



BOARDS & COMMISSIONS APPLICATION

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

Application Number 224-10

GENERAL	Date of Application <u>03-11-2024</u> Property Location <u>735 Shaker dr. Medina, OH 44256</u> Description of Project <u>New construction of a detached deck in the rear of the home. 14' wide by 15' out from the rear of the home. This deck will be on grade with no stairs or railings. Pressure treated pine foundation with a composite deck surface.</u>
CONTACT INFORMATION	Applicant Name <u>Mark Van Peursem</u> Address <u>725 Shaker dr.</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>330-461-3610</u> Email <u>bootjus@yahoo.com</u> Property Owner Name <u>Mark Van Peursem</u> Address <u>725 Shaker dr.</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>330-461-3610</u> Email <u>bootjus@yahoo.com</u>
APPLICATION TYPE	Planning Commission Site Plan <input checked="" 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>Mark Van Peursem</u> Date <u>3-11-2024</u>
OFFICIAL USE	Zoning District <u>R-1</u> Fee (See Fee Sheet) \$ <u>200</u> Meeting Date _____ Check Box when Fee Paid <input checked="" type="checkbox"/>

Z24-10
Shaker Drive Rear Deck

Property Owner: Mark and Suzanne Van Peurseem
Applicant: Mark Van Peurseem
Location: 735 Shaker Drive
Zoning: R-1 (Low Density Residential)
Request: Area Variance to Section 1121.05 to allow a deck within the rear yard setback

LOCATION AND SURROUNDING USES

The subject site is 0.26 acres located on the west side of Shaker Drive. Adjacent properties are zoned R-1 and contain single-family residences.



BACKGROUND & PROPOSED APPLICATION

The applicant is proposing to construct a 210 sq. ft. (14 ft. x 15 ft.) deck on the rear of the home. The deck does not incorporate walls or a roof.

REAR SETBACK (SECTION 1121.05)

Section 1121.05 requires that principal structures in the R-1 zoning district must have a 50 ft. rear setback. In addition, Section 1113.05(k)(3) allows uncovered decks to project up to 10 ft. in the rear setback.

The proposed deck is setback 14.25 ft. from the rear property line, which is within the effective 40 ft. minimum setback.

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 it is not visible to neighbors or the public.
- The essential character of the neighborhood will not be altered as the deck is located to the rear of the home and the property owner to the west has supported the application.
- A variance is the only option as the rear property line is irregular.

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 deck is intended to improve the exterior look and comfort value of the home. I feel there is an adequate amount of return assumed due to the increase in functionality and overall appeal. Without the variance, myself or any future owner will be left with little to no options to create a leisure/entertainment space.

B. Whether the variance is substantial;

The variance request is not substantial in our opinion, as the variance will not be seen by the neighbors or the public and will not effect the use and enjoyment of any public or community space.

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;

Because this deck will be located on the back of the home and on grade. I don't feel it would create an adverse effect on our street or neighbors. The neighbor to the rear of the home has given a written approval as well as verbally stating that she won't feel effected by the deck project. (please see attached letter from Carol Fort 25 Eastgate dr.)

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

This deck will not interfere with any of the above stated. N/A

E. Whether the property owner purchased the property with knowledge of the zoning restrictions; Upon purchasing this property, I was not aware of zoning restrictions in regards to exterior improvements.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

This deck is intended to be a permanent fixture/upgrade to the property in addition to increasing the property value. It is apparent that the rear property line is a little odd but that can't be changed. I can't see any other option that will coincide with our intention.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

This concern was brought to my attention by the building department during our permit application process. I look forward to working together with the zoning board on how to proceed so that the only impact on the community is positive.

I, Carol J. Fort, owner of 25 Eastgate Dr., Medina, Ohio, give permission for the owner of the property, 735 Shaker Dr., Medina, Ohio, to construct a 14 foot x 15 foot deck platform, to be less than the 40 foot minimum distance, to my rear property line.

Carol J. Fort

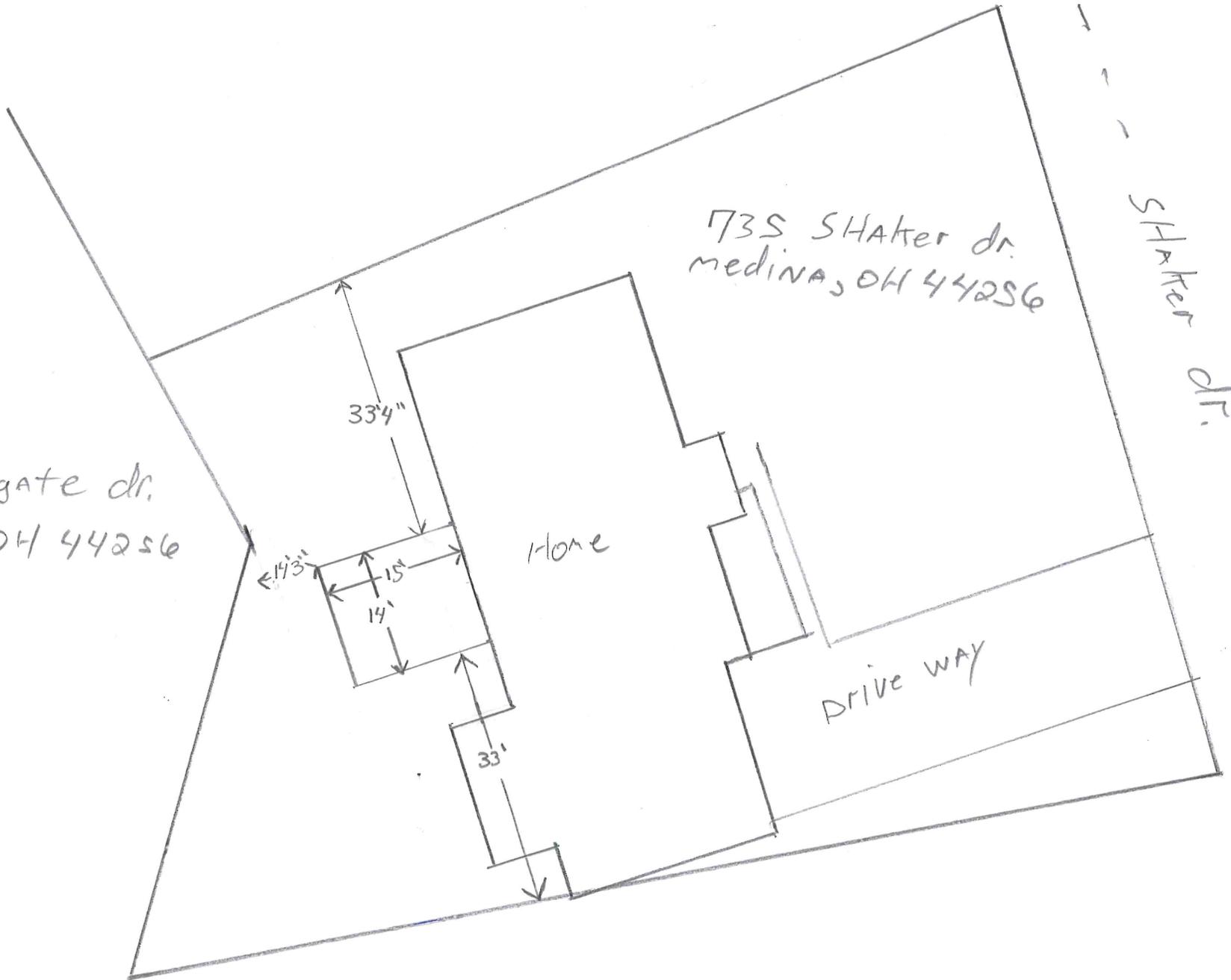
Carol J. Fort

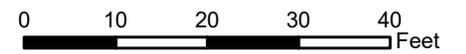
March 8, 2024

25 Eastgate dr.
Medina, OH 44256

1735 SHAKER dr.
Medina, OH 44256

SHAKER dr.





New Construction Deck Project

Mark Van Peursem
735 Shaker Dr.
Medina, OH 44256



Scope of work:

14 foot wide x 15 foot out from the rear of the home. Composite deck surface sitting on pressure treated pine foundation. This deck is sitting right on grade so no railings/stairs will be present. 2x6 joists on 14" centers will rest on double 2x8 beam and connected to 4x6 posts using the approved connection method. 4x6 treated posts will be in 16" diameter holes and rest on the approved 16" foundation pads. Foundation pads will be set at 40" below grade.

Material list:

Pressure treated/ Foundation products:

- 6) 2x8x16
- 18) 2x6x16
- 4) 4x6x8
- 1) 4x6x10
- 9) 16" post foundation pads
- 18) 7" Thru-bolt fasteners

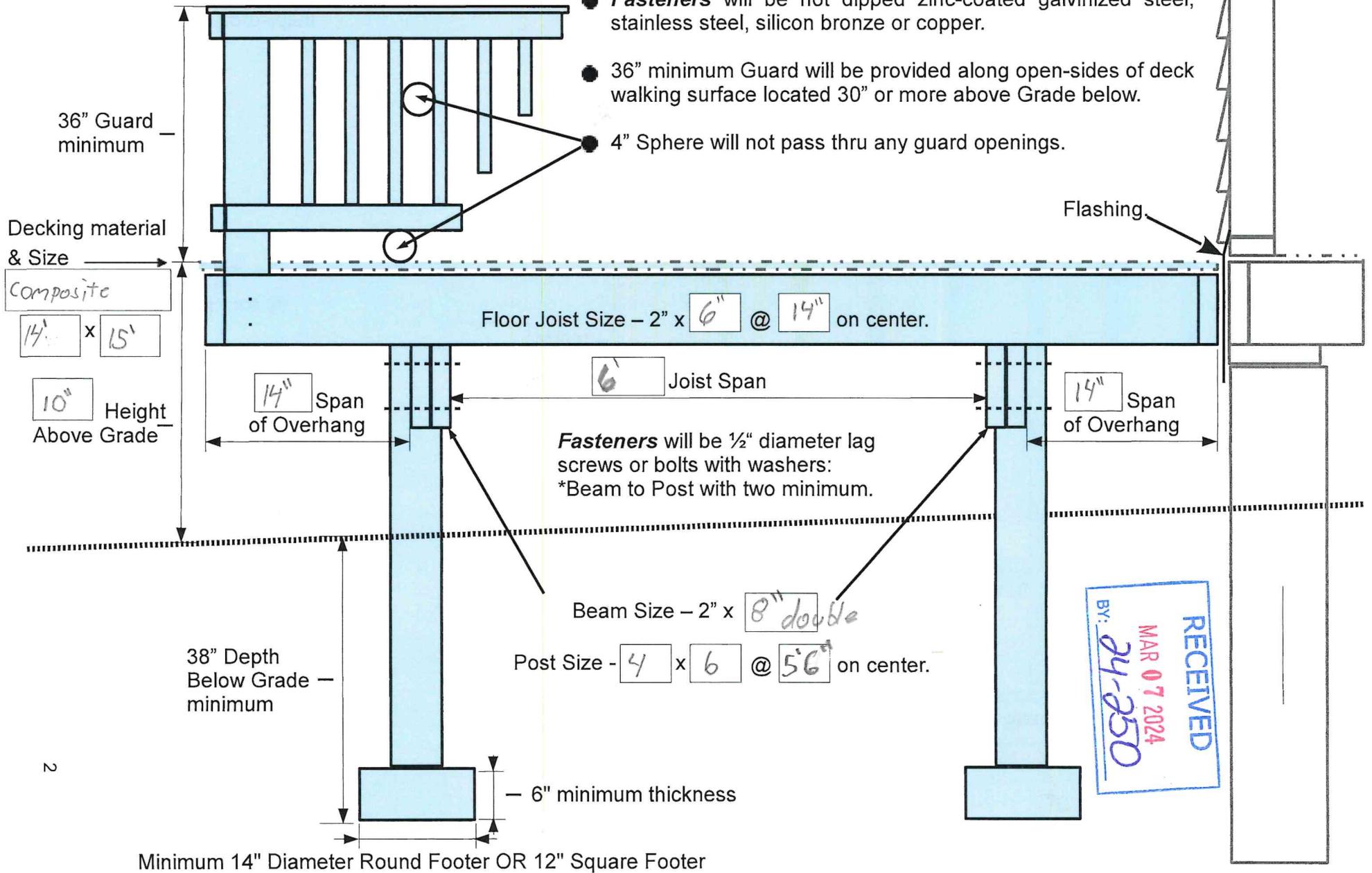
Decking surface material:

- 3) 6x16 solid edge composite planks
- 30) grooved edge composite planks
- 5) 12"x12' 3/8" thick composite fascia boards
- 250) concealed fasteners for composite decking

PROJECT ADDRESS: 735 Shaker dr. Medina, OH
 DECK BY: Home Owner

CHECK LIST

- Exterior wood will be naturally durable or quality mark as pressure-preservative-treated in accordance with AWPA U1.
- **Fasteners** will be hot dipped zinc-coated galvanized steel, stainless steel, silicon bronze or copper.
- 36" minimum Guard will be provided along open-sides of deck walking surface located 30" or more above Grade below.
- 4" Sphere will not pass thru any guard openings.



RECEIVED
 MAR 07 2024
 BY: 24-250

NOT Attached

Attached Deck

MARK VAN PEURSON

Owners Name

735 Shaker dr. Medina, OH

Address

double

2' x 8"

Beam Size

4' x 6"

Post Size

16"

Footer Size

2' x 6"

Joist Size @

14"

o.c.

15'

Width

5' 6"

Post Spacing o.c.

14"

Overhang -
Span

6'

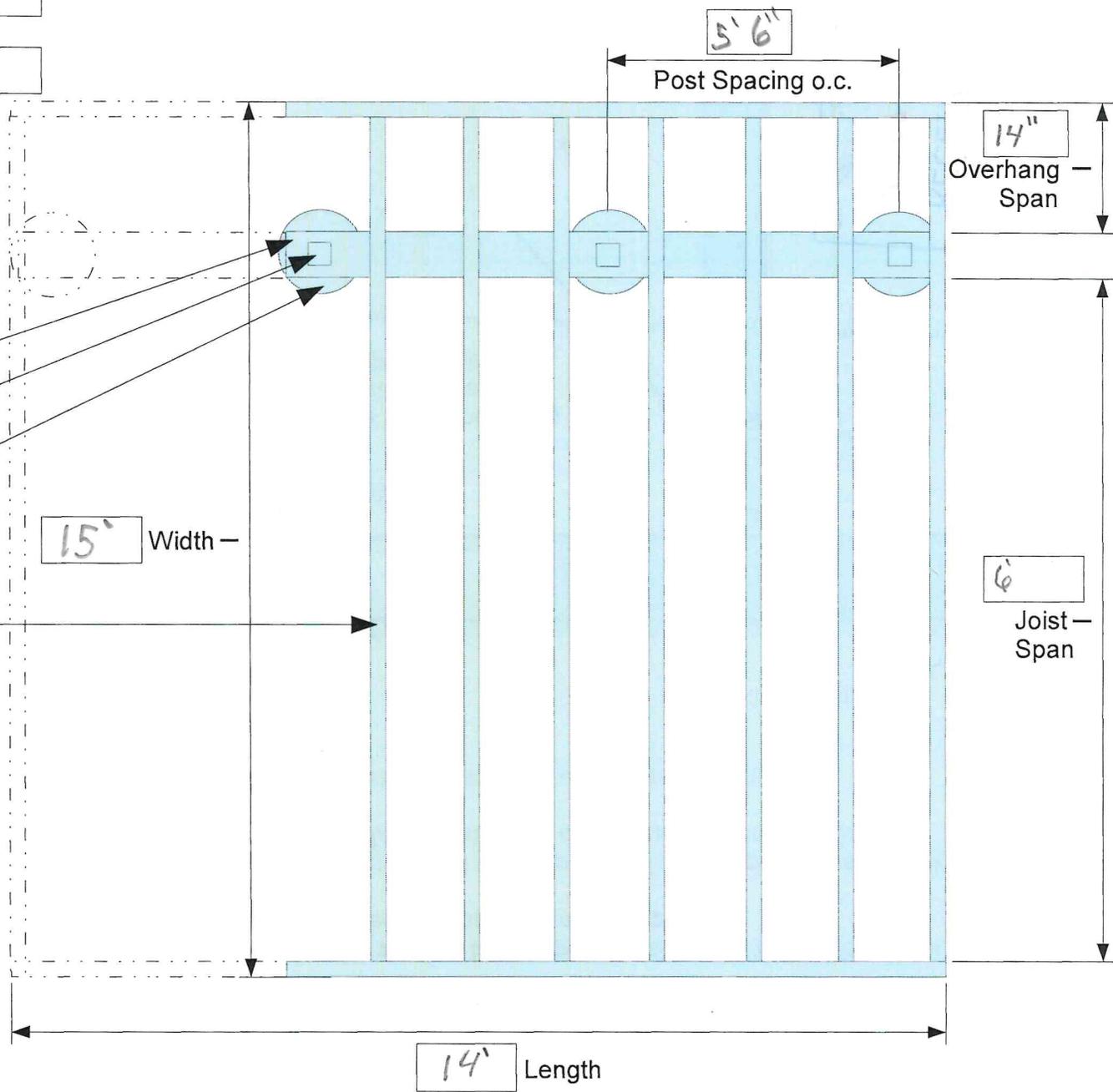
Joist -
Span

Finish Drawing by providing:

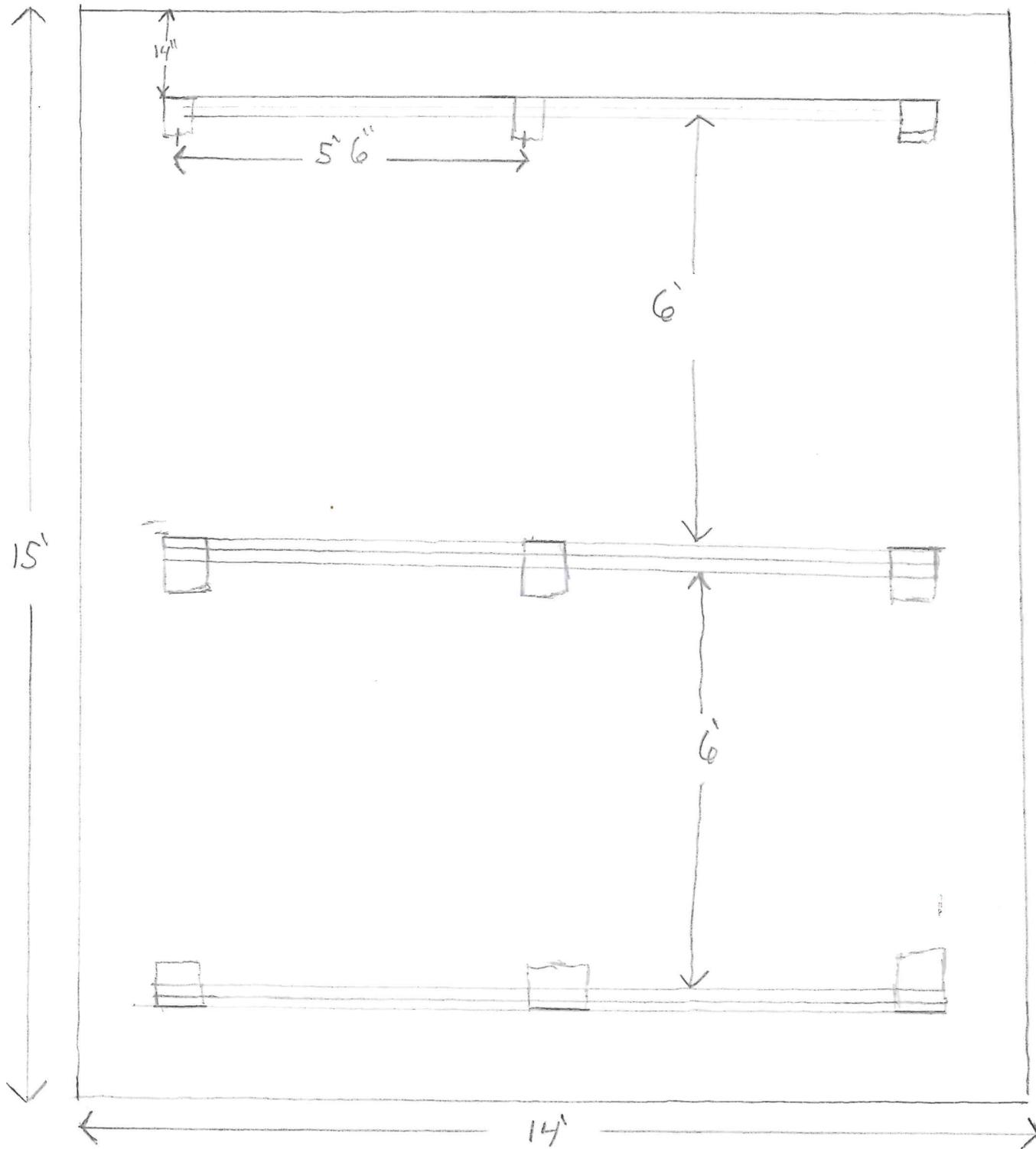
- House Location
- Stairway Location
- Lumber Dimensions
- Deck Dimensions
- Deck Shape & Offsets

14'

Length



735 Shaker dr.
medina, OH 44130



RECEIVED
MAR 07 2024
BY: 24-250