



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: April 25, 2019

Meeting Time: 6:00 pm

Present: Bert Humpal, Mark Williams, Sam Livingston, Jonathan Mendel, (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: Brandilyn Fry, Paul Roszak, Rob Henwood

There were no minutes presented for approval.

New Business:

1. Z19-10 625 Bowman Lane City of Medina VAR
Mr. Mendel gave a brief overview of the case. Mr. Mendel stated he is representing the application which is the City of Medina. Mr. Mendel stated this is a variance request from Section 1115.05 to permit the creation of a new lot in the O-C District that is 86.69 feet wide, 0.691 acres with an existing building with a 20 foot side yard and 13 foot rear yard where the minimum O-C District requirements are 100 foot lot width, 5 acre lot area, 25 foot side yard and 50 foot rear yard.

The Court Reporter swore in all attendees.

Mr. Mendel stated the site is City owned property at the intersection of Weymouth Rd. Bowman Ln near the entrance to Reagan Park.

Mr. Mendel stated the City proposes creating a new lot for existing house on the subject site in order to swap the new lot and building with the Medina City School District for a property on the 300 block of N. Huntington St.

Mr. Mendel stated this swap will permit the school district to improve the existing building which currently houses training services for students with disabilities. Mr. Mendel stated with this property under the school district ownership, funds can be accessed to perform needed improvements to the building/property. Mr. Mendel stated the proposed lot is the minimum needed to provide the school district what it needs, but retains the remainder of the parent lot under City ownership as part of the contiguous Reagan Park land in this area of the City and allow for the possible future alignment of Bowman Ln. with Woodland Dr. across Weymouth Rd.

Mr. Mendel stated the proposed lot does not comply with several of the minimum required lot dimensions in the O-C district and therefore the variances are requested.

Mr. Mendel stated the Board shall weigh the following factors to determine whether an area 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;

Mr. Mendel stated since the proposed and the remainder lots will continue being publicly owned, the uses for the properties will not change and the conditions on the ground will not change.

B. Whether the variance is substantial;

Mr. Mendel stated the following are the percentage reductions proposed from the minimum required:

- Lot width: 86.69 ft proposed; 100 ft required – 13% reduction
- Lot area: 0.691 acres proposed; 5 acres required – 83% reduction
- Rear yard setback: 13 ft proposed; 50 ft required – 74% reduction
- Side yard setback; 20 ft proposed; 25 ft required – 20% reduction

Mr. Mendel stated given the above percentages and the practical fact that there will be no physical changes on the ground, the variance is not 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;

Mr. Mendel stated the proposed lot will not be physically noticeable on the ground, the creation of the lot is for ownership purposes and not for land development purposes. Mr. Mendel stated there will be no changes to the existing neighborhood character.

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

Mr. Mendel stated the variance will not adversely affect the delivery of governmental services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Mr. Mendel stated The City of Medina is aware of the applicable development regulation.

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

Mr. Mendel stated the only other method would be allocate more land area to the proposed lot around the house, but this would prevent the realignment of Bowman Ln. with Woodland Dr., which has significantly more public benefit than compliance with the minimum O-C lot dimensions for this case.

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

Mr. Mendel stated the intent of the requirement was to require minimum adequately sized areas for public open space and parkland within the City of Medina. Mr. Mendel stated in this instance, the proposed lot does not affect the public value of the acreage of Reagan Park and will provide space for creating safer street alignments for public access to the Park.

Mr. Mendel stated the BZA must weigh the above seven factors to determine if a practical difficulty exists that would merit variances from Section 1115.05.

Mr. Mendel stated he recommends the board approve the variances.

Mr. Humpal asked if there is anything that should be done for a change in future use if the school were to tear the house down. Mr. Mendel stated he does not think it is a zoning issue because the OC District is designed to be a district for publicly owned property and open-space. Mr. Mendel stated the school district could not sell the lot to someone who would build a house without rezoning it. Mr. Mendel stated there would have to be some legislative zoning change made.

Mr. Williams asked if there will external changes to the house by the school district. Mr. Mendel stated he does not know but he thinks it may be some ADA accessibility issues. Mr. Mendel stated there are probably some infrastructure improvements that need to be made due to the age of the house.

Mr. Williams asked about the property the city will be getting in exchange. Mr. Mendel stated the land swap is for 347 N. Huntington, the land where the Sophia Parker Huntington House was, right next to the Ray Mellert Park. Mr. Mendel stated the intent is for the land to become part of Ray Mellert Park as part of a parking lot expansion.

Mr. Williams stated the city is essentially taking an Open Space and trading it for what is going to be Open Space, same use. Mr. Mendel stated yes.

Mr. Williams made a motion to approve the variance request from Section 1115.05 to permit the creation of a new lot in the O-C District that is 86.69 feet wide, 0.691 acres with an existing building with a 20 foot side yard and 13 foot rear yard where the minimum O-C District requirements are 100 foot lot width, 5 acre lot area, 25 foot side yard and 50 foot rear yard. Mr. Williams stated the approval is based on the finding that the variances are the minimum necessary to obviate the owner's predicament.

Mr. Livingston seconded the motion.

Vote:

Humpal	<u>Y</u>
Williams	<u>Y</u>
Livingston	<u>Y</u>
Approved	3-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairperson