



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: July 9, 2015

Meeting Time: 6:00 pm

Present: Bert Humpal, Kris Klink, Mark Williams, Jim Bigam, Mark Pinskey, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant)

Absent: None

Announcements: None

Old Business: None

New Business:

1. Z15-19 439 E. Washington Richard Simpson VAR
Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a Variance request to section 1113.05(L)(2)(3) of the Planning and Zoning Code to permit a an accessory structure that is three feet off of the side lot line when a five foot setback from the side lot line is required by code.

Mr. Mendel stated the site is located on the north side of E. Washington Street, east of S. Harmony Street and west of S. East Street.

Mr. Mendel stated the applicant is requesting to construct a 576 sq. ft. detached garage building at the site. Mr. Mendel stated due to site constraints, the applicant is seeking a variance to place the garage three feet from the side lot line instead of the five feet required in code section 1113.05(L)(2)(3). Mr. Mendel stated the side yard setback is proposed at three feet in an attempt to preserve two mature mulberry trees as well as to maximize the limited green space in the rear yard.

Mr. Mendel stated a detached garage can still be built without the granting of a variance.

Mr. Mendel stated the variance may not be substantial. Mr. Mendel stated the garage setback is two feet or 40% shorter than what code allows.

Mr. Mendel stated the essential character of the neighborhood may not be impacted because the property is located in an area of the city that predates zoning. Mr. Mendel stated twelve properties in the immediate vicinity of the subject have lots that are non-conforming in size (less than 8,000 sq. ft.). Mr. Mendel stated several properties including the property directly north of the subject property have garages at or near the property line.

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

Mr. Mendel stated the code regulations for accessory structures were in affect at the time of application and have been for a significant period of time.

Mr. Mendel stated the proposed detached garage could be moved to be in compliance with the five foot setback; however, this may impact the viability of the trees on the property. Mr. Mendel stated the available rear yard space would be impacted.

Mr. Mendel stated the intent of the requirements is to prevent accessory structures from dominating subject sites and neighboring properties.

Present for the case was the property owner, Richard Simpson.

Mr. Mendel stated an e-mail was received from adjoining property owner Jennifer Rose, 445 E. Washington Street. Mr. Mendel stated the e-mail states that she has no issues with the garage being build 3 feet from her property line since this is a common occurrence in the neighborhood. Mr. Mendel stated he is not aware of any other comments from neighbors.

Mr. Humpal asked if there is a limit to the amount of impervious surface allowed on a lot. Mr. Mendel stated there is a code requirement that allows a maximum lot coverage of 60%. Mr. Mendel stated prior to any permit being issued, that percentage would be verified. Mr. Humpal suggested conditioning a variance on the confirmation of that percentage. Mr. Mendel stated this can be done administratively.

Mr. Simpson stated the traffic is very heavy on Rt. 18 which makes it difficult to pull his vehicles out. Mr. Simpson stated it would be very nice to be able to turn his vehicles around and come out in a forward position rather than backing his vehicle out onto Rt. 18. Mr. Humpal stated the board cannot grant a variance based on that factor. Mr. Humpal stated he is concerned about water runoff. Mr. Mendel stated 40% of the lot needs to be pervious surface. Mr. Mendel stated in looking at the site plan, he estimates the applicant has not reached 60%. Mr. Mendel stated staff will verify this prior to issuing permits. Mr. Mendel stated if needed, there are ways to make the adjustment to meet the requirement such as shrinking the apron.

Mr. Pinsky made a motion to approve a variance to Section 1113.05(L)(2)(3) of the Planning and Zoning Code for 439 E. Washington Street to permit an accessory structure

that is three feet off of the side lot line when a five foot setback from the side lot line is required by code. The approval is based on the finding that the variance is not substantial and will not adversely affect the essential character of the neighborhood.

Mr. Williams seconded the motion.

Vote:

Klink	<u>Y</u>
Williams	<u>Y</u>
Humpal	<u>Y</u>
Bigam	<u>Y</u>
Pinsky	<u>Y</u>
Approved	5-0

2. Z15-20 245-247 Northland Dr. Loren Raymond VAR

Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request to Section 1125.05 of the Planning and Zoning Code to expand the nonconformity of the number of dwelling units at the site from ten units to fourteen units when a maximum of two dwelling units are allowed by code.

Mr. Mendel stated the site is located on the north side of Northland Drive. Mr. Mendel stated the property is east of N. Huntington Street and west of N. Court Street. Mr. Mendel stated the site is adjacent to C-3 General Commercial zoning to the north, P-F Public Facilities zoning to the south, R-3 Residential zoning to the west, and R-4 residential zoning to the east.

