

STAFF REPORT

CASE: BZA03-2014

APPLICANTS: Kevin and Julianne Weckel

LOCATION: 5975 Little Sugarcreek Road
L32000100120000200
5.24 acres

ZONED: R-1A (Single Family Residential) District

REQUEST: Area/dimensional variance from Section 4.13 C. 6.
(Table 4-6) to allow for the construction of a detached
garage in the front yard

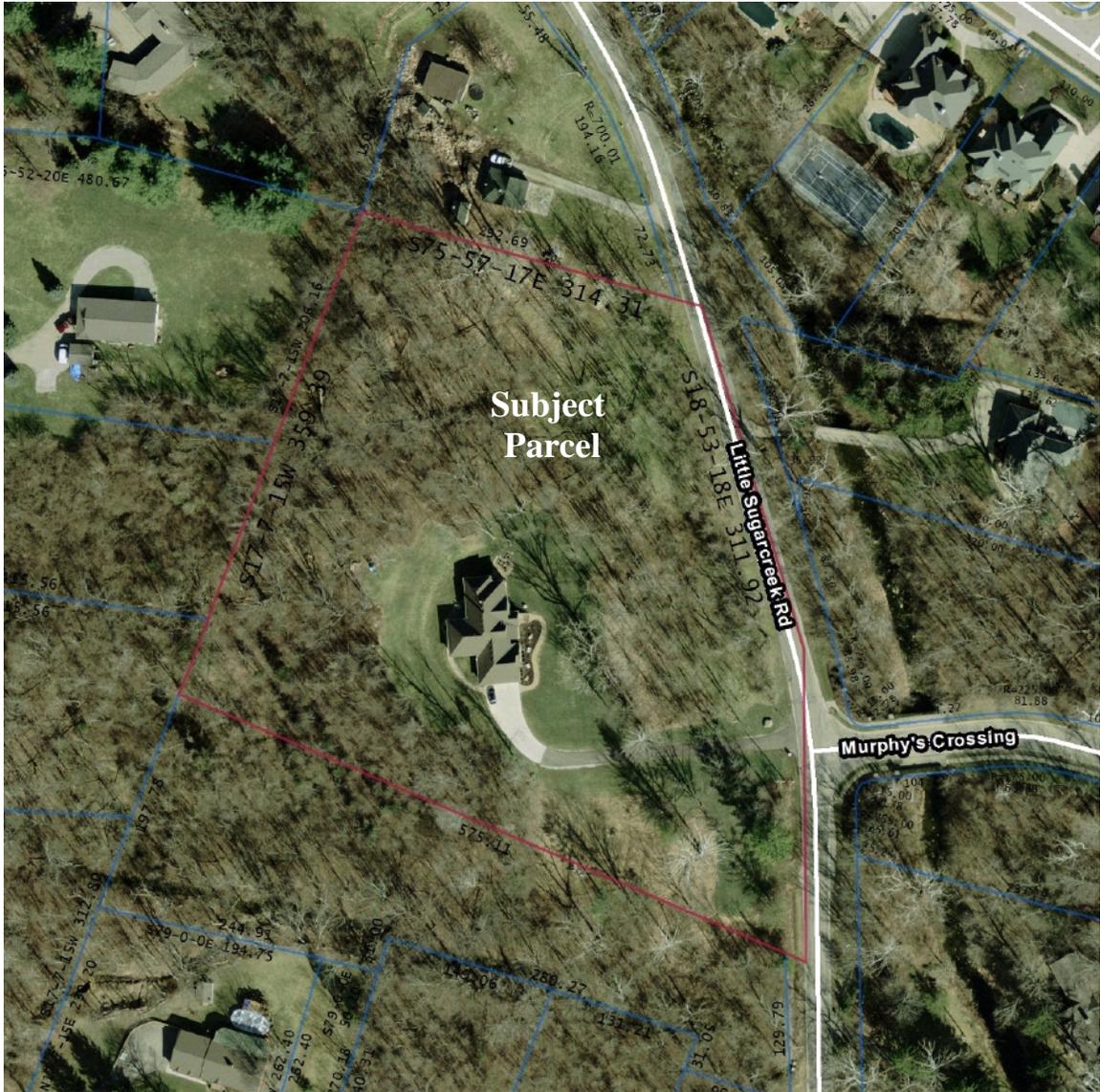
DATE: May 22, 2014

DESCRIPTION OF REQUEST

Property Location: The subject property is 5975 Little Sugarcreek Road located in the R-1A (Single Family Residential) District. The subject property contains a single-family dwelling constructed in 2010. The County Auditor's Office shows a square footage of 4129 SF (including the attached garage). A Zoning Certificate has been issued for the construction of an in ground pool under directly behind the house (construction has yet to begin).

Applicant Proposal: The applicant is requesting an area/dimensional variance from Section 4.13 C. 6. (Table 4-6) of the Sugarcreek Township Zoning Resolution to allow for the construction of a 1009.2 SF detached accessory structure in the front yard. Per the applicant, the structure is intended for the storage of vehicles (in particular, two classic cars).

Zoning of Adjacent Parcels: The parcels to the north, south, east and west are located in the R-1A (Single-Family Residential) District. All adjacent uses are single-family residential. There is a vacant residential lot to the east, at the corner of Little Sugarcreek Road and Murphy's Crossing.





Applicable Articles and Findings of Fact:

- Section 4.13 of the Sugarcreek Township Zoning Resolution regulates Accessory Uses and Structures.
- Section 4.13 C. 6. points to Table 4-6 Permitted Accessory Uses and Structures in determining permitted yard locations for accessory uses and structures. Table 4-6 establishes that detached garages are permitted only in side and rear yards.
The applicant is requesting approval to construct a detached garage in the front yard of the subject parcel at a setback of roughly 164' from the centerline of Little Sugarcreek Road.
- Section 3.07 D. differentiates between area/dimensional variances and use variances. Per Section 3.07 D. *“Area/dimensional variances are where an applicant requests a variance of a dimensional or quantitative standard in this Resolution (i.e. setbacks,*

height, landscaping requirements, etc.). Use variances are where an applicant requests that the BZA approve the use of a property, structure, or building that is not otherwise permitted in the applicable zoning district.”

The applicants’ request is for an area/dimensional variance.

- Area/dimensional variances are subject to the standards established below pursuant to Section 3.07 D. 1.:

1. Area/Dimensional Variances

a. The following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify an area/dimensional variance:

- 1) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;*
- 2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*
- 3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;*
- 4) 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;*
- 5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;*
- 6) Whether special conditions or circumstances exist as a result of actions of the owner;*
- 7) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;*
- 8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and*
- 9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.*

- The applicants have submitted statements relative to the foregoing standards.

- b. Decisions should take into consideration all applicable factors, however, not all factors may necessarily apply to a particular case. No single factor shall control.*

Staff Comments:

Staff has provided a topographical map of the subject property. The applicants have indicated that topography, as well as a desire to maintain the existing wooded areas on the property, have dictated the location of the proposed detached garage. The BZA will need to determine if, owing to special conditions, a literal interpretation of the Zoning Resolution will result in practical difficulty with respect to the applicant's request using the standards outlined in Section 3.07 D. 1. as a guide.

Cara K. Tilford, AICP
Township Planner/Zoning Official