

**MEETING DATE: 03-14-19**

# **BOARD OF ZONING APPEALS**

**Z19-04**

**629 N. Huntington  
(also 635 N. Huntington  
550 Miner Drive)**



# CITY of MEDINA

## Board of Zoning Appeals

### March 14, 2019 Meeting

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**Case No:** Z19-04

**Address:** 629 N. Huntington St and 550 N. Miner Dr.

**Applicant:** Medina Huntington R.E. Group, LLC

**Subject:** Variance request from Section 1155.06(d)(3)C of the Planning and Zoning Code to permit a freestanding solar collection system at 629 N. Huntington St. and 550 Miner Dr. to be setback zero feet from the shared property line between the two properties instead of the minimum required 5 foot setback on each side of shared property line.

**Zoning:** R-2, Medium Density Urban Residential

**Submitted by:** Jonathan Mendel, Community Development Director 

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#### **Project Introduction:**

The applicant proposes a 2.5 acre freestanding solar collection system in the south portions of the subject properties. This project would collect solar radiation for conversion to electricity for use within the buildings at 550 Miner Dr. (Medina Meadows nursing home), 629 & 635 N. Huntington St. (Echelon senior independent and assisted living).

For this proposal, Section 1155.06(d)(3)C requires compliance with the minimum setbacks for accessory uses, which in this case is a minimum 5 foot setback from the shared property line between 550 Miner Dr. and 629 N. Huntington St. The applicant proposes zero setback from the shared property line.

This project will also be reviewed by the Planning Commission for a Conditional Zoning Certificate at the March 14, 2019.

Please find attached to this report:

1. Site aerial
2. Applicant's project narrative and site plan received February 22, 2019

**Considerations:**

§1107.08(b) of the Medina Planning and Zoning 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 as an accessory use setback variance is requested. 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;*

The existing properties can still be used for a solar collection system without granting a variance.

- B. *Whether the variance is substantial;*

The variance may not be substantial. Although the request is 100% of the minimum required, the adjacent property owners that could be most affected are the entities requesting the variance.

- 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 proposal is located in an area that is currently a large area of undeveloped private open space with no existing occupied buildings or land uses adjacent within 125 feet to the south.

- 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;*

When the applicant inquired with City staff at the conceptual development stage for this project, City staff informed them of the regulations for solar installations.

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

There is sufficient area within the proposal to permit the inclusion of the 10 foot wide gap in the installation along the shared north-south property line between 550 Miner Dr. and 629 N. Huntington St.

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

The likely intent of the requirement was regulating the setback of individual freestanding solar installations within a typical single family residential rear yard adjacent to another single family residential yard. The setback is designed to mimic the minimum setback of a shed or detached garage.

The BZA must weigh the above seven factors to determine if a practical difficulty exists that would merit a variance from Section 1155.06(d)(3)C.

FOUNDRY ST

Proposed  
Solar Facility

Subject Site

W UNION ST

N HUNTINGTON ST

NOTTINGHAM DR

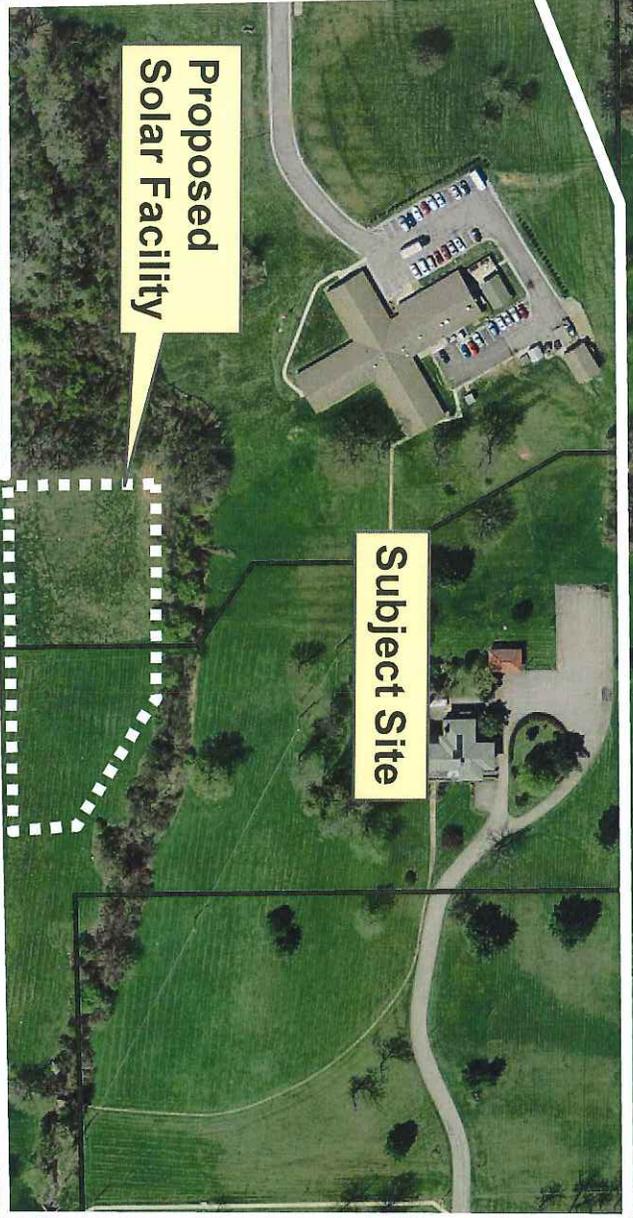
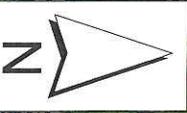
W/HOMESTEAD ST

