

MEETING DATE: 04-14-16

BOARD OF ZONING APPEALS

Z16-10

139 N. Court



CITY of MEDINA

Board of Zoning Appeals

April 14, 2016 Meeting

Case No: Z16-10

Address: 139-145 N. Court St.

Applicant: Mann Architects for Dr. Loren Raymond

Subject: Variance from Section 1135.06 to allow a new building with a 6,850 square foot building footprint instead of the maximum allowed 5,000 square feet

Zoning: C-2, Central Business District

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The site is located at the southwest corner of N. Court St. and W. Friendship St. The site is currently the offices of the Medina Area Chamber of Commerce and is composed of three buildings of which two are unoccupied.

Project Introduction:

The proposes the following project

- Demolish the entire existing site including all building and pavement
- Construct a new 3-story mixed use building and associated rear property lot
 - Ground floor will consist of 6,850 sqft of flexible commercial space
 - 2nd and 3rd floors will have five ~1,100 sqft residential apartments each (total of 10 residential units)
 - A drive-thru land on the south side of the building for an anticipated bank tenant
 - A landscaped 19 space parking lot to the rear (west) of the proposed building

The proposed 6,850 square foot building footprint exceeds the maximum 5,000 square foot building footprint requirement in the Public Square area outlined in Section 1135.06 of the Planning and Zoning Code. Therefore, the applicant requests a variance for the proposed building footprint size.

In addition to review by the Zoning Board of Appeals, this project will be reviewed on April 14, 2016 by the Historic Preservation Board for a certificate of appropriateness for the demolition of the existing buildings and the construction of the proposed project and Planning Commission review for site plan and a conditional zoning certificate for a proposed Personal and Professional Services with Drive-Thru (drive-thru bank).

Please find attached to this report:

1. Applicant's argument for the variance received March 24, 2016
2. Architectural elevations, site plan and floorplans by Mann Architects and Spagnuolo & Associates, LLC received March 24, 2016
3. Site aerial photograph

Considerations:

§1107.08(b) of the Medina Administrative Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Board shall have the power, in a specific case, to interpret any such provision in harmony with its general purpose and intent so that the public health, safety, and general welfare may be secured and substantial justice done.

The request is subject to determination of a practical difficulty for the building footprint square footage variance. There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists. These factors are outlined below, along with a discussion of how these factors apply to the application in question.

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 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;*

There can be beneficial use of the property without the variance. Within the context of the proposed project, leasable space may be unnecessarily limited due the project programming and the access requirements of the building code.

- B. *Whether the variance is substantial;*

The variance is 37% more than the maximum allowed 5,000 sqft. Within the context of the project, it may not be substantial because the building's massing masks the difference.

- 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;*

The existing buildings on the site total ~6,800 sqft and existing building immediately across N. Court St. to the east is ~7,600 sqft.

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

The variance would not adversely affect the delivery of governmental services.

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

The property owner was aware of the zoning restriction.

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

The owner's predicament may not be obviated because the applicable building codes have minimum accessibility requirements which reduce the potential area and layout of the leasable space within the building.

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

The intent of the regulation is to keep future development in scale with the increment and building rhythm of the existing downtown block frontages. This project would be consistent with the character of the downtown and the scale, increment and rhythm of the downtown built environment.

The BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variance from section 1135.06.



March 23, 2016

City of Medina Board and Commissions
Attn: Jonathan Mendel, AICP
Community Development Director
132 North Elmwood Ave.
Medina, Ohio 44256

Dear Jonathan,

Please find enclosed the documents required for Boards and Commissions Submittal. We are submitting for Historic Preservation Board (HPB) review, Board of Zoning Appeals (BZA) review, as well as Planning Commission (PC) review for a Conditional Zoning Certificate and Site Plan Approval.

The Conditional Zoning Certificate is for a Personal and Professional Service with drive thru in the C-2 district, per 1135.05.

We also seek a 60'-0" maximum height of the principle use as permitted upon approval of the Planning Commission review, per 1135.06.

Included in our application is the request for a variance from the Board of Zoning Appeals. Please see the below items addressing the Variance and Appeals submittal requirements.

1. Clear description of proposed work:

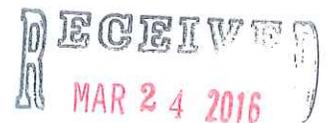
The existing single story buildings on parcel 028-19A-21-070 will be demolished. A new 3-story mixed use building is proposed on the site, totaling approximately 20,500 gross square feet. This new 3-story mixed use building will include tenant space on the first floor for retail or office use and (10) total apartment units on the second and third floors. The new building will compliment the architecture as well as the scale of the historic city center.

2. Section of the code to which a variance is sought:

1135.06 - Lot Development Standards

Maximum Building Footprint within the Public Square Area: 5,000 square feet

Proposed Building Footprint within the Public Square Area: ~6,850 square feet



BY:

3. Exceptional conditions pertaining to the property which would cause practical difficulty if the provisions of the Ordinance were strictly applied (variance checklist)

- A.** The property would not be nearly as beneficial without the variance. The viability of a 3 story building would be greatly reduced if the footprint was under 5,000 square feet. This is due to egress requirements of the Ohio Building Code, adapted from the International Building Code. Like the larger ~6,850 footprint for which a variance is sought, a 5,000 sq. ft. building would require two separate stairs for the units above. Because of this requirement, rentable square footage would make up a much smaller percentage of the gross area of a 5,000 sq. ft. footprint. This in turn would make the project substantially less financially viable.
- B.** The variance is asking for a ~37% increase in the maximum building footprint, or approximately 1,850 square feet.
- C.** The character of the neighborhood would only be enhanced due to the variance due to the complimentary architecture and new urbanism land use principles. Adjoining properties would not suffer due to the variance as the existing buildings on site already exceed the maximum building footprint by approximately the same amount as the proposed building.
- D.** The enlarged building footprint has no affect on the delivery of governmental services. Much coordination has been made with Sanitation Superintendent John Lengacher to ensure receptacle location and circulation through the site is acceptable for rubbish truck pickup.
- E.** The property was purchased with the intent to create a building that expands on the character of the historic district. As some buildings on the square are as large as 8,000 square feet, and the existing building exceeds 5,000 square feet, there was no immediate concern with footprint restrictions within the zoning code.
- F.** There is no feasible method other than variance to obviate the property owner's predicament.
- G.** The intent of the zoning requirement is to protect the scale and character of the historic district. This spirit would be observed should the variance be granted. The property owner's own intent is in synchrony with maintaining the character and scale of the historic district. Considering the aforementioned items, substantial justice would be done for the property owner, benefitting the historic center of the city of Medina as well.

All other materials for the request for a variance under the BZA, as well as for submittals to the PC and HPB, as indicated in our application, are enclosed.

Thank you for your consideration,



Ian Jones
Mann Architects

RECEIVED
MAR 24 2016

BY:



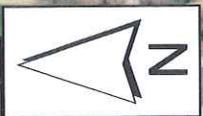
E FRIENDSHIP ST

N COURT ST

W FRIENDSHIP ST

N ELMWOOD AVE

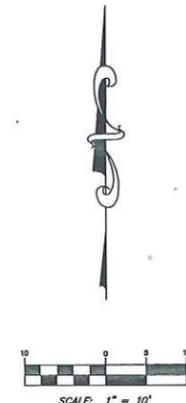
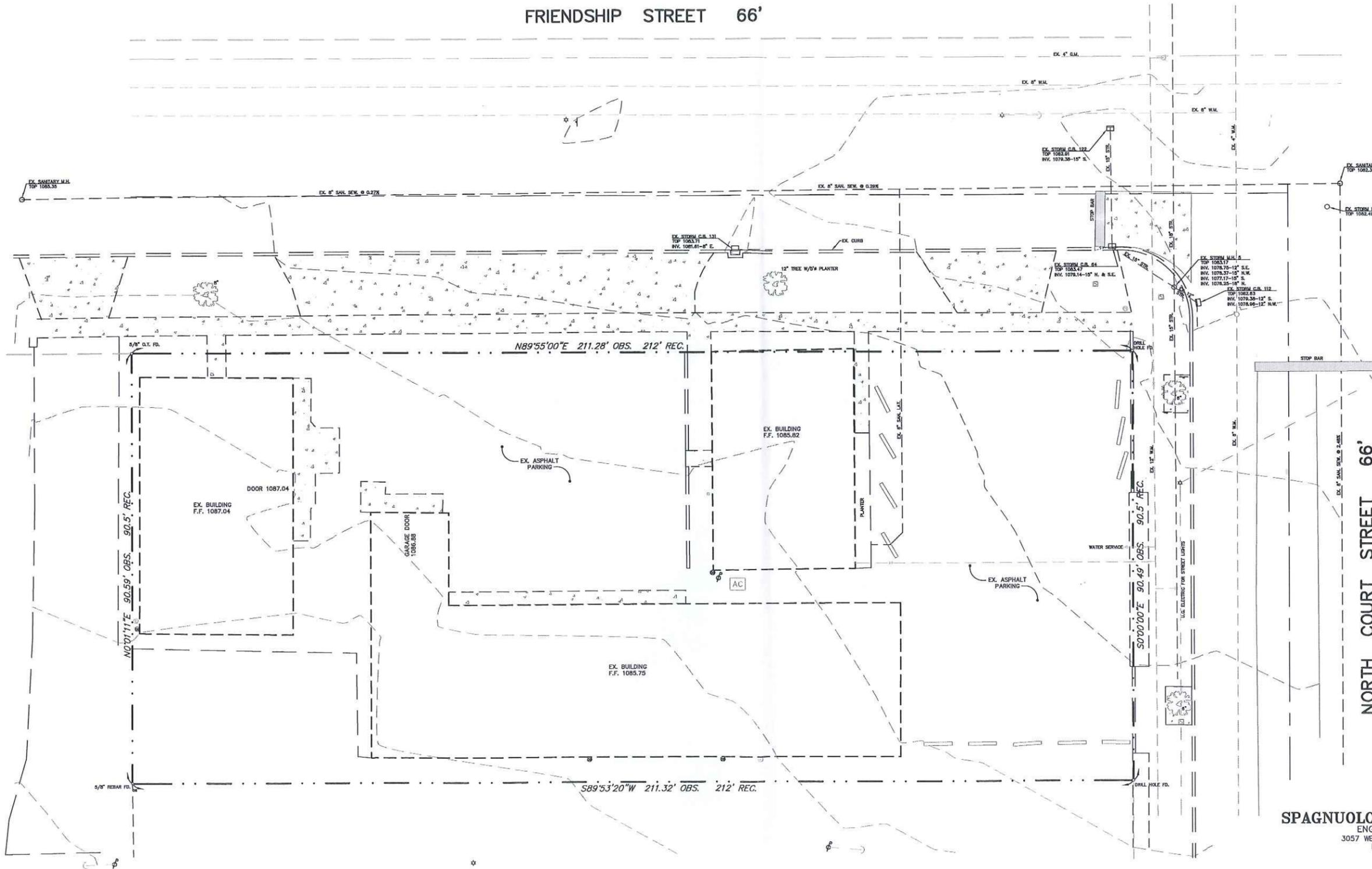
Subject Site



1 inch = 100 feet

**H16-03, Z16-010 & P16-08
3-story mixed use redevelopment
139-145 N. Court St.
April 14, 2016**

FRIENDSHIP STREET 66'



NORTH COURT STREET 66'

- LEGEND**
- IRON PIN FOUND AS NOTED
 - ⊙ ELECTRIC METER
 - ⊙ GAS METER
 - ⊙ TRAFFIC SIGNAL BOX
 - ⊙ TRAFFIC SIGNAL CONTROL POLE
 - ⊙ UTILITY POLE
 - ⊙ GUY WIRE
 - ⊙ LIGHT POLE
 - ⊙ HYDRANT
 - ⊙ VALVE
 - ⊙ DOWNSPOUT
 - ⊙ SIGN
 - ⊙ WHEEL STOP
 - ⊙ AIR CONDITIONER
 - ⊙ TREE and SIZE
 - ⊙ CONCRETE

Prepared By
SPAGNUOLO & ASSOCIATES, LLC
 ENGINEERS - SURVEYORS
 3057 WEST MARKET STREET, SUITE 201
 FAIRLAWN, OHIO 44333
 (330) 836-6661

Survey Plan For
145 FRIENDSHIP STREET
 CITY OF MEDINA
 COUNTY OF MEDINA
 STATE OF OHIO

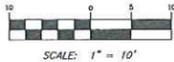
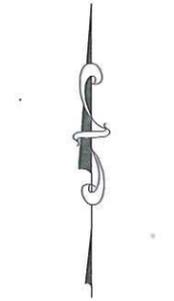
SCALE: 1" = 10' MARCH, 2016

RECEIVED
 MAR 24 2016

F:\145 Friendship\3d DWG\Bases\145 Friendship (Survey) 3-10-2016

FRIENDSHIP STREET 66'

NORTH COURT STREET 66'



SCALE: 1" = 10'

LEGEND

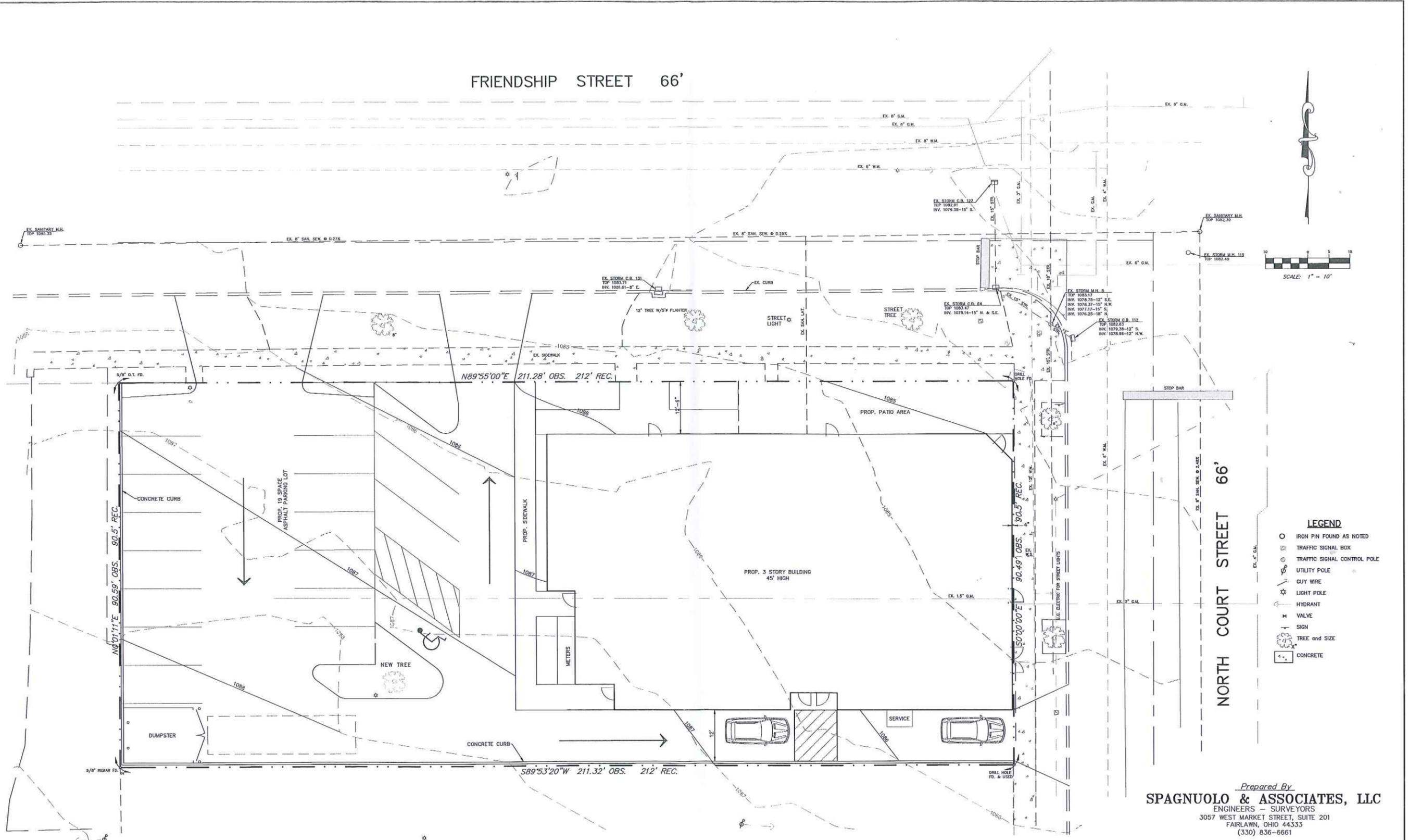
- IRON PIN FOUND AS NOTED
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL CONTROL POLE
- UTILITY POLE
- GUY WIRE
- ⊙ LIGHT POLE
- ⊙ HYDRANT
- ⊙ VALVE
- ⊙ SIGN
- ⊙ TREE and SIZE
- CONCRETE

