion or abandonment of the construction work. Location of temporary structures shall be indicated on site plans submitted to the Planning and Zoning Commission for approval pursuant to Chapter 1152.
(Ord. 1989-51, Passed 8-28-89)

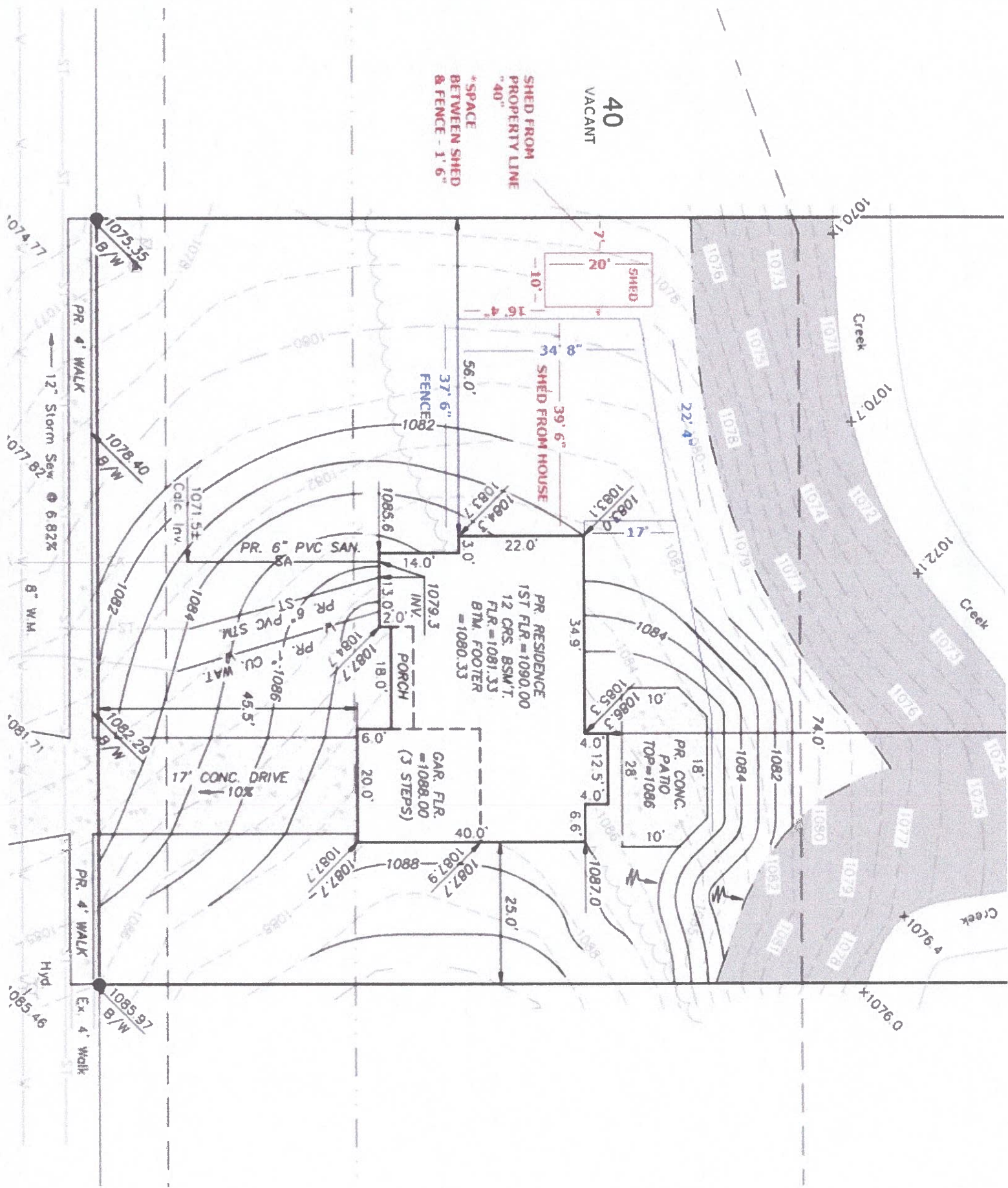
1151.21 DETACHED ACCESSORY BUILDINGS.

An accessory building may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. An accessory building which is attached to the main building shall comply with all the requirements and regulations that are applicable to the principal building.

- (a) In all districts an accessory building detached from the main building shall not be located closer than ten (10) feet from the main building.
 - (b) In the R-1, R-2, R-3 and R-O Districts, an accessory building detached from the main building shall not be located closer than five (5) feet from the side and rear property lines.
 - (c) In the R-R, O-C and F-P Districts, an accessory building detached from the main building shall not be located closer than twelve (12) feet from the side and rear property lines.
 - (d) On a double frontage lot, the accessory building may encroach into whichever is required from yard functions as the side yard, but not beyond the minimum setback line established by the required front yards of the two immediate adjacent lots, as extended across the subject lot.
 - (e) One or more accessory buildings shall not occupy more than ten percent (10%) of a usable building space area required in a rear yard in the R-1, R-2, and R-3 zoning districts. Twenty-five percent (25%) can be used in determining the size for the accessory building in O-C, F-P and R-R zoning districts. "Usable building space" means that area of the rear yard that remains after allowing for the side yard and rear yard requirements and the setback requirements from the main building and any existing accessory or other type buildings in the rear yard, excluding swimming pools.
- (1) The height of such accessory building in the R-1, R-2, R-3 and R-O districts shall not exceed fifteen (15) feet.
 - (2) The height of such accessory building shall not exceed thirty-four (34) feet maximum in R-R, O-C or F-P zoning districts.
 - (3) In all other districts the height of the accessory building shall not exceed the height of the principal building.
- (Ord. 2018-109, Passed 9-10-18)

40
VACANT

SHED FROM
PROPERTY LINE
"40"
*SPACE
BETWEEN SHED
& FENCE - 1'6"





No. **21033**

STORAGE BARNS • POLE BARNS • GARAGES • RE-ROOFS • AND MORE...

330-749-9404
2365 Pearl Road • Medina, OH 44254
 (Closed Sundays)

Date: 7/20/22

Customer Name: Carl & Erin Spevak

Deliver To: Same Klink, Michael@gmail.com

Address: 262 Victor Ridge Drive

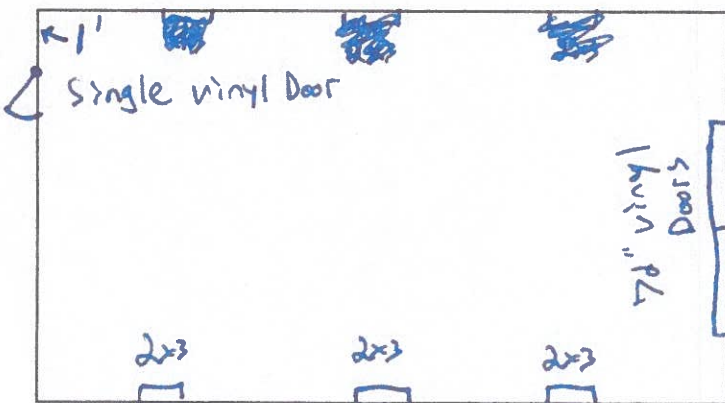
Erin.spevak@gmail.com / Klink@

City, State, Zip: Streetsboro, OH 44241

Phone Number: 234-817-7900

10x20 Deluxe Gable Barn	6006 (2590 side)
- Vinyl Siding (Harvard Slate)	
- 40yr Metal Roof (Black)	216
- 3 - 2x3 windows	270
- Extra Single vinyl door	150
- 1 Piece wood ramp	125
* white wall corners *	
	Sub: 6767
	Tax: 456.77
	Total: 7223.77
	Deposit: 1,000 cash CE
	Balance: 6223.77
** 10% Down Payment is Non-Refundable	

Barn Layout:



Driver Instructions: 234-817-7900
mule delivery

Customer Responsibilities:

- Have a clear Path for access approximately 2' wider than building and 14' high
- Zoning and permitting
- Tracks or ruts left in yard during delivery
- See preparation: making sure all trees, stumps, limbs and other obstacles are removed prior to delivery
- If unable to be at site when building is delivered be sure to mark all 4 corners of where the building is going to be placed
- Anchoring Available

By Signing below you agree to release Yoder Barns LLC from all liabilities due to (but not limited to) fire, storms, flood, loss of contents, failure of electrical systems and personal injuries directly or indirectly related to this structure.

Estimated Delivery Date: 3-4 wks

Signature: Phone Approval - Carl

**CITY OF STREETSBORO
MEMORANDUM**

TO: Board of Zoning and Building and Appeals (BZBA)

FROM: Jimmy Hoppel, AICP;
Assistant Planner

DATE: December 13, 2023

RE: Comments re: 262 Victorrige Drive Road Shed Side Yard Location Variance for
December 19, 2023 Meeting

I offer the following comments for consideration by the BZBA:

Site Address: 262 Virctorridge Drive
PPN#: 35-061-10-00-041-000
Applicant(s): Erin Spevak
Property Owner(s): Erin Spevak

The variance being requested:

The applicant is requesting a variance from Section 1151.21(e) that requires detached accessory structures to be in the rear yard of a property. The request is that the detached accessory building be located in the side yard of the subject property.

Project Summary:

The applicant is requesting a variance to permit a detached accessory building in the side yard of her property, rather than in the rear yard of her property as Code requires. The rear yard of the property has topographical constraints, as the backyard descends towards a stream that has a riparian setback. Staff has coordinated with the applicant and has come to the understanding that any alternative locations that would be code-compliant would be extremely difficult or impractical due to the topography of the property.

The applicant currently has an existing non-compliant shed that is in the side yard and does not meet property setbacks from the side property line. The applicant is relocating the shed to a more code-compliant location, however, still requires a variance. The proposed location would not be in conflict with the side yard setback code-requirement, and is moved further back in the yard so that only a portion of the shed would enter the side yard, while a portion would still be located in the rear yard.

Variance Standards:

In *Duncan v. Middlefield* the Ohio Supreme Court utilized standards for determining if a practical difficulty exists that would justify the granting of an area variance. Find below the *Duncan v. Middlefield* standards as well as standards contained in the City's Zoning Ordinance, in **bold** followed by information provided by staff for the BZBA to consider in weighing the standards and rendering their decision.

1. The property in question (will/will not) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance;

The property exists as a single-family home and could continue the beneficial use as a single-family dwelling without the variance.

2. The variance is (substantial/insubstantial);

The variance is not considered substantial as the proposed location of the detached accessory structure is partially in the rear yard and partially extends into the side yard.

3. The essential character of the neighborhood (would/would not) be substantially altered (and/or) adjoining properties (would/would not) suffer a substantial detriment as a result of the variance;

The essential character of the residential area would not be substantially altered and adjoining properties would not be expected to suffer a substantial detriment as a result of the variance.

4. The variance (would/would not) adversely affect the delivery of governmental services (e.g. water, sewer, garbage, etc.);

This variance would not adversely affect the delivery of governmental services.

5. The applicant purchased the property (with/without) (actual/constructive) knowledge of the applicable zoning restriction;

It is unknown whether the applicant purchased the property with knowledge of the applicable zoning restriction.

6. The applicant's predicament feasibly (can/cannot) be resolved through some method other than a variance;

To build a detached accessory structure of this size, per the information provided by the applicant, it does not appear that there is a practical alternative location that would not need a variance of some type or significant grade and fill work on the site.

7. The spirit and intent behind the Zoning Code (would/would not) be observed and substantial justice (done/not done) by granting the variance;

The spirit and intent of the Code that requires detached accessory structures to be in the rear yard is to help ensure that they are secondary in nature and not having a more prominent position on the lot than the principal structure (the house). In this case the detached accessory structure is partially in the side yard, yet still so that a portion is still in the rear yard.

8. There (are/are not) conditions peculiar to the property which are not characteristic of other nearby properties in the same zoning district;

The condition peculiar to the property is that the rear yard of the property has a ravine that descends to a stream, creating topographical challenges to building in the rear yard.

9. The peculiar conditions are not the result of actions of the applicant.

The peculiar condition is a natural and environmental feature. Riparian and wetland regulations restrict constructability and the ability to grade and fill in a way that would mitigate the natural topography.

10. The peculiar conditions would be encountered by any person who might own the property.

Any person who might own the property would be subject to the fact that the property has previously mentioned environmental and natural features and associated constraints to development.

11. The variance (has/has not) been requested solely to increase property value or provide some other financial benefit.

The variance is being requested to enhance the usability and enjoyment of the residence, and any financial benefit of the addition of the proposed shed would be incidental.

12. The variance is the minimum one necessary to alleviate the difficulty;

From the information provided by the applicant, it appears that in order to locate the proposed detached accessory structure on the property, a side yard variance is necessary to alleviate the difficulty associated with existing rear yard topography.

The BZA should weigh the above standards to determine if a practical difficulty exists that would merit the requested variance.