Mr. Mendel stated there is currently a six unit and a four unit building at the 1.21 acre site. Mr. Mendel stated the project received a Conditional Zoning Certificate for the ten unit PUD in case P22-89. Mr. Mendel stated the property is zoned R-3 which allows two family dwelling as a conditionally permitted use. Mr. Mendel stated the applicant is seeking a variance to expand the nonconformity of the lot with the construction of a new four unit apartment building. Mr. Mendel stated the new building is proposed to have a twenty-six foot rear yard setback. Mr. Mendel stated the applicant is seeking a second variance to allow the new building to have a twenty-six foot rear yard setback when a thirty foot rear yard setback is required by code.

Mr. Mendel stated the existing site can continue to operate in its current condition.

Mr. Mendel stated the site density request may be substantial as it is a complete variance that expands an existing site nonconformity. Mr. Mendel stated currently, the density at the site is 400% higher than what is conditionally permitted under R-3 zoning (two family dwelling). Mr. Mendel stated the additional four units would be 600% higher than the permitted density at the site.

Mr. Mendel stated the setback variance may not be substantial because it is four feet or thirteen percent shorter than code requirements.

Mr. Mendel stated the essential character of the neighborhood may not be altered. Mr. Mendel stated the applicant has indicated the new apartments were being considered because there is a waiting list for the current units. Mr. Mendel stated due in part to the location, the apartments have become popular with the senior citizen community. Mr. Mendel stated the additional units may create a nominal increase in traffic on Northland Drive. Mr. Mendel stated the properties most proximate to the proposed units consist of high density apartments as well as the parking lot for the Regal Movie Theatre.

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

Mr. Mendel stated the zoning changed with the 2014 zoning code update. Mr. Mendel stated the property was conditionally permitted in case P22-89 and was originally built through the PUD process. Mr. Mendel stated the zoning was in effect at the time of application.

Mr. Mendel stated the property owner's predicament could not be obviated without the granting of a variance because the property is already non-conforming in its current condition. Mr. Mendel stated the property would need to be rezoned to a Special Planning District to avoid the density variance.

Mr. Mendel stated the building could be reoriented four feet towards the street so the proposed building meets the rear yard setback.

Mr. Mendel stated the intent of the requirements is to prevent dwelling unit density and location from having a negative impact upon the existing context and public infrastructure.

Present for the case was Loren Raymond, owner and potential developer. Mr. Raymond stated the reason they would like to do this is they are beginning to get tenants who like to walk to the senior center every day. Mr. Raymond stated they now have a waiting list which is something they have never experienced.

Mr. Williams stated there appears to be a twenty foot distance between the existing facility and the one being proposed. Mr. Williams asked why the new building could not be moved four feet to eliminate one of the variances. Mr. Raymond stated he can do that. Mr. Williams asked why that is not being done. Mr. Raymond stated he does not know but it can certainly be done and he is willing to do that. Mr. Raymond stated that is just the way the drawings were done and it is very easy to change.

Mr. Williams stated the less variances required, the better. Mr. Williams stated the existing unit (northwest corner) and the southeast corner of the adjacent property looks tight. Mr. Williams asked how the applicant will get building equipment in there.

Mr. Raymond stated there is enough room to get the equipment in and out.

Mr. Humpal asked if neighbors were notified. Mr. Mendel stated they were notified and he is not aware of any comments provided.

Mr. Humpal asked why the PUD regulations were removed from the code when it was last updated. Mr. Mendel stated the Special Planning District is very similar and accomplishes the same as a PUD and it provided efficiency in processes in the zoning code.

Mr. Williams asked if this will go to Planning Commission for site plan review. Mr. Mendel stated yes after the Board of Zoning Appeals reviews the application.

Mr. Klink asked if any garages are being planned for the new units. Mr. Raymond stated there are ten existing units with nine garages and only one of the garages is occupied by a tenant. Mr. Raymond stated the garages have been rented to people for storage. Mr. Raymond stated they are not planning on building any garages.

Mr. Williams made a motion to approve a variance to Section 1125.05 of the Planning and Zoning Code to expand the nonconformity of the number of dwelling units at the site from ten units to fourteen units when a maximum of two dwelling units are allowed by code. Mr. Williams stated the approval is based on the finding that it will not negatively alter the essential character of the neighborhood and the property owner's situation could not be obviated without the granting of the variance.

Mr. Klink seconded the motion.

Vote:

Humpal	<u>Y</u>
Bigam	<u>Y</u>
Klink	<u>Y</u>
Williams	<u>Y</u>
Pinskey	<u>Y</u>
Approved	5-0

Mr. Williams stated that he neglected to put into his motion that the second variance for a twenty-six foot rear yard setback was not granted. Mr. Mendel stated the applicant has stated in the meeting that he would move the building to make it compliant with the setback requirements.