Prepared By
SPAGNUOLO & ASSOCIATES, LLC
 ENGINEERS - SURVEYORS
 3057 WEST MARKET STREET, SUITE 201
 FAIRLAWN, OHIO 44333
 (330) 836-6661

Site Plan For
145 FRIENDSHIP STREET
 CITY OF MEDINA
 COUNTY OF MEDINA
 STATE OF OHIO

SCALE: 1" = 10' MARCH, 2016

RECEIVED
 MAR 24 2016



NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION

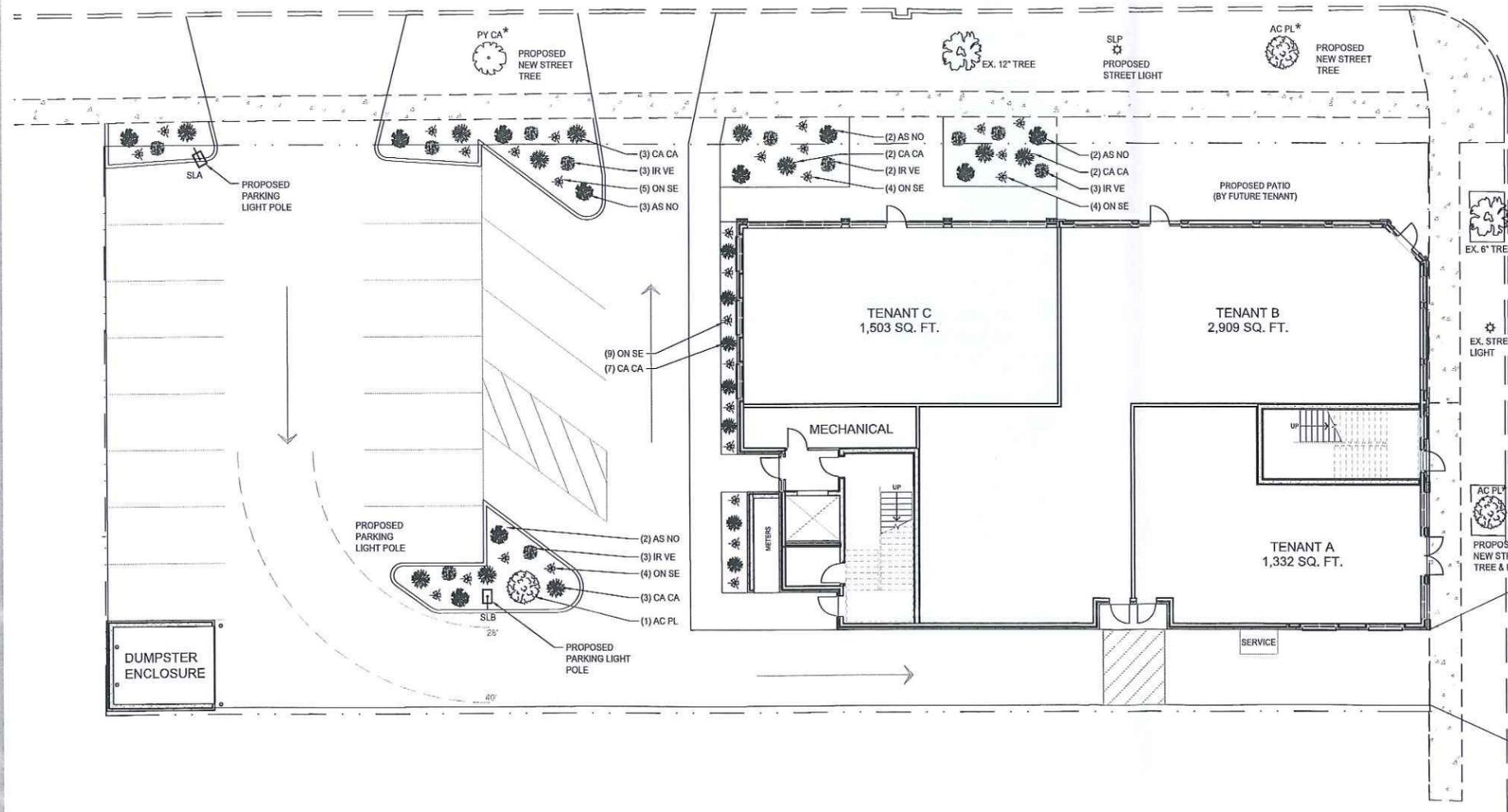
SITE INFORMATION

PARCEL: 028-19A-21-070
PARCEL SIZE: 0.44 AC (-19,186 SQ. FT.)
PARKING AREA: 8,323 SQ. FT.
LANDSCAPING AT PARKING: 527 SQ. FT.
PARKING SPACES REQUIRED: N/A PER 1145.04 (D)
PARKING SPACES: 19 (INCLUDING 1 ACCESSIBLE)
1ST FLOOR GROSS: 6,850 SQ. FT. (SHELL TENANT SPACE / MECH / EGRESS)
2ND & 3RD FLOOR GROSS: 6,830 SQ. FT. (5 RESIDENTIAL UNITS EACH FLOOR)
BUILDING TOTAL: 20,510 SQ. FT.
BUILDING HEIGHT AVERAGE: 45'-2"
BUILDING HEIGHT AT HIGHEST POINT: 49'-5"

GENERAL LANDSCAPE NOTES

- IT IS MANDATORY THAT POSITIVE DRAINAGE IS PROVIDED AWAY FROM ALL BUILDINGS.
- ALL PLANTING BEDS SHALL BE MOUNDDED TOWARD THE CENTER. ISLANDS TO BE KEYED AT PERIMETER EDGE TO HOLD / MAINTAIN MULCH.
- CONTRACTOR TO VERIFY UTILITY ROUTINGS AND COORDINATE THIS WORK WITH EXISTING UTILITY LOCATIONS. ADJUST PLANT MATERIAL ACCORDINGLY.
- PROVIDE DOUBLE SHREDDED HARDWOOD BARK MULCH 3" DEEP MIN. AT ALL PLANTING BEDS. PROVIDE A MIN. 3" DIAMETER MULCH BED AROUND EACH INDIVIDUAL TREE UNLESS TREES ARE INCORPORATED IN A PLANTING BED. MULCH COLOR TO BE BLACK UNLESS OTHERWISE SPECIFIED BY THE OWNER. CONTRACTOR SHALL SUBMIT MULCH SAMPLES TO OWNER FOR APPROVAL PRIOR TO ORDERING.
- ALL PLANTING BEDS TO RECEIVE A MIN. 6" DEPTH OF SOIL MIX AFTER FINAL GRADE IS ESTABLISHED. SOIL MIX SHALL CONSIST OF 50% SCREENED TOPSOIL, 25% SAND AND 25% LEAF HUMUS. ALL SEEDING AREAS TO RECEIVE A MINIMUM OF 2" OF CLEAN FINE GRADED TOPSOIL, FREE OF ALL ROCKS AND DELETERIOUS DEBRIS.
- CONTRACTOR TO APPLY STARTER FERTILIZER (20-26-6) OR APPROVED SIMILAR FOR ALL LAWN AND PLANT MATERIALS.
- ANY PLANT MATERIAL SUBSTITUTIONS TO BE VERIFIED AND APPROVED BY OWNER OR LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- PLACEMENT OF PLANTING MATERIALS SHALL NOT AFFECT THE INTENDED DRAINAGE PATTERN OF THE FINAL GRADING PLAN. THIS INCLUDES BUT IS NOT LIMITED TO PLACING PLANT MATERIALS IN SWALES OR CREATING MOUNDS THAT BLOCK THE INTENDED SURFACE DRAINAGE PATTERN.
- PLANT LISTS ARE PROVIDED FOR REFERENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL PLANT MATERIALS INDICATED ON THE PLANS, AND MAINTAINING FOR A MINIMUM OF 60 DAYS.
- ALL PLANTINGS SHALL RECEIVE A (1) YEAR COMPLETE REPLACEMENT WARRANTY.

WEST FRIENDSHIP ST. 66'



LANDSCAPING LEGEND

SYMBOL	NAME	SIZE	CONDITION
AG PL	ACER PLAT 'GLOBOSUM'	2" CAL.	B&B
IR VE	GLOBE NORWAY MAPLE		
IR VE	IRIS VERSICOLOR	24" HT.	CONT.
IR VE	BLUEFLAG IRIS		
PY CA	PIRUS CALLERYANA 'CLEVELAND SELECT'	2" CAL.	B&B
CA CA	'CLEVELAND SELECT' PEAR		
CA CA	CALAMAGROSTIS CANADENSIS	1 GAL.	CONT.
CA CA	BLUEJOINT GRASS		
AS NO	ASTER NOVAE-ANGLIAE	24" HT.	CONT.
AS NO	NEW ENGLAND ASTER		
ON SE	ONOCLEA SENSIBILIS	24" HT.	CONT.
ON SE	SENSITIVE FERN		

NOTE:

ALL PLANTS CALLED OUT ON THIS PLAN ARE SUGGESTED SELECTIONS ONLY. LANDSCAPE CONTRACTOR TO VERIFY ALL PLANTS ACCORDING TO EXPOSURE AND OTHER ON SITE CONDITIONS. DESIGNER IS NOT RESPONSIBLE FOR FAILED PLANTINGS

* SPECIES, MATURITY, AND PLANTING OF STREET TREES IN THE PUBLIC RIGHT OF WAY ARE TO BE COORDINATED AND FINALIZED WITH THE CITY OF MEDINA.

LIGHTING LEGEND

SYMBOL	TYPE	HEIGHT	QUANTITY
SLA	SITE LIGHTING	22'-6"	1
SLB	SITE LIGHTING	22'-6"	1
SLP	STREET LIGHT POLE (MODEL BY CITY)	-	1

NORTH COURT ST. 66'

LANDSCAPE PLAN

SCALE: 3/32" = 1'-0"



revisions

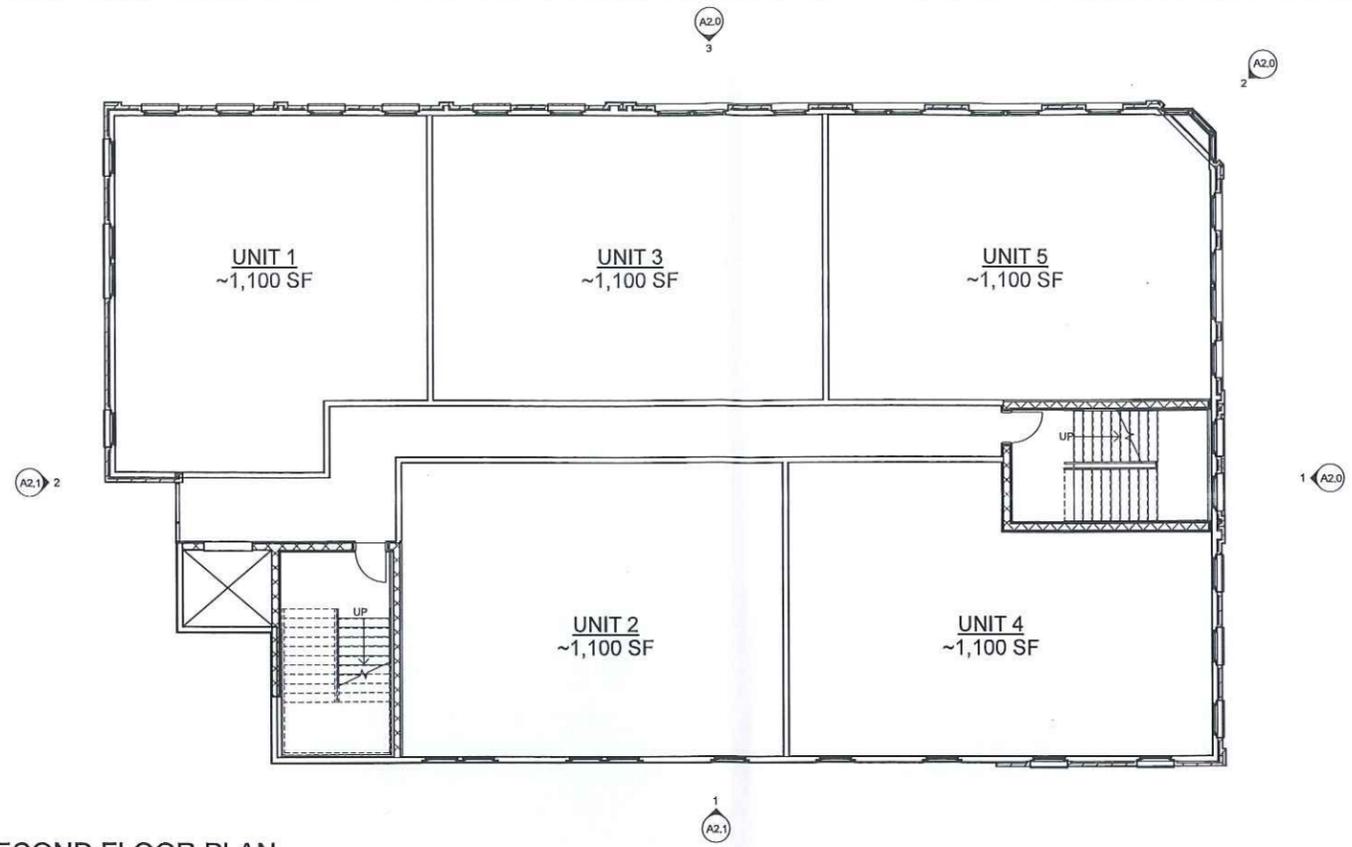
3660 embassy parkway
fairlawn, oh 44333
tel: 330 . 666 . 5770
fax: 330 . 666 . 8812
www.mann-architects.com



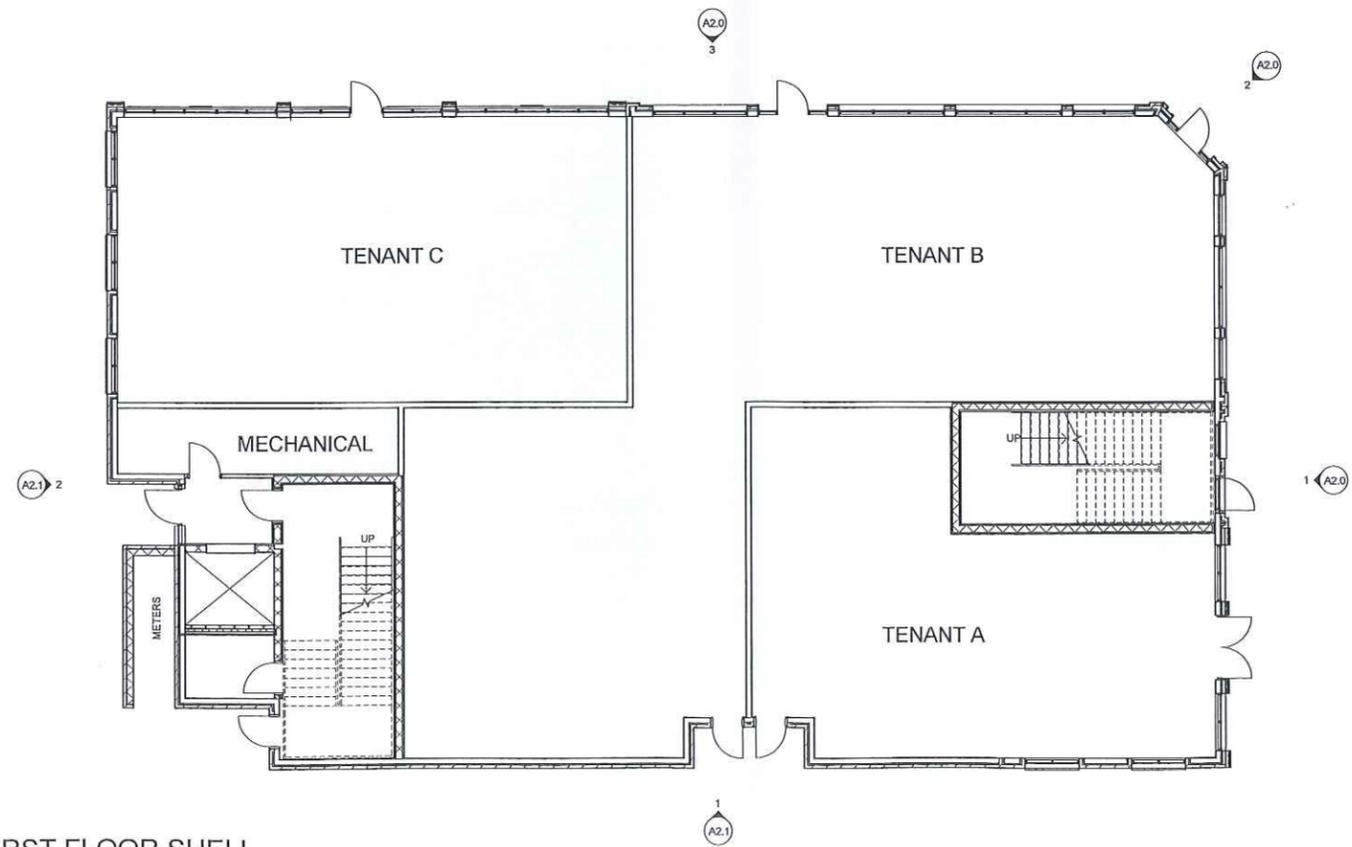
drawing
LANDSCAPING PLAN
project no. 18715
date MARCH 23, 2016
project
RETAIL AND APARTMENTS
145 W. FRIENDSHIP ST.
MEDINA, OH 44256

RECEIVED
MAR 24 2016

L1.0
1 OF 1
sheet no.



2 SECOND FLOOR PLAN
1/8" = 1'-0"



1 FIRST FLOOR SHELL
1/8" = 1'-0"

RECEIVED
MAR 24 2016



PRELIMINARY
NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION
PROJECT PHASE

revisions

--	--

3660 embassy parkway
fairlawn, oh 44333
tel: 330 . 666 . 5770
fax: 330 . 666 . 8812
www.mann-architects.com



drawing	date
FLOOR PLANS	MARCH 23, 2016
project no.	18715
project	RETAIL AND APARTMENTS
	145 W. FRIENDSHIP ST. MEDINA OH 44256

A1.0
1 OF 3
sheet no.

PRELIMINARY

NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION

PROJECT PHASE

revisions

3660 embassy parkway
fairlawn, oh 44333
tel: 330 . 666 . 5770
fax: 330 . 666 . 8812
www.mann-architects.com

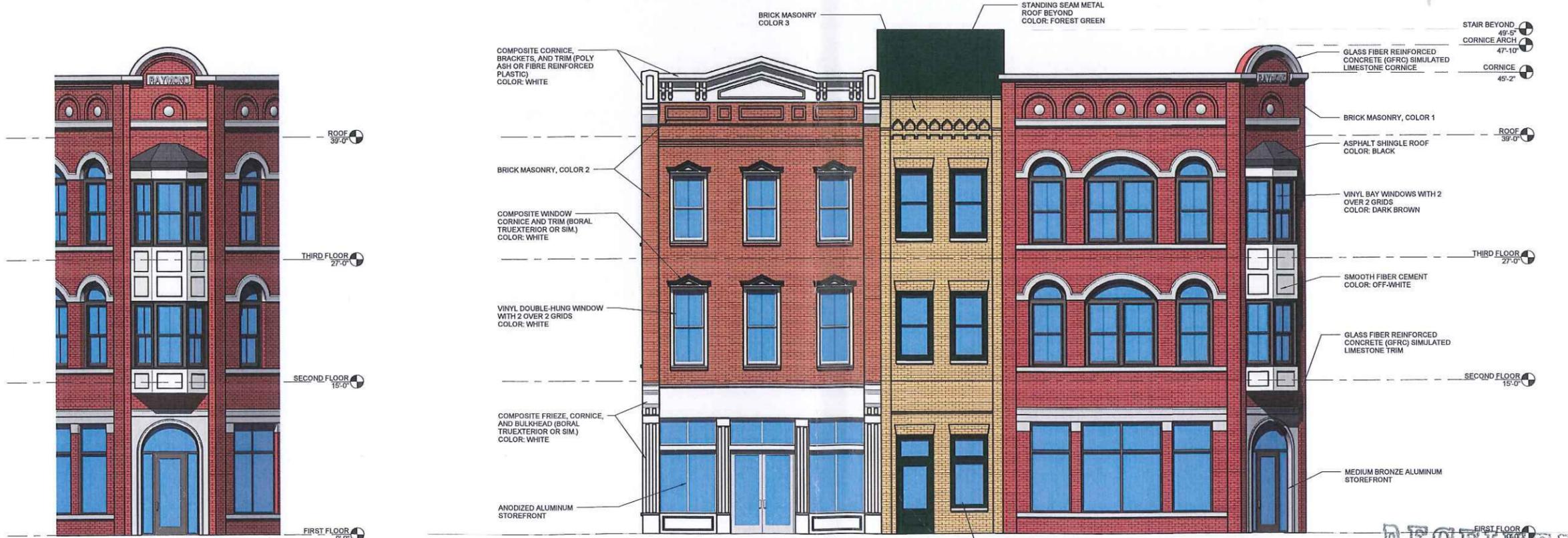


drawing
EXTERIOR ELEVATIONS
project no. 18715
date MARCH 23, 2016
RETAIL AND APARTMENTS
145 W. FRIENDSHIP ST.
MEDINA OH 44256
project

A2.0
2 OF 3
sheet no.



3 NORTH
3/16" = 1'-0"



1 EAST
3/16" = 1'-0"

2 NORTHEAST CORNER
3/16" = 1'-0"

RECEIVED
MAR 24 2016

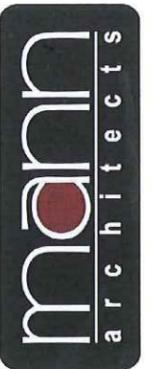
PRELIMINARY

NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION

PROJECT PHASE

REVISIONS

3660 embassy parkway
fairlawn, oh 44333
tel: 330 . 666 . 5770
fax: 330 . 666 . 8812
www.mann-architects.com



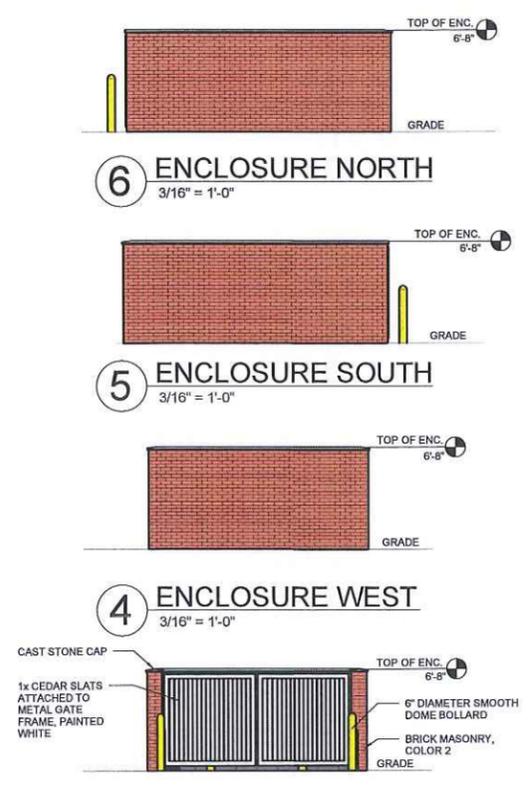
drawing
EXTERIOR ELEVATIONS
project no. 18715
date MARCH 23, 2016
RETAIL AND APARTMENTS
145 W. FRIENDSHIP ST.
MEDINA OH 44256
project

A2.1

3 OF 3
sheet no.



1 SOUTH
3/16" = 1'-0"



6 ENCLOSURE NORTH
3/16" = 1'-0"

5 ENCLOSURE SOUTH
3/16" = 1'-0"

4 ENCLOSURE WEST
3/16" = 1'-0"

3 ENCLOSURE EAST
3/16" = 1'-0"



2 WEST
3/16" = 1'-0"

RECEIVED
MAR 24 2016