

MEETING DATE: 2-8-18

BOARD OF ZONING APPEALS

Z18-07

724 E. Smith Road



CITY of MEDINA
Planning Commission
February 8, 2018 Meeting


Case No: Z18-07

Address: 724 E. Smith Road

Applicant: The Children's Center of Medina County

Subject: A use variance from Section 1123.02 of the Planning & Zoning Code to permit a professional office at 724 E. Smith Road where a professional office is not a permitted use.

Zoning: R-2 Medium Density Urban Residential District

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The property is located on the south side of the 700 block of E. Smith Road. The property is adjacent to R-2 residential zoning to the north, west, and east, and I-1 Industrial zoning is located to the south and east.

Project Introduction:

The Children's Center of Medina County wishes to relocate from 200 Highland Drive within the City to the subject property. A montessori preschool and a daycare center were formerly at the site. The proposed use is Professional Office and not a permitted or conditionally permitted uses in the R-2 district. Therefore the applicant seeks a use variance from Section 1123.02 to allow a professional office use at the subject property where it is not permitted.

Please find attached to this report:

1. Applicant's request narrative and proposed site development plans dated January 17, 2018
2. Site aerial photographs.

Considerations:

§1107.08(b) of the Medina Administrative Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are 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.

A use variance is subject to determination of unnecessary hardship. There are seven factors that the BZA should consider when evaluating whether or not an unnecessary hardship 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. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;*

The property is located along a mixed zoning area of E. Smith Rd. There are office, institutional and light industrial land uses within the immediate vicinity.

- B. The hardship condition is not created by actions of the applicant;*

This property has been zoned R-2 residential for decades and zoning was not the applicant's doing.

- C. The granting of the variance will not adversely affect the rights of adjacent owners;*

The property was previously occupied by preschool and daycare uses, which are a can often be higher intensity land uses than professional office. The proposed use may not adversely affect adjacent property owners.

- D. The granting of the variance will not adversely affect the public health, safety or general welfare;*

The proposed use is likely to be a less intensive use of the property even accounting for the building expansion.

- E. The variance will be consistent with the general spirit and intent of this Ordinance;*

The proposed use will be consistent with the spirit and intent, since it will maintain the status quo for the immediate neighborhood. This area of E. Smith Road has a mix of office, residential and light industrial uses.

F. The variance sought is the minimum which will afford relief to the applicant; and

The use variance requested will permit occupancy of the vacant building, permit the applicant to add to the building and provide minimum relief.

G. There is no other economically viable use which is permitted in the zoning district.

Other economically viable uses for this property are unlikely due to the odd configuration of the interior of the building. The property could be used for a single-family dwelling, a school or a church, but the site and building may not be appropriate for those uses.

The BZA must weigh the above seven factors for the requested use variance and determine if an unnecessary hardship exists that would merit a use variance from Section 1123.02.



200 Highland Drive, Medina, Ohio 44256 (330) 764-8891 (330) 764-8893 Fax

January 17, 2018

Zoning Variance Narrative for 724 E. Smith Rd., Medina, OH 44256

The Children's Center of Medina County is a non-profit organization that advocates for all children in Medina County to live free from abuse, heal, and experience happy childhoods. We are a nationally accredited Child Advocacy Center that provides a child-friendly centralized location to interview and offer medical evaluations to children, birth to 18 years of age, who are victims of abuse. We also provide Foster Care visits for children and their parents to reconnect during their time of separation. On a yearly basis, we see over 100 children for Child Sex Abuse cases and over 100 children for Foster Care visits. Yearly, The Center averages 700 or more combined visits.

On any given day, we expect no more than 14 vehicles with an average of six vehicles on site at any time from 8 am to 6 pm. Our normal business hours are Monday through Friday from 8 am to 6 pm, with some occasional weekend and evening hours. Services provided for children and families during business hours are on average in 1 to 3 hour increments. Families and children do not sleep or stay at The Center. We currently average at any given time during these hours 15 occupants, 5 of which are staff. The use of the building will be office/medical in nature, not a manufacturing or retail facility.

The addition and improvements will enhance the building and neighborhood. While we will be a professional facility, the look of the building will be consistent with the current look of the neighborhood. Because this building was previously a day care center, we feel that our intended use of the facility will be less impactful to the immediate neighbors and neighborhood. Our goal is to create a home like environment for families and their children.

Sincerely,

Rhonda Wurgler, MPA
Executive Director
Children's Center of Medina County
200 Highland Drive
Medina, Ohio 44256
330.764.8891 ext. 214

"healing families, changing lives"

Board of Directors

Allison Allen, Elizabeth Bux, Joseph Chubb, Brian Cullen,
Tonia Fisher, Terry Grice, Robin Massaro, Diane Meckes, Jill Michalski,
Michelle Reese, Heather Roberts, John Ross, Sarah Toman

ESMITH RD

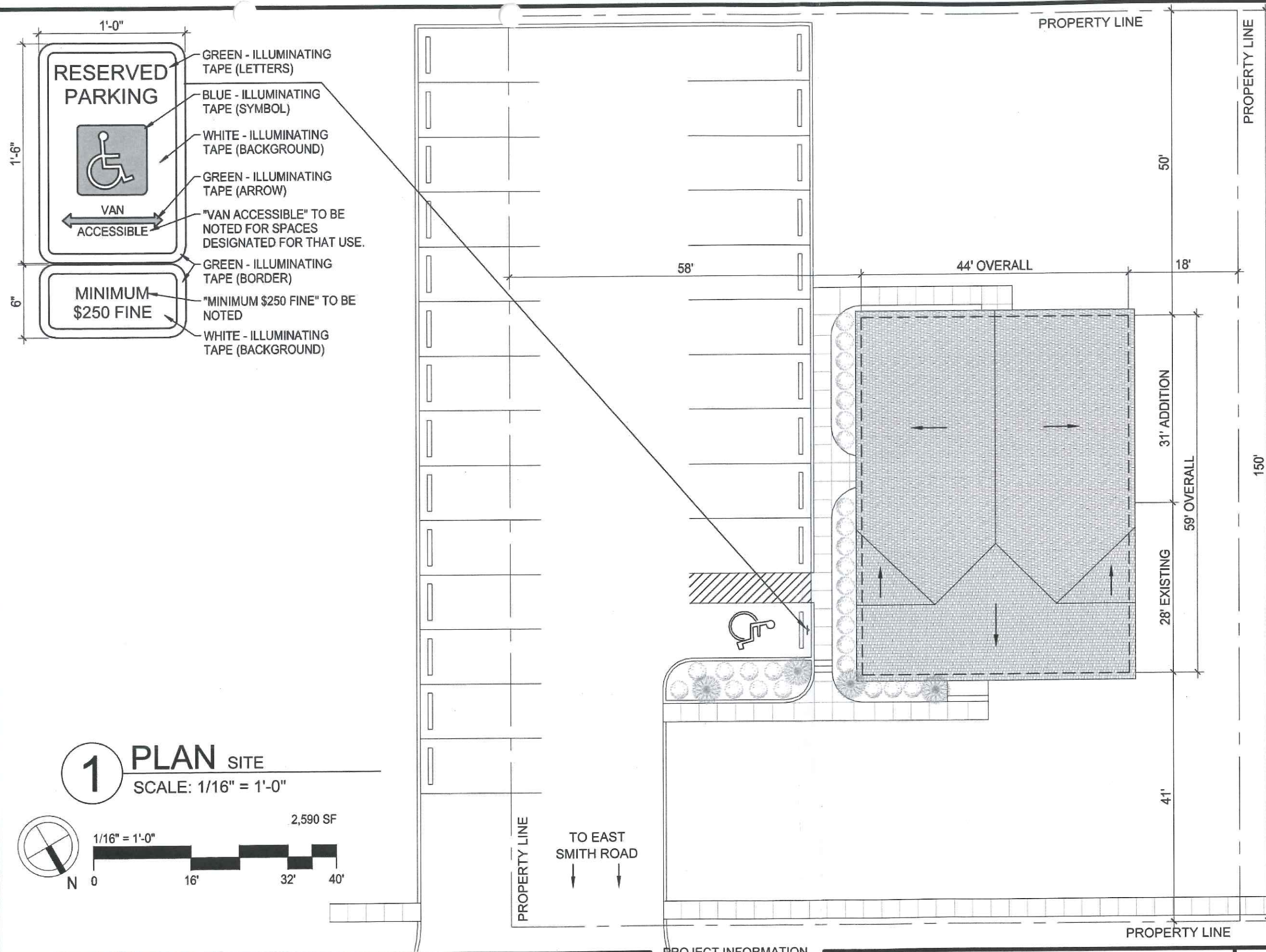


1 inch = 60 feet

Subject Site

**Z18-07 & P18-03
The Children's Center of
Medina County
Land Use Variance &
Site Plan Review
for a Professional Office
February 8, 2018**



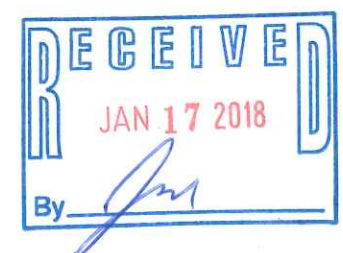


PROJECT ADDRESS:
724 EAST SMITH ROAD
MEDINA, OHIO 44256

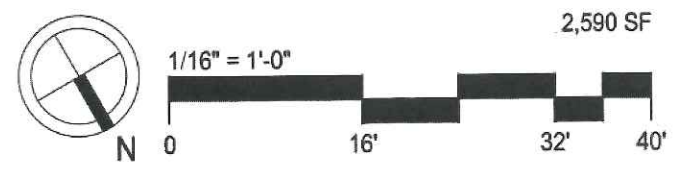
EXISTING BUILDING: 1,100 SF
NEW ADDITION: 1,490 SF

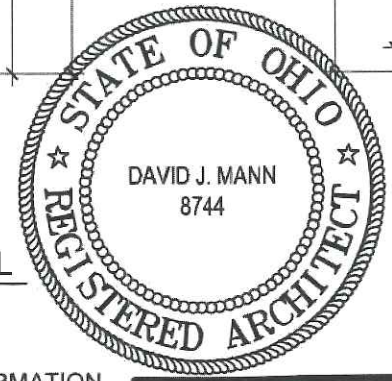
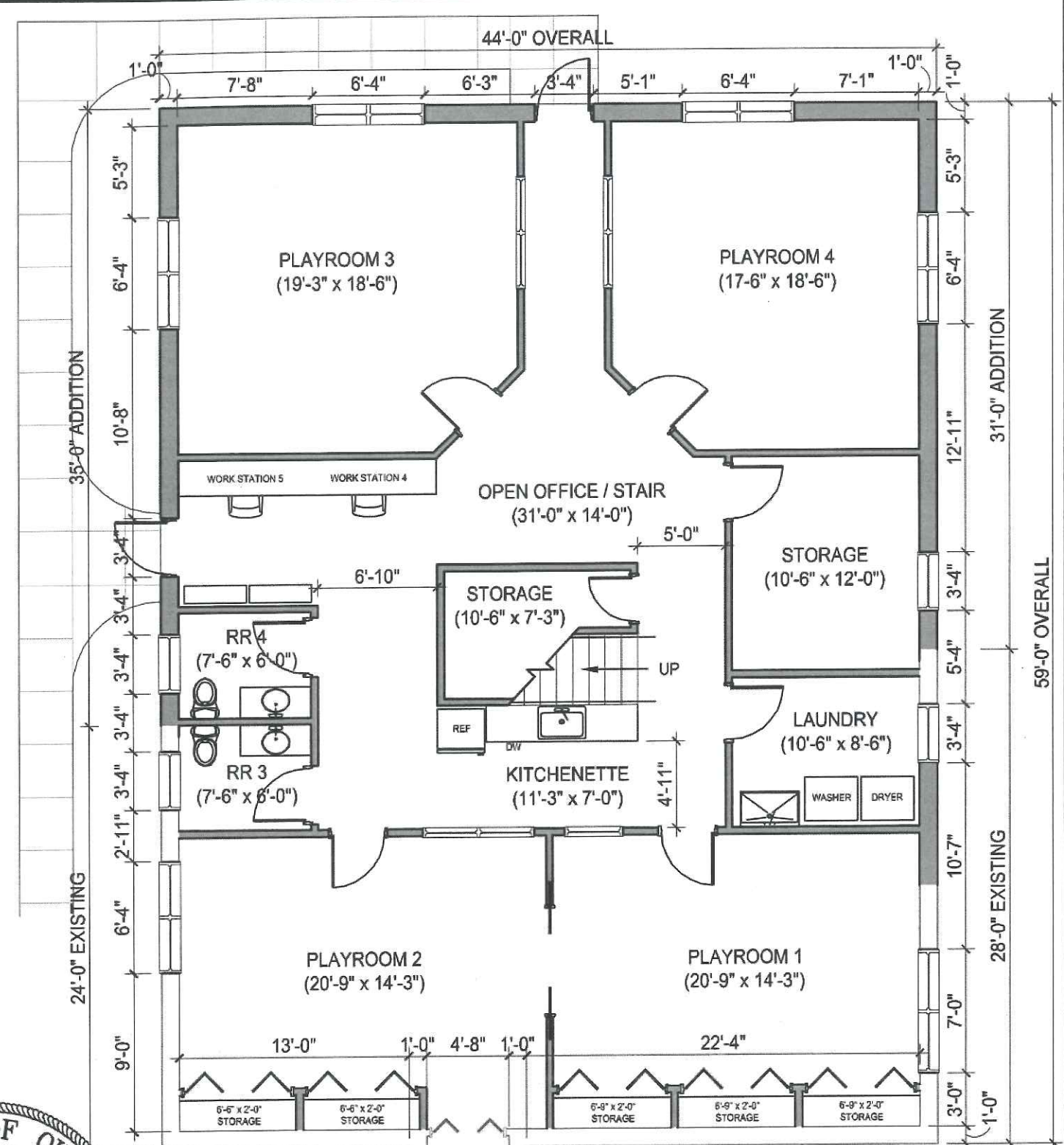
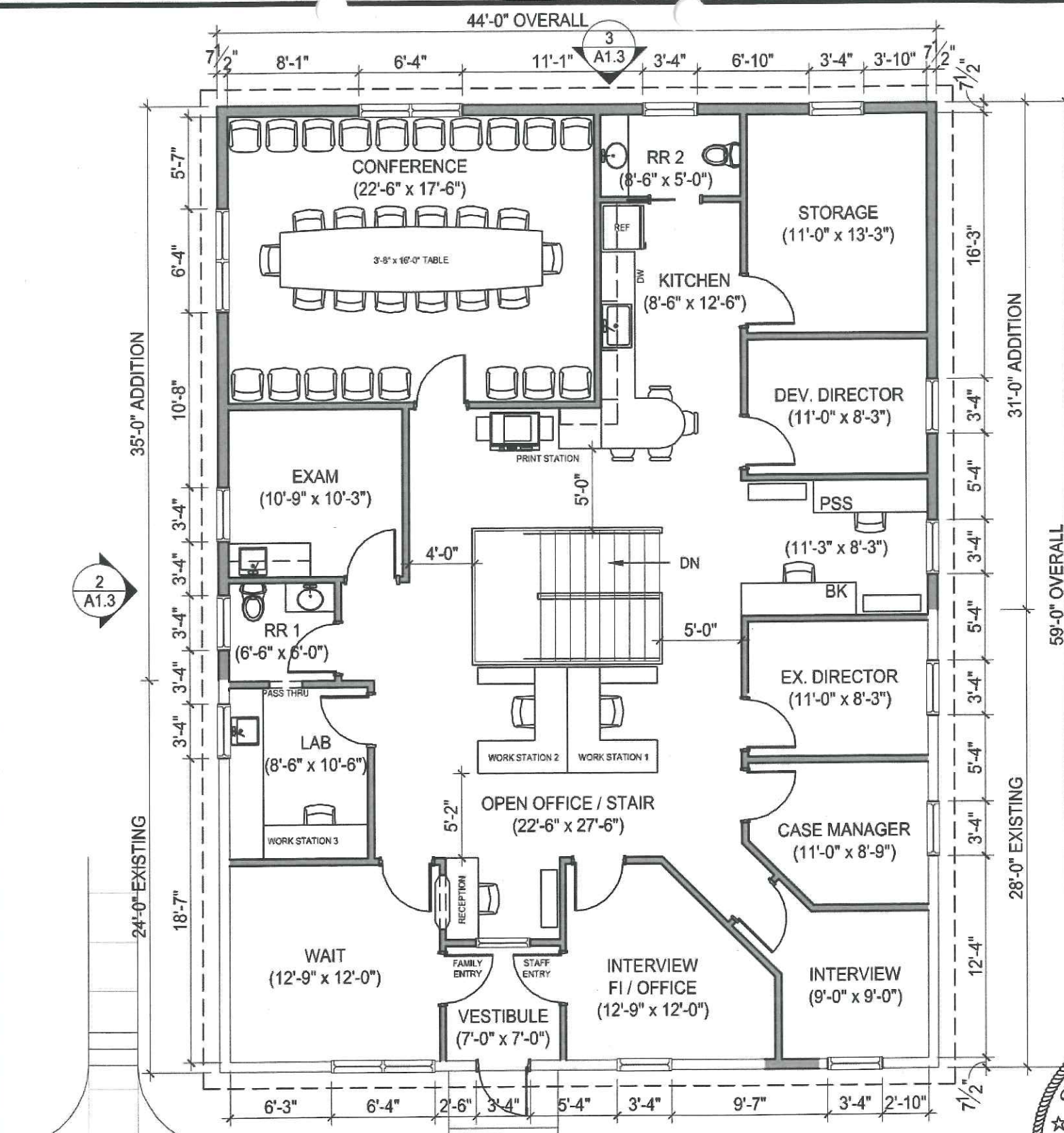
INDEX

- A1.1 OVERALL SITE PLAN
- A1.2 FLOOR PLANS
- A1.3 ELEVATIONS
- PH1.1 PHOTOMETRIC PLAN



1 PLAN SITE
SCALE: 1/16" = 1'-0"



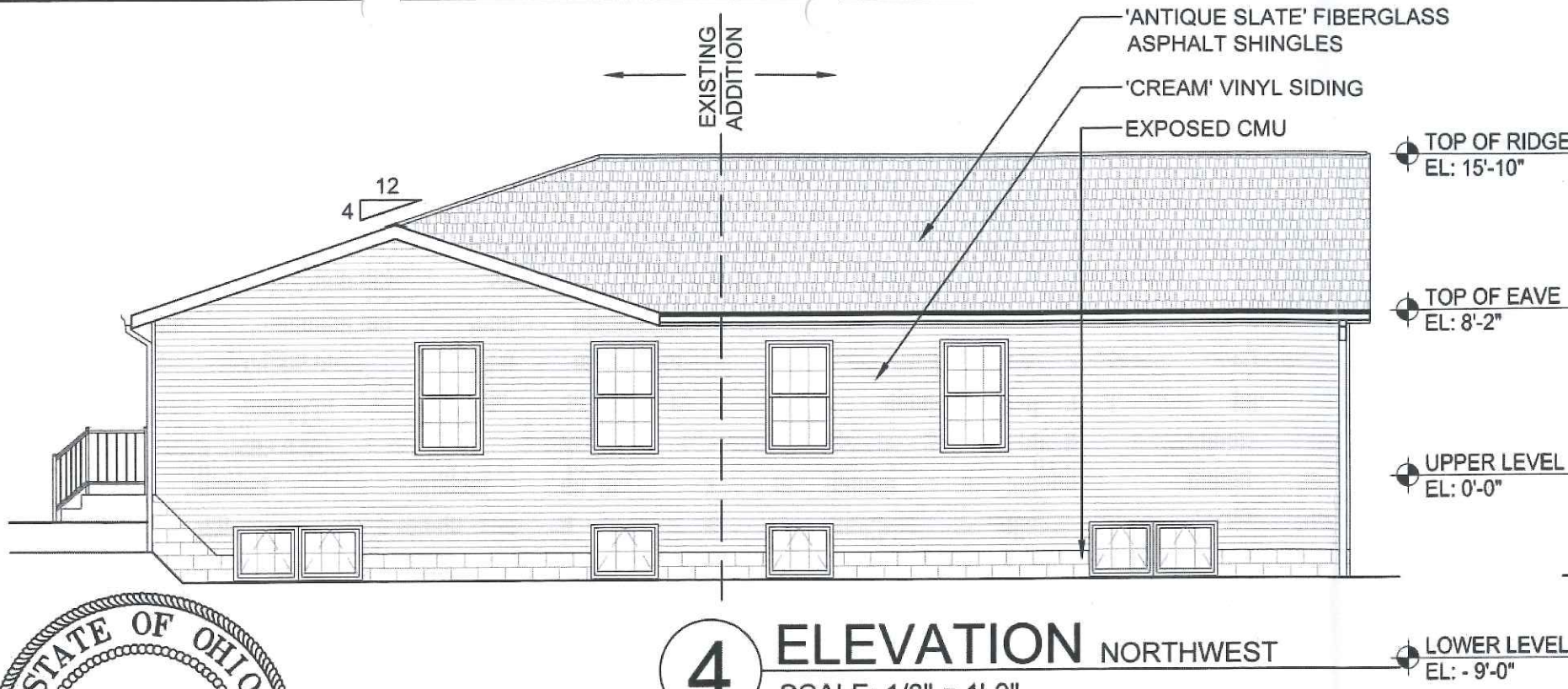


1 PLAN LOWER LEVEL
SCALE: 1/8" = 1'-0"
2,590 SF

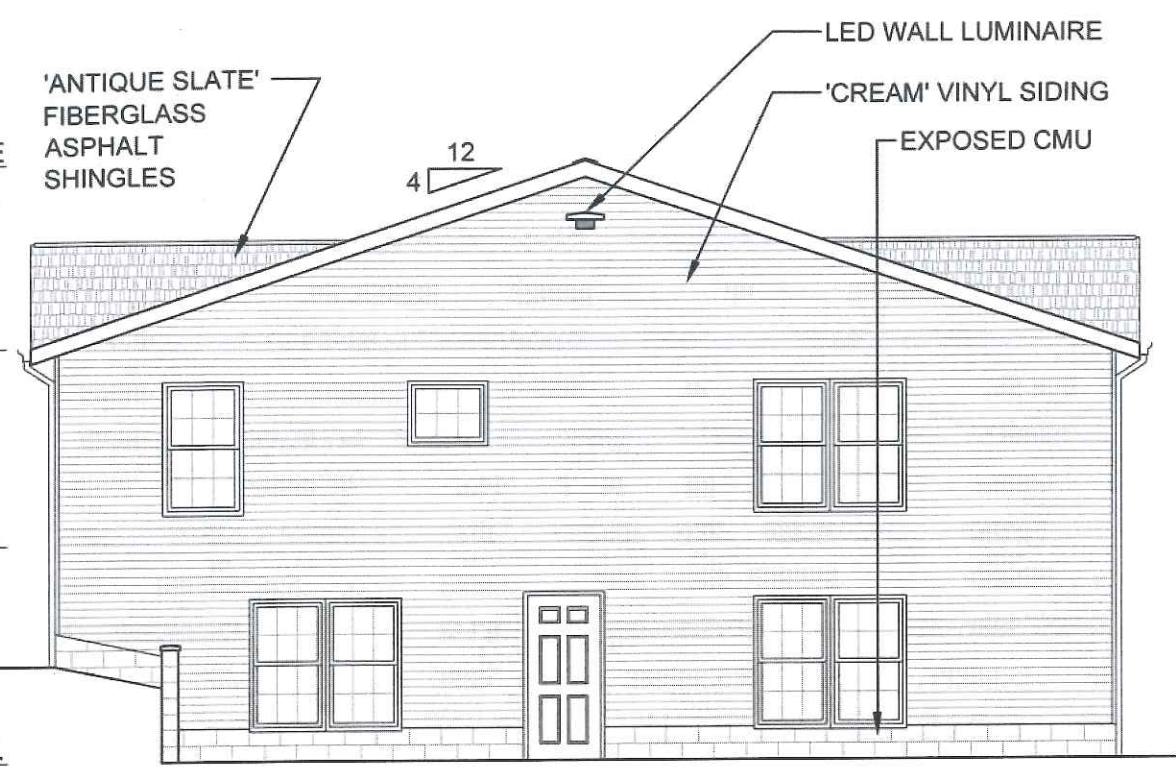
1/8" = 1'-0"

0 8' 16' 20'

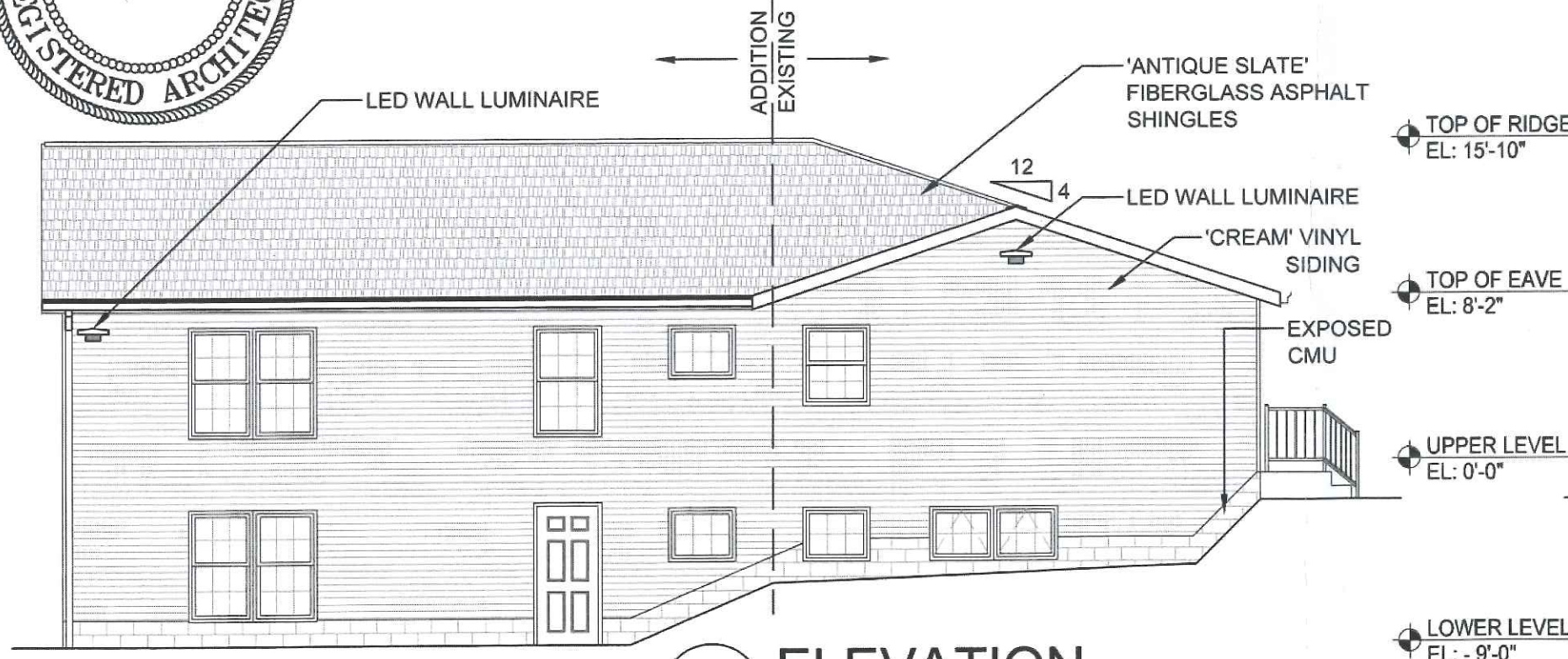
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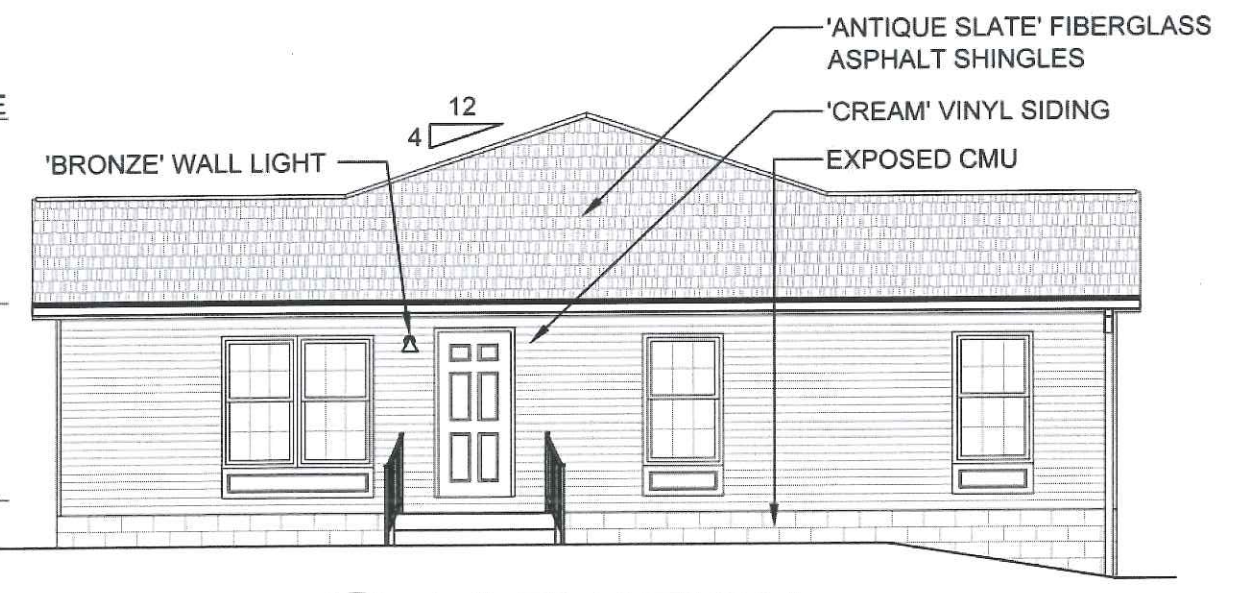
4 ELEVATION NORTHWEST
SCALE: 1/8" = 1'-0"



3 ELEVATION SOUTHWEST (BACK)
SCALE: 1/8" = 1'-0"



2 ELEVATION SOUTHEAST
SCALE: 1/8" = 1'-0"



1 ELEVATION NORTHEAST (FRONT)
SCALE: 1/8" = 1'-0"