3. Z15-21 211 Commerce Drive Discount Drug Mart VAR

Mr. Mendel gave a brief orientation to the case. Mr. Mendel stated this is a variance request to Section 1145.05(B) of the Planning and Zoning Code to allow the removal of the required parking lot landscape barrier as part of a parking lot expansion when a minimum of a five foot landscape barrier is required by code.

Mr. Mendel stated the subject site is located on the southwest corner of the Branch Road and Commerce Drive intersection. Mr. Mendel stated the property is adjacent to industrial zoning on all sides.

Mr. Mendel stated at the July 9, 2015 Planning Commission meeting, the applicant is seeking site plan approval for a thirty space parking lot expansion for Discount Drug Mart. Mr. Mendel stated the expansion would require the removal of much of the required landscape barrier. Mr. Mendel stated the applicant is seeking a variance from Planning and Zoning Code Section 1145.05(B) for the removal of the existing landscape barrier. Mr. Mendel stated Section 1145.05(B) requires a minimum five feet of landscaped barrier between the right-of-way and the parking lot.

Mr. Mendel stated the site can continue to operate without the granting of a variance. Mr. Mendel stated the parking lot could still be expanded just to a lesser extent.

Mr. Mendel stated the variance may be substantial. Mr. Mendel stated portions of the landscape barrier will remain, the removal of the landscaped barrier would constitute a 100% variance from code requirements.

Mr. Mendel stated the essential character of the neighborhood may not be altered. Mr. Mendel stated this section of Commerce Drive does not have sidewalks; the strip of grass in the right of way may give the visual look of a basic landscape buffer. Mr. Mendel stated the property is completely surrounded by industrial zoned properties.

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

Mr. Mendel stated the parking lot buffer requirements were in effect at the time of the application and have been in effect for a significant time period.

Mr. Mendel stated the extent of the expansion could be reduced to preserve the landscape barrier; however, this would reduce the parking at the site.

Mr. Mendel stated the spirit and intent of the zoning requirements is to provide for a consistent look on any given street and to prevent paved parking lots from dominating a given site.

Mr. Mendel stated with this plan, they would be closing off the central curb cut resulting in more tree lawn. Mr. Mendel stated there would be one curb cut on the south side of the site and one at the northern part of the parking lot.

Present for the case was Brad Kershaw, Design Matters Architecture, 34100 Center Ridge Road, North Ridgeville, Ohio. Mr. Kershaw stated some landscaping was removed but was then given back. Mr. Kershaw stated any plantings that are currently on site will be relocated further north on the property. Mr. Kershaw stated they are adding a

couple trees on the northern side near the receiving dock areas. Mr. Kershaw stated they are also removing an apron off of Commerce Drive and replacing it with green space. Mr. Kershaw stated the parking spaces are needed due to some recent changes to Drug Mart which resulting in 50 new employees. Mr. Kershaw stated parking is needed for those employees.

Mr. Mendel stated the variance was advertised and no comments were received.

Kimberly Rice, Economic Development Director commented on the job creation that has occurred at Drug Mart over the last few years. Ms. Rice stated Drug Mart has joined the Joint Economic District in Montville Township with a new retail store on Rt. 3. Ms. Rice stated they have also broken ground on another retail store in Sharon Township. Ms. Rice asked the Board to consider the variance.

Mr. Pinsky stated he is normally not inclined to accept this type of variance because Medina is known for its treescape. Mr. Pinsky stated he is more position because of the location and the surrounding types of businesses.

Mr. Bigam has shown that they are a community partner and their expansions are welcome. Mr. Bigam stated they are in an area that is pre-industrial. Mr. Bigam stated he is inclined to support the request.

Mr. Bigam made a motion to approve a Variance to Section 1145.05(B) of the Planning and Zoning Code to allow the removal of the required parking lot landscape barrier as part of a parking lot expansion when a minimum of a five foot landscape barrier is required by code. Mr. Bigam stated the approval is based on the finding that the essential character of the neighborhood would not be substantially altered and the adjoining properties would not suffer a substantial detriment as a result of the variance.

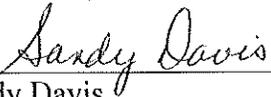
The motion was seconded by Mr. Williams.

Vote:

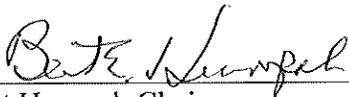
Humpal	<u>Y</u>
Bigam	<u>Y</u>
Williams	<u>Y</u>
Klink	<u>Y</u>
Pinsky	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman