



AGENDA

Regular Meeting

June 18, 2024 | 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
July 18, 2023; August 15, 2023; November 21, 2023; December 19, 2023; March 19, 2024, May 21, 2024
- V. Old Business
- VI. New Business
 - A. Application #VRA24-4 1107 Shawnee Trl.
A 3'-10" variance from §1151.21(a) and §1151.22, to allow a pool to be located 6'-2" away from the main building, Code requires a minimum of 10 feet.
 - B. Application #VRA24-5 352 Jade Blvd.
A variance from §1125.21(e) to allow for the placement of a detached accessory building in the side yard, Code allows 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, July 16, 2024 at 7 p.m. in City Council Chambers, 555 Frost Rd., Streetsboro, Ohio.
- IX. Adjourn

STREETSBORO BOARD OF ZONING AND BUILDING APPEALS

MINUTES

July 18, 2023

Note: These minutes were composed by extracting pertinent information and key points of testimony from an audio recording of the meeting. For detailed information and verbatim statements, the audio recording of this meeting is available upon request.

CALL TO ORDER: Chairman Bross called the July 18, 2023 regularly scheduled hearing of the Board of Zoning and Building Appeals to order at 7:03 p.m. in Council Chambers at 555 Frost Rd. Streetsboro, Ohio 44241.

PLEDGE OF ALLEGIANCE

ROLL CALL: Four board members present: Matt Bross, Tood Cooper, Walter Kancyan, and Marvin Woods.

Three board members absent: Aaron Hatzó, Doug Liebler, and Anthony Madden.

Also present: Planning and Zoning Director John H. Cieszkowski Jr., Law Director Paul Janis, and Clerk Angella Fausset.

Mr. Cooper made a motion to excuse the absence of Mr. Liebler.

Motion seconded by Mr. Kancyan. By voice vote, motion carried unanimously.

Mr. Woods made a motion to NOT excuse the absence of Mr. Hatzó and Mr. Madden.

Motion seconded by Mr. Kancyan. By voice vote, motion carried unanimously.

Chairman Bross read Article 8 from the Rules and Regulations of how the meeting is to proceed.

NEW BUSINESS:

9700 St. Rt. 14

Another Broken Egg Cafe

Application #VRA23-5

Parcel # 35-033-00-00-007-016

Zoning District: B

CESCO Imaging Co., on behalf of Another Broken Egg Cafe, is requesting three variances:

- 1) A one (1) sign variance from §1159.14(b) to permit a 4th wall sign, where 3 wall signs are permitted on the subject building per a previously granted variance.*
- 2) A 14.822 sq ft variance from §1159.13(b) to permit 2 wall signs on the south building elevation, where a previously granted variance permitted a maximum 2nd sign area of 5.428 sq ft on the south building wall. Total proposed sign area for the 2nd wall sign is 20.25 sq ft.*
- 3) A 39.344 sq ft variance from §1159.13(b) to permit 2 wall signs on the west building elevation, where a previously granted variance permitted a maximum sign area of 13.306 sq ft on the west building wall. Total proposed sign area on the west building wall is 52.65 sq ft.*

Applicant Brad Petro from CESCO, 4330 N Bend Rd., Ashtabula, Ohio, after being sworn in, explains the reason for the variances being requested is due to the design of the building and the layout of the Broken Egg logo, making a single sign not feasible. The building's front elevation lacks a wall that can fit a sign of the necessary size, so corporate approved the sign modification separating the logo from the lettering, resulting in two signs instead of one. The proposed letters are 16 inches tall, and the logo is a circular design with an area of just over 20 square feet. Mr. Petro considers that the signage is appropriate for the area, referencing neighboring businesses like Starbucks, Chipotle, and GameStop, which also have multiple signs. The total requested signage amounts to 105 square feet, which is 25% less than the allowed limit. He mentions the building's design, governed by deed-restricted design standards of Streetsboro Commons, prevents modifications. These standards were approved by the Planning Commission before the building's construction and ownership transfer. The proposed identical signage on the front and side elevations adheres

to these constraints, and he concludes by reiterating that the total requested signage is within the allowable limits if a large sign on the front were feasible.

The Planning Director addressed the Board detailing the Staff comments on the variance application. He clarifies the design standards were adopted before the applicant took ownership of the building, which are the same standards that applied to the previous tenant and that these design standards are being perceived as a unique hardship justifying the need for a variance but design standards should not constitute a practical difficulty warranting a variance. It is part of a building owner's due diligence to understand the restrictions associated with the property they are purchasing. These design standards have been in place since 2006 and apply to all buildings within Streetsboro Commons.

Mr. Cieszkowski points out that despite Staff's input to reduce the size, aiming to ensure the applicant proposed the minimum variance necessary, the applicant chose to propose identical signage on both elevations. Staff believes the logo and text could fit within the sign band and be treated as one sign, avoiding the need for an additional sign on the west elevation. Mr. Cieszkowski also states that the existing sign band was known to the owner prior to purchase and should not be used as a justification for a variance. Understanding the design limitations associated with Streetsboro Commons and the sign band on the existing building should not be considered a practical difficulty. Staff suggests that if the Board grants a variance for signage on the west elevation, the size should be limited to 25% smaller than the signage on the primary State Route 14 frontage. He informed the Board that the applicant has the right to a stand-alone ground sign adjacent to State Route 14 and the option to purchase a sign panel on the multi-tenant sign for Streetsboro Commons.

Board members questioned the signage standards within Streetsboro Commons and how these standards impact the new business and whether there was flexibility in the design standards for signage or if the original standards had to be strictly adhered to. Mr. Cieszkowski explained that any entity purchasing a building in Streetsboro Commons must adhere to these standards. Staff had worked with the applicant, particularly regarding the building's blue roof, to find a balance between brand recognition and compliance with the design standards.

The applicant, addressing Staff's recommendation to the Board for a proposed 25% size reduction for a sign on the West elevation, expressed concern that such a reduction would hinder the building's visibility from Route 14 and suggested a 15% decrease as a compromise.

The applicant addressed the timing constraints involved in meeting the application deadline and coordinating with the Planning Department, noting the occurrence of last-minute adjustments. They emphasized that staff comments were not disregarded, but there was insufficient time to incorporate the feedback fully. The Planning Director confirmed that the pre-application conference call was the day before the application deadline and clarified to the Board that it was the applicant's decision to proceed quickly with the current proposal.

The Board discussed the option of tabling the entire application, but the applicant preferred to proceed rather than delay the project further. The Board then considered the merits of acting on the variances, focusing on the need for a clear and detailed motion. There are three motions before the board.

MOTION

Mr. Woods: I hereby move on this 18th day of July 2023, that the Streetsboro Board of Zoning and Building Appeals grant 9700 State Route 14, Streetsboro, OH 44241 PPN: 35-033-00-00-007-016 a one (1) sign variance from §1159.14(b) to permit a 4th wall sign, where 3 wall signs are permitted on the subject building per a previously granted variance. Per the site plans received in application #VRA23-7 on June 27, 2023 from the applicant, Brad Petro of CESCO Imaging Co. Subject to all Planning and Zoning ordinances and site plan review of the City of Streetsboro where applicable.

Motion seconded by Mr. Cooper.

Roll Call Vote

Mr. Madden: (absent) Mr. Woods: No Mr. Cooper: No Mr. Kancyan: No
Mr. Bross: No Mr. Hatzo: (absent) Mr. Liebler: (absent)

Mr. Woods: I'm going to vote no.

Mr. Cooper: I vote no. I think the signs on the West could be connected into a single sign band and therefore the variance with the 2nd wall sign on the West side is not necessary.

Mr. Kancyan In concurrence with Mr. Cooper, I vote no.

Mr. Bross: I think everything on paper looks fine as far as the logo and the size of everything, but I still think we have to protect our code. I think that there should have been more of a working out between the applicants and our staff, that should be more of an opportunity to avoid this last-minute thing which causes issues like this, I'm going to go along and also vote no.

Yes – 0 No – 4

Motion denied; variance not granted.

MOTION

Mr. Woods: I hereby move on this 18th day of July 2023, that the Streetsboro Board of Zoning and Building Appeals grant 9700 State Route 14, Streetsboro, OH 44241 PPN: 35-033-00-00-007-016 a 14.822 sq ft variance from §1159.13(b) to permit 2 wall signs on the south building elevation, where a previously granted variance permitted a maximum 2nd sign area of 5.428 sq ft on the south building wall. Total proposed sign area for the 2nd wall sign is 20.25 sq ft. Per the site plans received in application #VRA23-7 on June 27, 2023 from the applicant, Brad Petro of CESCO Imaging Co. Subject to all Planning and Zoning ordinances and site plan review of the City of Streetsboro where applicable.

Motion seconded by Mr. Cooper.

Roll Call Vote

Mr. Madden: (absent) Mr. Woods: Yes Mr. Cooper: No Mr. Kancyan: Yes
Mr. Bross: No Mr. Hatzo: (absent) Mr. Liebler: (absent)

Mr. Woods: yes.

Mr. Cooper: I vote no. I think understanding that the original variance for the secondary sign was granted for a small secondary logo, we're still operating the intent with previous board decisions to not permit that to be that second sign to become a much, much larger sign.

Mr. Kancyan: I will vote yes.

Mr. Bross: As far as consistency with my vote on the previous one regarding the logo and I think that things should have been hashed out a little more. I'm still voting no on this as well, so there's a tie, but you know, according to our rules, that is a no. So the second component of your application has also been denied.

Yes – 2 No – 2

Motion denied; variance not granted.

Since the first variance was denied, disallowing the second sign on the west elevation, the third variance motion would need to be modified. Without knowing specifics of size to calculate into a square footage of a single sign, the Board discussed continuing the third part of the application, a 39.344 sq ft variance from §1159.13(b) to permit 2 wall signs on the west building elevation, where a previously granted variance permitted a maximum sign area of 13.306 sq ft on the west building wall. For a total proposed sign area on the west building wall of 52.65 sq ft. The applicant understood that if the plans are redesigned, a variance could be requested for a single sign on the west elevation, if there is an increase in size that would exceed the

13.306 sq. ft. that's already been approved by a previous variance. The sign on the front elevation can be redesigned up to 140 sq ft and be within code without the need for a variance. Mr. Janis clarified that if the applicant is not intending to pursue the third variance, but to come back with a different proposal, the board can table, and the applicant would submit a new application.

Mr. Cooper made a motion to table the application.

Motion seconded by Mr. Kancyan. By voice vote, motion carried unanimously.

1262 St. Rt. 303

Pet Supplies Plus

Application #VRA23-6

Parcel # 35-055-00-00-039-017

Zoning District: B

1) A one (1) sign variance from §1159.14(b) to permit a 2nd wall sign, where the Code permits one wall sign for each business use.

There was no application representative present at the hearing.

Mr. Woods made a motion to table the application.

Mr. Kancyan seconded the motion. By voice vote, motion carried unanimously.

BOARD MEMBER COMMENTS:

Announcements: The next regularly scheduled Board of Zoning and Building Appeals meeting will be held on Tuesday, August 15, 2023 at 7 p.m. in the Streetsboro Municipal Building located at 555 Frost Road.

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 8:35 p.m.



June 18, 2024

Application #VRA24-4

1107 Shawnee Trl.

A request for a 3'-10" variance from §1151.21(b) and §1151.22 to allow a pool to be setback 6'-2" from the principal structure, where Code requires a minimum of 10 feet.

To whom it may concern,

I am seeking a variance to Section 1151.21 (a) and Section 1151.22 that require a pool be no closer than 10' from a house.

I am requesting a 3' 10 " variance that would allow the pool to sit 6' 2" away from the sun room at the back of the house at 1107 Shawnee Trail, Streetsboro, Oh 44241, to the edge of the pool.

I have applied for the zoning, building and electrical permits needed to install the pool. I will continue to work with them until the ruling on the aforementioned variance has been decided. If any information is needed, please reach out and I will provide what is needed.

Thanks,

Steve Armbrecht

1107 Shawnee Trail, Streetsboro, Oh 44241

To whom it may concern,

I am applying for permits and a variance for replacing an existing pool at the Armbrecht residence at 1107 Shawnee Trail, Streetsboro, Oh, 44241. We purchased the original pool in the spring of 2004 at the Litehouse pool in Ravenna, we had to get a permit for them to send a crew out to install the pool. Unfortunatley, we no longer have the permit, I also reached out to see if Litehouse had a copy and they no longer have a copy of the permit or that we originally bought the pool from them. Once the pool was in place we built a deck around the pool and tied it in with the existing deck, we no longer have the permit for the deck from 20 years ago either.

On April 13th of this year, we had a weather event that damaged our existing pool beyond repair. The next week we went to the Litehouse in Aurora and purchased the same size pool as the damaged one, to be placed where the original pool has been for the past 20 years. Once purchased we applied for the needed permits with the City of Streetsboro.

I have been working with Jimmy Hoppel, on providing the proper information needed to get the permits for the pool to be installed. He has informed me what I would need to do to get the Zoning and Building permits approved, but prior to that I need to ask for and get an approval for a Variance to allow the pool to sit 6' 2" away from the sunroom instead of the required 10' from the house. While waiting for the meeting by the board on June 18, I will continue to provide any necessary information the Zoning and Building departments will need to approve the necessary permits.

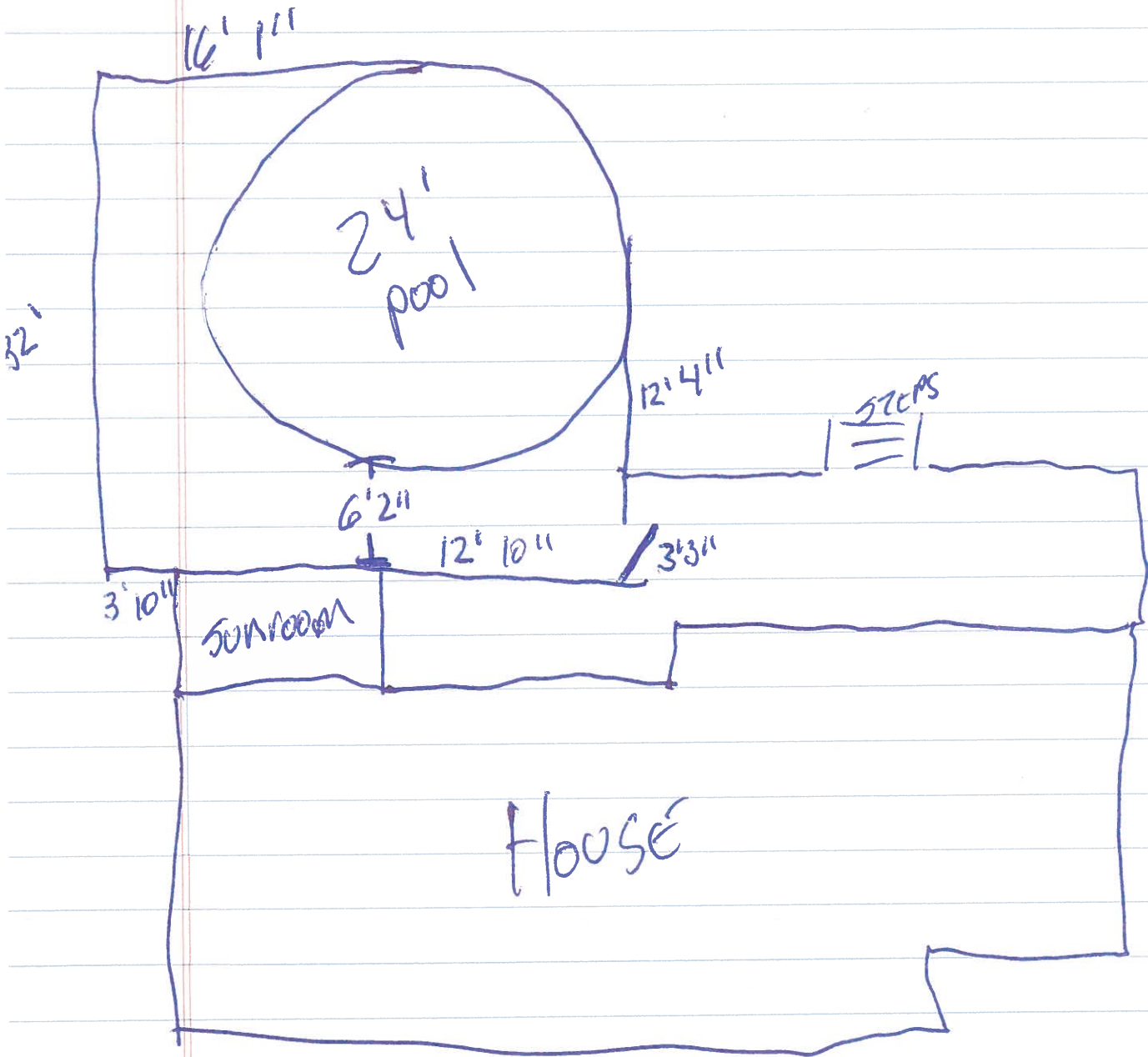
Please let me know if there is any information that is needed to make a decision on the Variance request. I will provide a picture of the old pool, an overhead shot of our property and some pictures showing the distance from the sunroom to the pool edge.

Thanks,

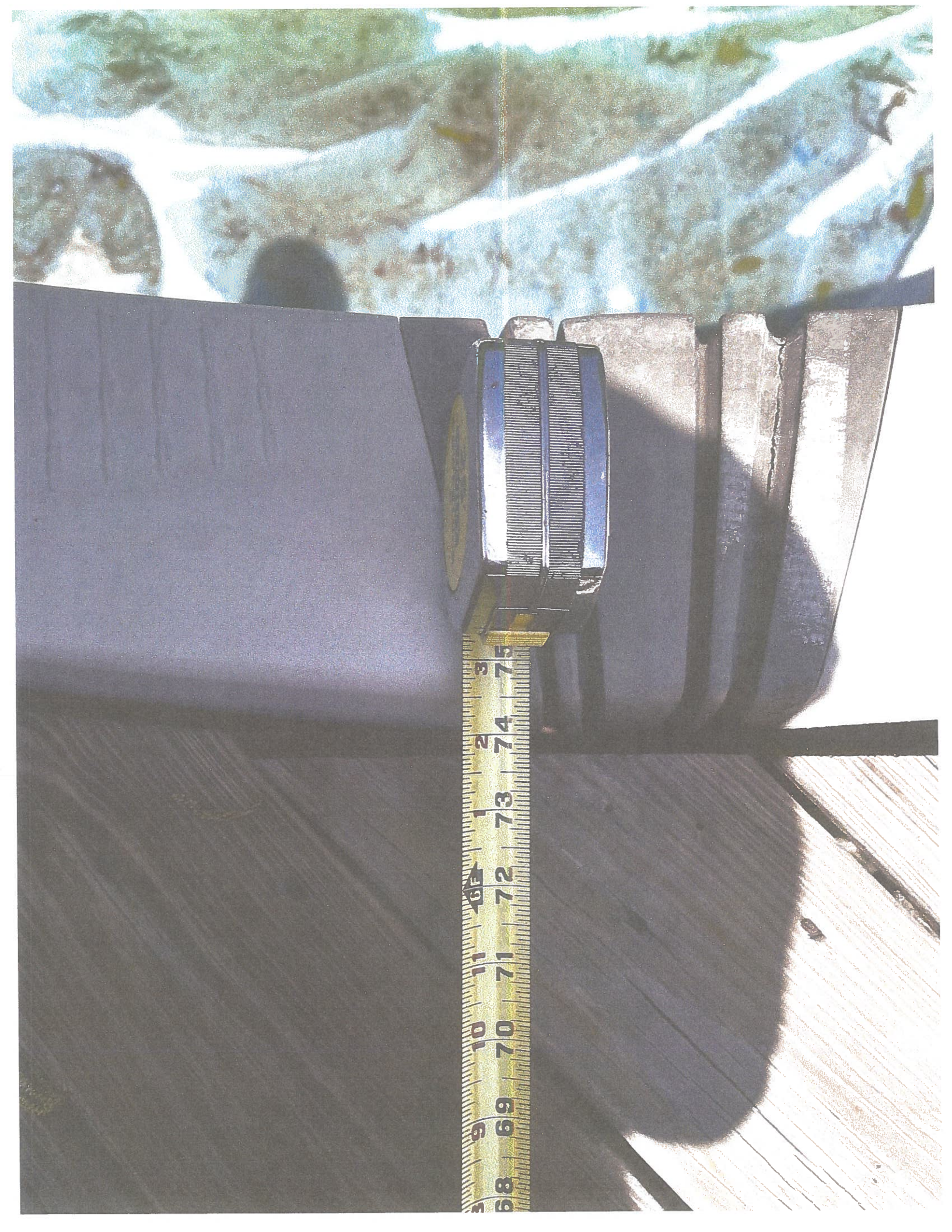
Steve Armbrecht 1107 Shawnee Trail, Streetsboro, Oh 44241

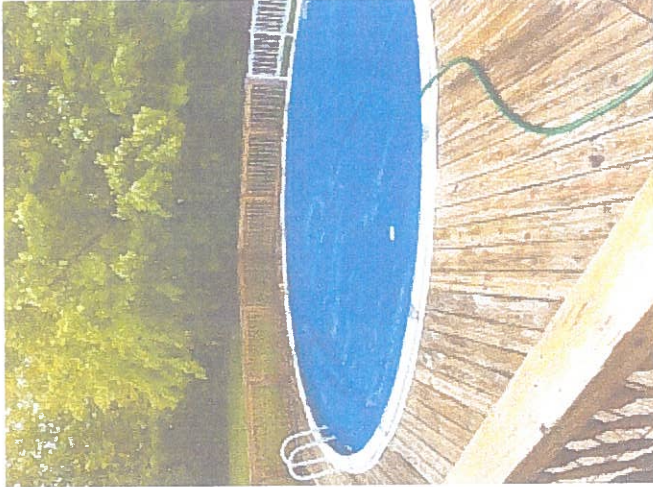
330-322-7269











**CITY OF STREETSBORO
MEMORANDUM**

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

FROM: Jimmy Hoppel, AICP;
Assistant Planner

DATE: June 12, 2024

RE: Comments re: 1107 Shawnee Trail – Pool Setback from Principal Structure

I offer the following comments for consideration by the BZBA:

Site Address: 1107 Shawnee Trail
PPN#: 35-035-10-00-152-000
Applicant(s): Steven Armbrecht
Property Owner(s): Steven and Kimberly Armbrecht

The variance being requested:

The applicant is requesting an 3'-10" variance from Sections 1151.21(b) and 1151.22 which require a minimum 10-foot setback for a pool (detached accessory structure) from the principal structure, resulting in a setback of 6'-2".

Project Summary:

The applicant applied for a new pool to replace an existing pool that had been damaged in a storm. The applicant applied for the new pool to be set in the same location as the previous pool, which was inset in to an existing deck. Upon Staff review, it was determined that the pool location did not meet the minimum setback requirement of 10 feet from the house. The applicant has indicated that it is his recollection that certificates and permits were approved and issued approximately 20 years ago when the pool and deck were first installed, however, there are no records to verify this at that time.

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 itself would yield a reasonable return and the property can be utilized for a single-family home. It is also possible for the property owner to remove the existing deck and reconstruct a deck and a pool that meets the setback requirements.

- 2. The variance is (substantial/insubstantial);**

The variance could be considered substantial. The request is to reduce the setback from 10 feet to 6'-2", which is approximately a 38% reduction.

- 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. Adjoining properties would not likely 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 the understanding of Staff that the property was purchased and later the pool and deck were installed; this occurred approximately twenty years ago. The applicant has indicated that they were not aware of the zoning restrictions and were under the impression that the original pool had received the proper approvals and was code compliant.

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

The applicant's predicament could be resolved outside of a variance being granted. The applicant could remove the existing deck and locate the pool a minimum of 10-feet from the house. The applicant could then choose whether or not to construct a new deck surrounding the new footprint of the pool in its code compliant location. This would, however, require demolition of a significant portion of the existing deck.

- 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 zoning code is to locate pools a distance away from the house that will maintain health and safety priorities. It is the understanding of Staff that nationwide there is a basic recommendation that pools be no closer than 10 feet to the house to ensure that pressure and flooding from the pool doesn't damage the foundation of the house. Also, the distance allows for safe access around the pool and splashing and spilling of water does not interfere with electrical outlets and lines on the house.

In this case, the applicant's yard slopes down away from the house. If the pool were to fail, the water would rush down the hill and away from the house/foundation. The 6'-2" area on the deck does allow for easy passage and access around the pool deck. Staff does not have knowledge of the electrical outlets or wiring on the exterior or interior wall of the sunroom that is the room that is 6'2" from the edge of the pool. As the pool was in existence for

about 20 years in the proposed location, the applicant may be able to address the location of electrical outlets relation to the pool.

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

There are not peculiar conditions which are not characteristic of other nearby properties in the same zoning district.

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

A peculiar condition does not exist.

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

A peculiar condition does not exist.

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

The variance has been requested to resolve a setback issue, in the applicant's attempt to utilize the existing deck. It is not solely to provide a financial benefit, other than the saved cost of not having to remove the existing deck and replace the deck around the pool.

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

As the deck and the "cut out" in the deck are in a set location, which has been measured and verified by the applicant (6'-2" from the house) the requested variance is the minimum necessary to alleviate the difficulty.

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



June 18, 2024

Application #VRA24-5

352 Jade Blvd.

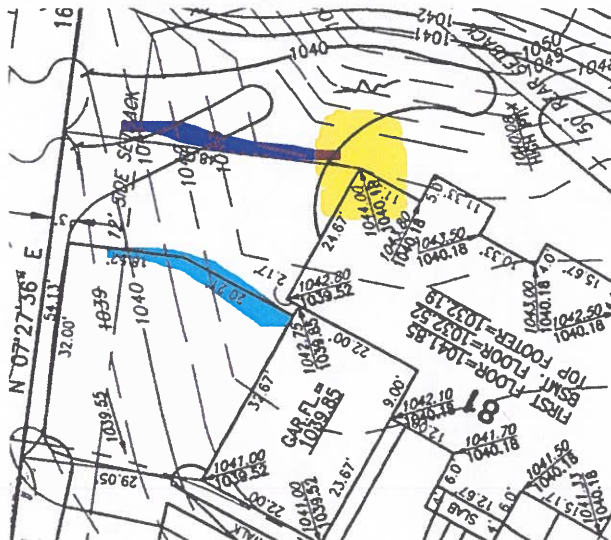
A request for a variance from §1125.21(e) to allow for the placement of a detached accessory building in the side yard, where the Code allows detached accessory buildings in the rear yard only.

Jason D. Lee
352 Jade BLVD
Streetsboro OH 44241
330-554-7777

Members of the Board,

I am requesting an exception to build my shed on the side yard of my home, and a variance to Ohio Ordinance 2018-109; 1151.21 *Detached Accessory Buildings* which requires a detached accessory building be in the rear yard.

I had stated that the shed would be "forward of the rear of the home." The shed would be in the side yard and the back wall of the shed would be in-line with the rear of the home (*Yellow*), behind the driveway (*Light Blue*) and in front of the hill (*Violet*).



Thank you for your time,

JASON D. LEE

Jason D. Lee
352 Jade BLVD
Streetsboro OH 44241
330-554-7777

Members of the Board,

Greetings, I hope this finds you well.

I am a retiring Veteran and my family, and I recently purchased a home in the Stonegate Community. I am a hobbyist / wood worker and require a workshop for my equipment. A main reason for our decision was that their HOA restrictions allow one outbuilding with no restrictions on size.

6. Not more than one (1) freestanding accessory building may be erected and maintained on a lot for the purpose of housing equipment and/or vehicles. Such building shall conform in appearance to the residence on the lot. ([DOCUMENTS – STONEGATE \(stonegate44241.com\) Plat Restrictions 2013](#))

The board is meeting to approve, and approval looks imminent. I have also spoken with my neighbors, and no one has expressed any issue with the location or having a shed built.

During the planning process and reviewing the zoning restrictions I realized that I need to apply for a variance to build the shed forward of the rear of the home. Due to the grading of the property and conservation restrictions anywhere else on the property would require significant grading and excavation. I am trying to avoid any meaningful change to the topography and to the property in general. After 30 years in the Army, I have come to appreciate leaving things as we find them.

Attached you will find the layout (topographical, satellite and pictures), the specifications, general plans for the shed, and photographs of the general design. Specifics drawing have not been provided as Buckeye Structures LLC, Middlefield OH allows for a large variation in their designs and does not provide specific drawings.

Thank you for your time,

JASON D. LEE

The Stonegate Landowners Association

Professionally Managed by: Associated Property Management LLC
Phone: 330-722-3000 Fax: 330-722-3396 Website: www.apmoh.com

-- NOTICE OF APPROVAL --

May 29, 2024

Jason Lee
352 Jade Blvd.
Streetsboro, OH 44241

Re: Shed For: 352 Jade Blvd.

Dear Jason Lee,

Your Request for a landscape change has been approved. Specifically, you have the approval to proceed with the following:

Shed – Per the specifications provided to the Board of Directors.

Please be advised that if your modification changes the drainage or swale of the neighboring properties, it is your responsibility to remediate. We reserve the right to make a final inspection of the change to make sure it matches the request you submitted for approval. Please follow the plan you submitted or submit an additional request form if you need to modify.

You must follow all local building codes and setback requirements when making this change. A Building Permit may be needed. This can be applied for at the City, Township and/or Village offices.

Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting the appropriate Utility Companies before digging.

We appreciate your cooperation in submitting this Request for Approval. Ongoing beautification of all properties is always beneficial to the community and helps maintain and increase property values.

Sincerely,



Anne Weiss
anne@apmoh.com

Lee
352 Jade BLVD
Streetsboro OH 44241

BUILDING NARRATIVE

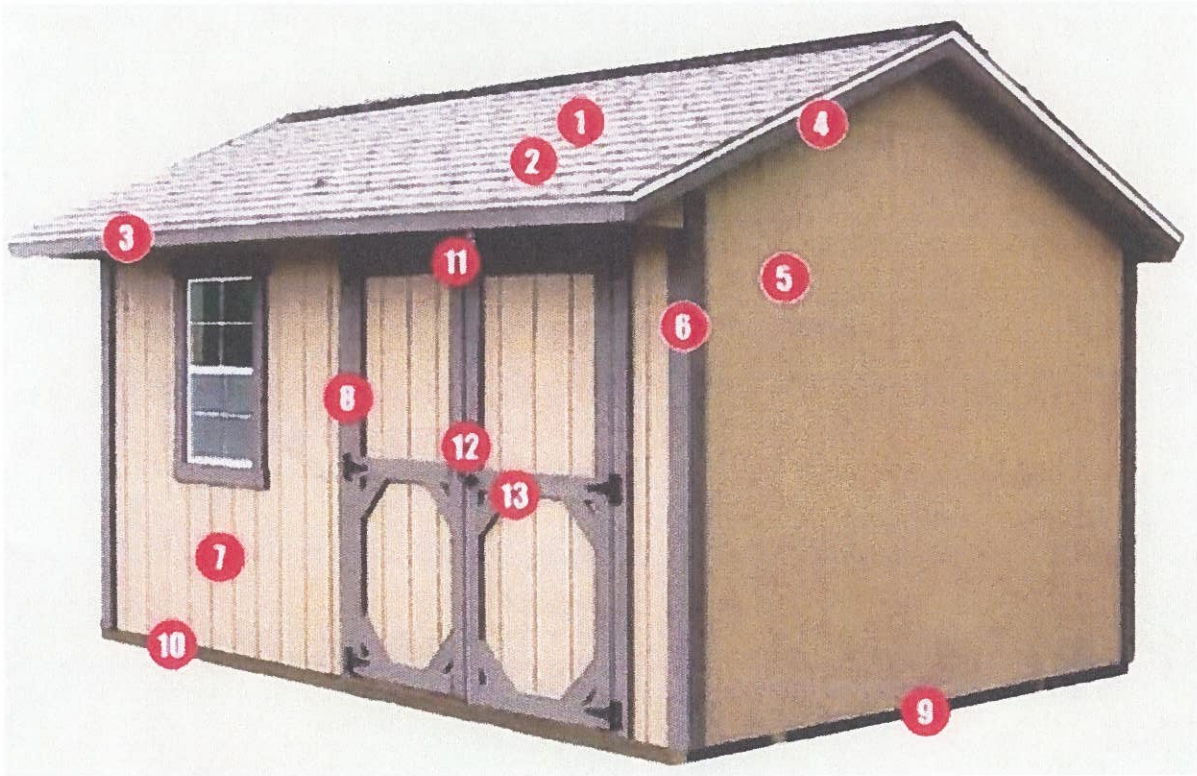
The initial quotation includes a "roll-up door" which has been changed to "extra-wide" shed doors.

FROM BUCKEY STRUCTURES:

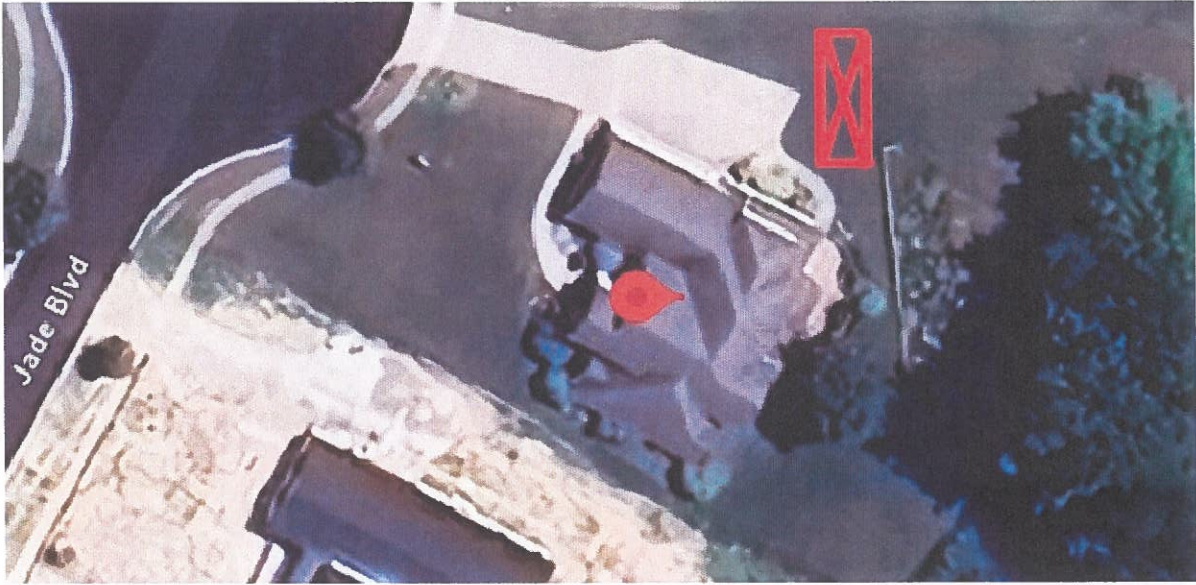
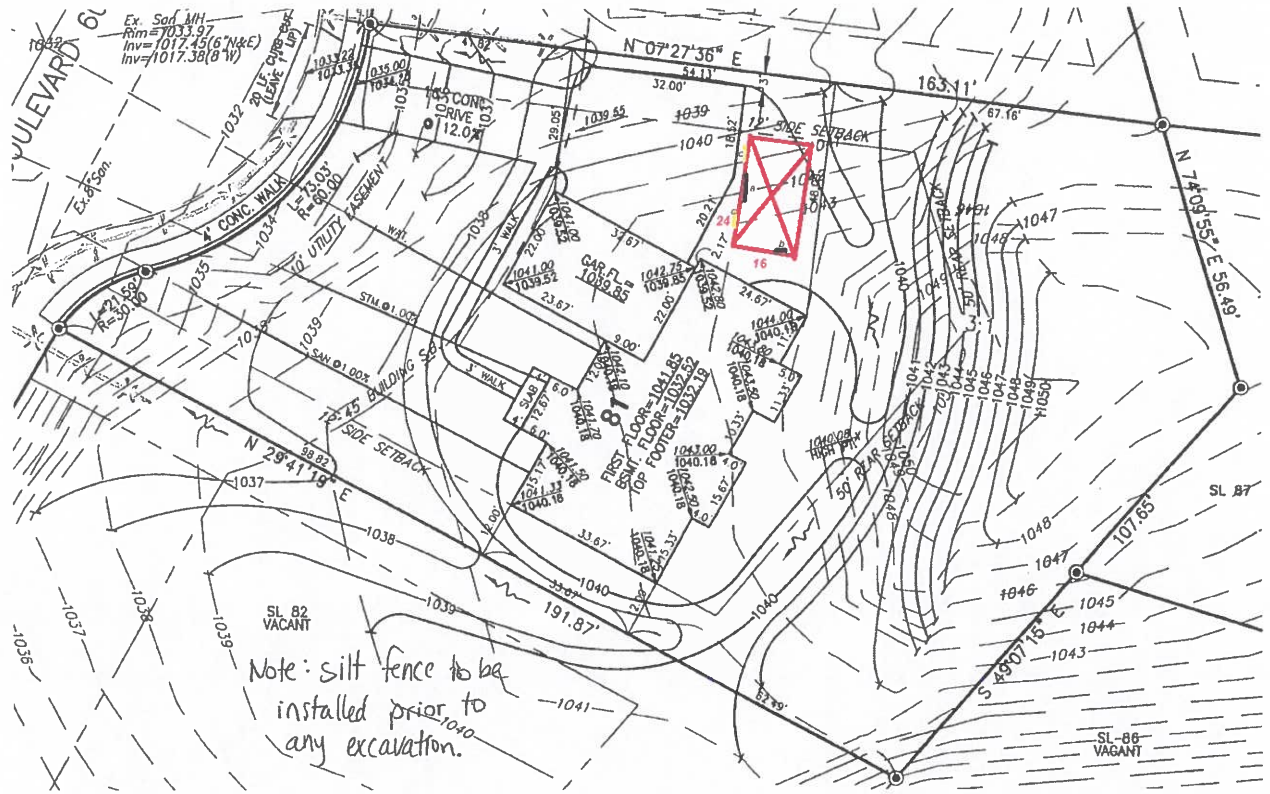
The **ULTIMATE GABLE Shed** takes the classic Gable look and creates even more space. It offers the same benefits of the Standard Gable, plus greater interior space with 7'6" walls, a 8/12 pitch roof, with 1' overhangs, 6' smart-side fascia and 2 windows with shutters. (8 foot wall selected; roof height 14.5ft) [ULTIMATE GABLE SHED \(buckeyestructures.com\)](http://buckeyestructures.com)

STANDARD FEATURES

- Pressure Treated Skids
 - 2" x 8" Tongue and Groove Pine Floor
 - 2" x 4" Wall Framing - 16" On Center
 - Pre-Primed LP® SMARTSIDE® Siding
 - 2" x 4" Roof Trusses (connected with metal gussets) 2' On Center
 - 1/2" Exterior Plywood Roof Sheathing (H clips between sheets)
 - Aluminum Drip Edge
 - 30 Year Dimensional Shingle
 - 8" x 16" Gable Vents
 - Air Vents at Each End
 - 1" x 4" Cedar Trim
 - Key and Lock Latches
 - Standard Double Doors (65" width x 72" height)
 - Our Standard Features (excludes Budget Building)
-
- Siding, shutters and framing coloring will match home colors. Stone maybe added later to match the community décor.



- The double door will be hidden along siding seem and the shed will have 2- 24x36 windows on each side of the door.
- There will be a 32 inch man-door on the side closest to the house and in the far corner.
- An octagonal window will be located at the peak of the roof on the side farthest from the home.
- Transoms maybe added to the side facing the street for additional light.
- Shingles will be home style shingles the same color as the home.







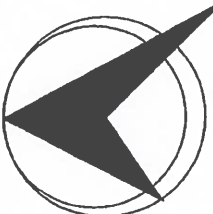
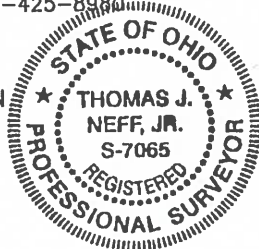
TOPOGRAPHIC IMPROVEMENT PLAN

for
DH MEYERS

2799 OLD MILL ROAD, HUDSON, OHIO 44236
CONTACT: MARK MEYERS, PH: 330-425-8980

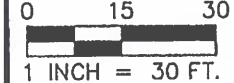
DISTANCES SHOWN HEREON ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS SHOWN HEREON ARE TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY. I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, ALL TO BE CORRECT.

THOMAS J. NEFF, JR.
REGISTERED SURVEYOR No. 7065-OHIO



NORTH

GRAPHIC SCALE



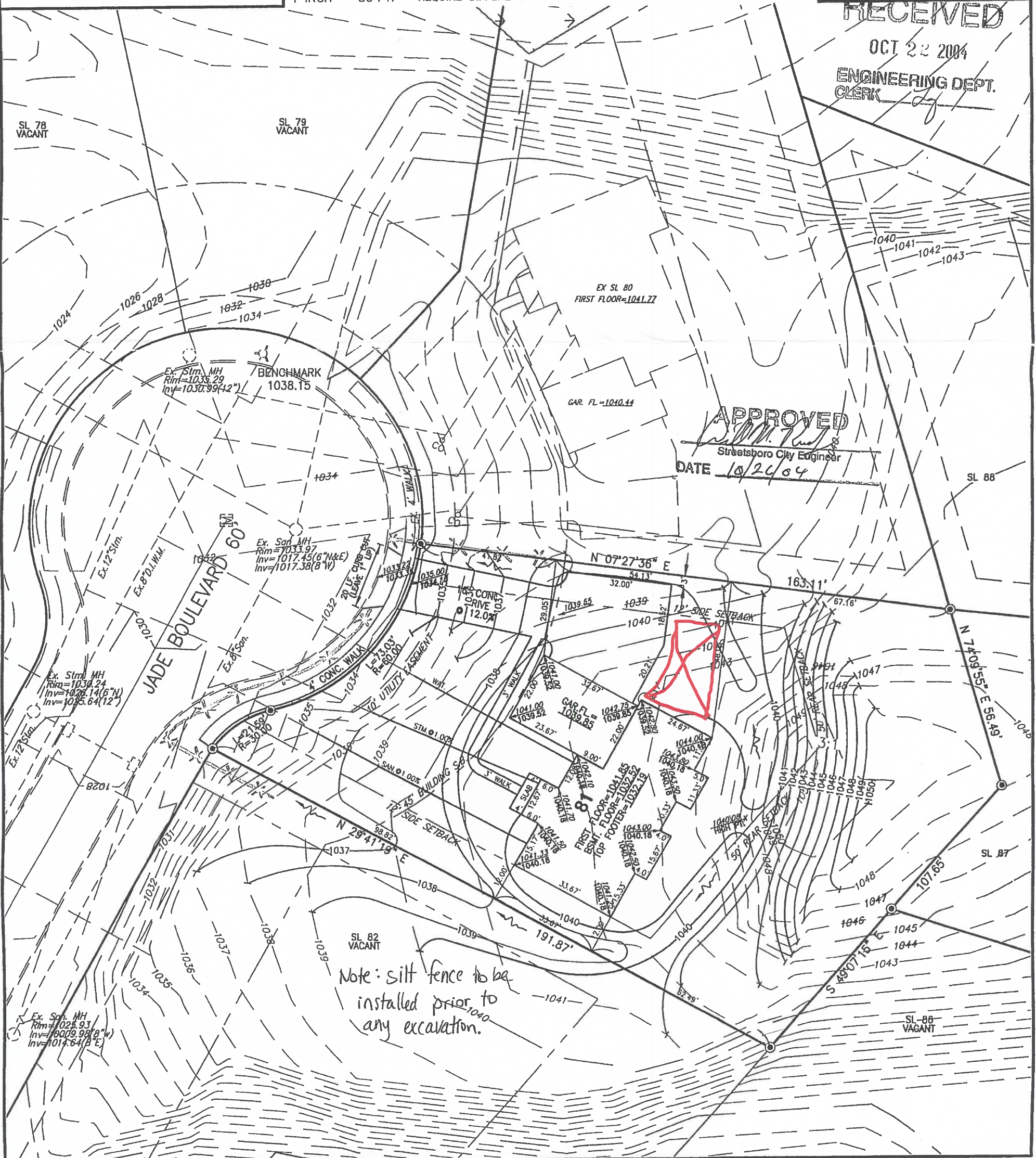
| REV. NO. | DATE | DESCRIPTION | BY |
|----------|----------|-------------------|-----|
| 1 | 10/15/04 | SUBMIT TO BUILDER | NMS |

HOUSE SUMMARY:

FULL BASEMENT - 13 COURSES
3 CAR SIDE ENTRY GARAGE
SUMP PUMP= YES GRINDER PUMP= NO

- HOME BUILDER SHALL CALL THE OHIO UTILITIES PROTECTION SERVICE AT 1-800-362-2764 AT LEAST TWO (2) WORKING DAYS PRIOR TO DIGGING. NON-MEMBER UTILITY COMPANIES MUST BE CALLED DIRECTLY.
- HOME BUILDER SHALL FIELD VERIFY LOCATION AND DEPTH OF THE EX. STORM AND SANITARY SEWER CONNECTIONS PRIOR TO EXCAVATION.
- IF A SUMP PUMP IS REQUIRED, INSTALL THE SUMP PUMP FORCEMAIN VERTICALLY AGAINST THE FOUNDATION WALL OVER THE MUD SILL THROUGH THE FIRST FLOOR JOIST, BACK DOWN VERTICALLY AGAINST THE FOUNDATION WALL, AND CONNECT TO THE STORM SEWER CONNECTION.
- EX. CONTOURS, UTILITIES AND PAVEMENT ARE SHOWN PER SITE IMPROVEMENT PLANS AND HAVE NOT BEEN FIELD VERIFIED. HOME BUILDER SHALL VERIFY EX. GRADES AND ELEVATIONS PRIOR TO FOOTER EXCAVATION.
- HOME BUILDER TO USE BENCHMARK AS NOTED FOR SETTING AND CHECKING ALL GRADES.
- DIMENSIONS ARE REFERENCED FROM FACE OF FOUNDATION. SEE ARCHITECTURAL PLANS FOR ACTUAL BUILDING PLANS AND DIMENSIONS.
- HOME BUILDER RESPONSIBLE FOR STORMWATER POLLUTION PREVENTION PRACTICES AND MUST FILE AN INDIVIDUAL LOT NOTICE OF INTENT (N.O.T.) WITH THE OHIO E.P.A.
- HOME BUILDER SHALL INSTALL 4' WIDE, 4" THICK CONCRETE SIDEWALK (6" THICK AT DRIVE APRON).
- BOTTOM OF FOOTER SHALL BE A MINIMUM OF 3' BELOW PROPOSED GRADE. AREAS OF WALKOUT BASEMENT OR EXPOSED WALLS MAY REQUIRE DIFFERENT FOOTER ELEVATIONS THAN SHOWN ON THESE PLANS

| | |
|---|--|
| 352 JADE BOULEVARD | |
| STREET ADDRESS | |
| 81 | STONEGATE SUBDIVISION |
| S/L | SUBDIVISION NAME |
| STREETSBORO | |
| TOWNSHIP or CITY | |
| LOT | TRACT |
| PLAT NUMBER | |
| P.P.N. | |
| ⊙ | EX. IRON PIN FOUND (CAPPED-T.J. NEFF 7065) |
| ⊙ | IRON PIN SET (CAPPED-T.J. NEFF 7065) |
| ⊙ | EX. MONUMENT BOX |
| ⊙ | EX. HYDRANT ASSY. |
| ⊙ | EX. WATER VALVE |
| ⊙ | EX. SAN/STM MANHOLE |
| ⊙ | EX. CATCH BASINS |
| ⊙ | EX. SAN/STM CLEAN OUT |
| ~ | PROP. SURFACE DRAINAGE |
| XXX | EX. 1' CONTOUR |
| XXX | EX. 5' CONTOUR |
| XXX | PROP. 1' CONTOUR |
| XXX | PROP. 5' CONTOUR |
| 774.20 | EXISTING GRADE |
| 778.88 | PROPOSED GRADE |
| BENCHMARK: | |
| TOP OF NUT OF HYDRANT IN FRONT OF S/L 79. | |
| ELEVATION = 1038.15 | |



**CITY OF STREETSBORO
MEMORANDUM**

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

FROM: Jimmy Hoppel, AICP;
Assistant Planner

DATE: June 12, 2023

RE: Comments re: 352 Jade Boulevard – Detached Accessory Structure Permitted in Side Yard Variance

I offer the following comments for consideration by the BZBA:

Site Address: 352 Jade Boulevard
PPN#: 35-052-10-00-021-000
Applicant(s): Jason Lee
Property Owner(s): Jason Lee and Kristina Boden-Lee

The variance being requested:

The applicant is requesting a variance from Section 1151.21 requires detached accessory structure to be located in the rear yard of the property. The applicant is requesting a variance to permit a detached accessory structure to be permitted in the side yard of the subject parcel.

Project Summary:

The applicant is requesting a variance to permit a detached accessory structures in the side yard of the subject property. The applicant intends to utilize the structure for woodworking and storage of equipment and vehicles that the applicant states will not fit in the existing garage. The applicant's yard has a hill with a retaining wall beyond the rear building line of the house that would obstruct the ability to put a detached structure of the proposed size (24' x 16'). The applicant has been working with his HOA to receive necessary approval.

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 substantial as it would permit the detached accessory structure to be located in the side yard of the property, rather than in the rear 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. Although aesthetic considerations could be made. The Stonegate development has a standard that garages cannot be street-facing; while this isn't a garage necessarily, it would be a similar structure that would be street-facing. That being said, this is not a zoning code requirement, but rather something that would be addressed by the HOA upon their review.

- 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;**

Staff can reasonably consider that there is an area in the southwest corner of the property that appears to be relatively flat. A detached accessory structure likely could fit in this location, however, Staff understands that the intended use of the detached accessory structure may be difficult due to the distance of this area from the driveway.

There is also the possibility of the applicant creating an attached addition in the same general location, however, Stonegate has regulations that would likely consider this an attached garage, which is not permitted to be forward facing – creating a similar obstacle for the applicant.

- 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 would be setback about 33 feet from the front of the garage, which is the most prominent aspect of the house. While not in the rear yard, the structure would be less prominent than the house.

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

The rear yard of the property is significantly impacted by topographical restraints. There is a hill in the rear yard, that has a retaining wall to allow siting of the house as it exists. The prohibitive topographical conditions are not typical of other properties in the zoning district. While many R-1 properties nearby and around the City do have some topographical impacts, this hill that requires a retaining wall is above and beyond what most properties typically experience.

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

The topographical constraints of the property are not a result of the actions of the applicant.

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

The topographical constraints would be encountered by any person who might own the property.

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 allow for a usable and accessible accessory structure for the homeowner's personal use. It does not appear that the request is solely to increase property value, although that would be expected to be a by-product.

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 in an area accessible to the driveway, a side yard variance is necessary to alleviate the difficulty associated with existing rear yard topography.

As previously stated there are alternatives that could be feasible, to varying degrees.

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