BRADWAY ST

ELMWOOD AVE

P19-05 & Z19-04  
Solar Installation  
CZC & variance  
March 14, 2019

1 inch = 200 feet



# MEDINA HUNTINGTON R.E. GROUP, LLC

629 N. Huntington St.  
Medina, Ohio 44256

February 20, 2019

City of Medina  
Board of Zoning Appeals  
132 North Elmwood St.  
Medina, Ohio 44256

## **Re: Joint Application for Solar Array**

Mr. Jonathan Mendel:

Mr. Mendel and Board of Zoning Members,

Please accept this letter on behalf of joint applicants, Medina Huntington R.E. Group, LLC and ASIG, LLC, for the approval of building a solar array on Medina Huntington's and ASIG's properties. We are jointly requesting a variance from the side yards setback requirements between our two properties to allow us to build a continuous solar array that will service both the Medina Huntington and ASIG properties. The variance is insubstantial as both property owners who would be potentially affected are asking that the variance be granted by waiving the requirement to have a 5 foot side yard on both properties as it would create a 10 foot wide gap in the solar array we are requesting to build on the two contiguous properties.

The essential character of the neighborhood will not be substantially altered and the two parties that would be potentially affected are the joint applicants requesting the variance so no harm will come to either property owner by granting the variance. The parties intend to enter into a long term lease on the property until such time that the property can be conveyed from ASIG to Medina Huntington. No governmental service will be affected and the spirit and intent of the zoning ordinance will be observed and substantial justice will be served by granting the variance as both property owners are in concurrence that there is no need for the 5 foot wide side yard setback which would create a 10 wide gap in the center of the proposed solar array.

Sincerely,

MEDINA HUNTINGTON R.E. GROUP, LLC & ASIG, LLC

RECEIVED  
FEB 22 2019

**Echelon Senior Living Community -  
Independent Senior Living &  
Assisted Senior Living**  
629 & 635 N. Huntington Rd., Medina, OH 44256

RECEIVED  
FEB 22 2019  
PM



**Planning & Zoning Board**

Planning & Zoning Meeting  
March 14, 2019

# Applicant Representatives

Owner 1: Darrel Seibert II, President Medina Huntington RE Group I & Medina Huntington RE Group, LLC

Owner 2: Sharona Grunspan, President ASIG Medina Meadows Nursing Home, LLC

Engineer: Nils Johnson, P.E. Cunningham & Associates, Inc.

Solar Team: Bryan Casey, M&C Solar Consulting, LLC  
Mark Bell, Velo Solar, Inc. (Atlanta, GA)  
Seth Parker, Melink Solar (Cincinnati, OH)

# Summary of Request

Applicant:

Medina Huntington RE Group & I, LLC  
with ASIG Medina Meadows, LLC

Area:

Solar Site 2.5 acres± including ASIG property.

Location:

Entrance at N. Huntington Rd. south of Bradway St.  
The solar site is located behind the new Echelon  
Medina Senior Living Community buildings.

Request:

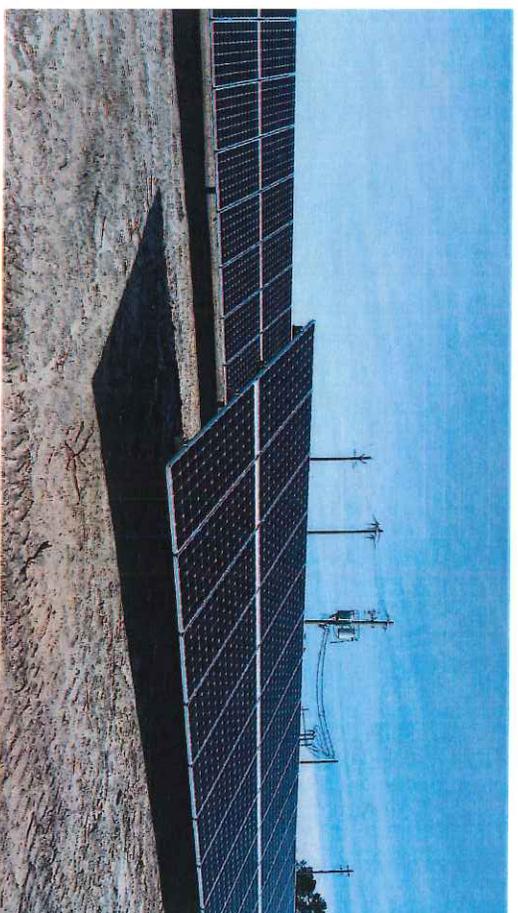
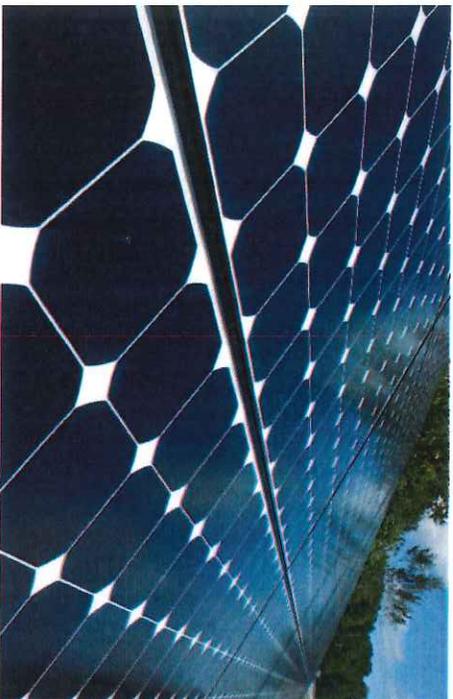
Conditional Zoning Certificates to allow installation  
of ground mounted solar equipment for Medina IL  
& AL on N. Huntington. In addition, the solar  
equipment will include 15 roof mounted solar  
thermal hot water panels for each building.

# Aerial Map



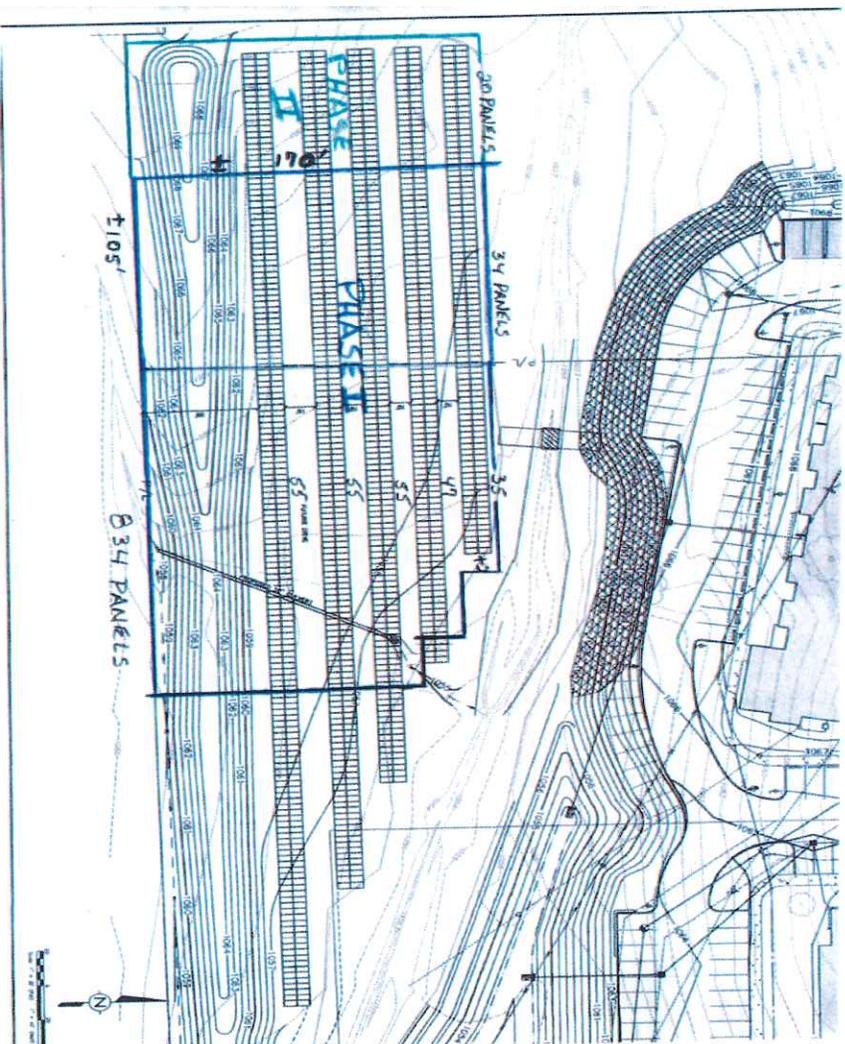
# SOLAR INFORMATION

- Solar array is located behind the property. Not visible from road due to orientation and existing tree buffer along the creek.
- Solar photovoltaic (PV) panels are constructed of dark-colored (usually blue or black) materials and are covered with anti-reflective coatings.
- Modern PV panels reflect as little as two percent of incoming sunlight, about the same as water and less than soil or even wood shingles



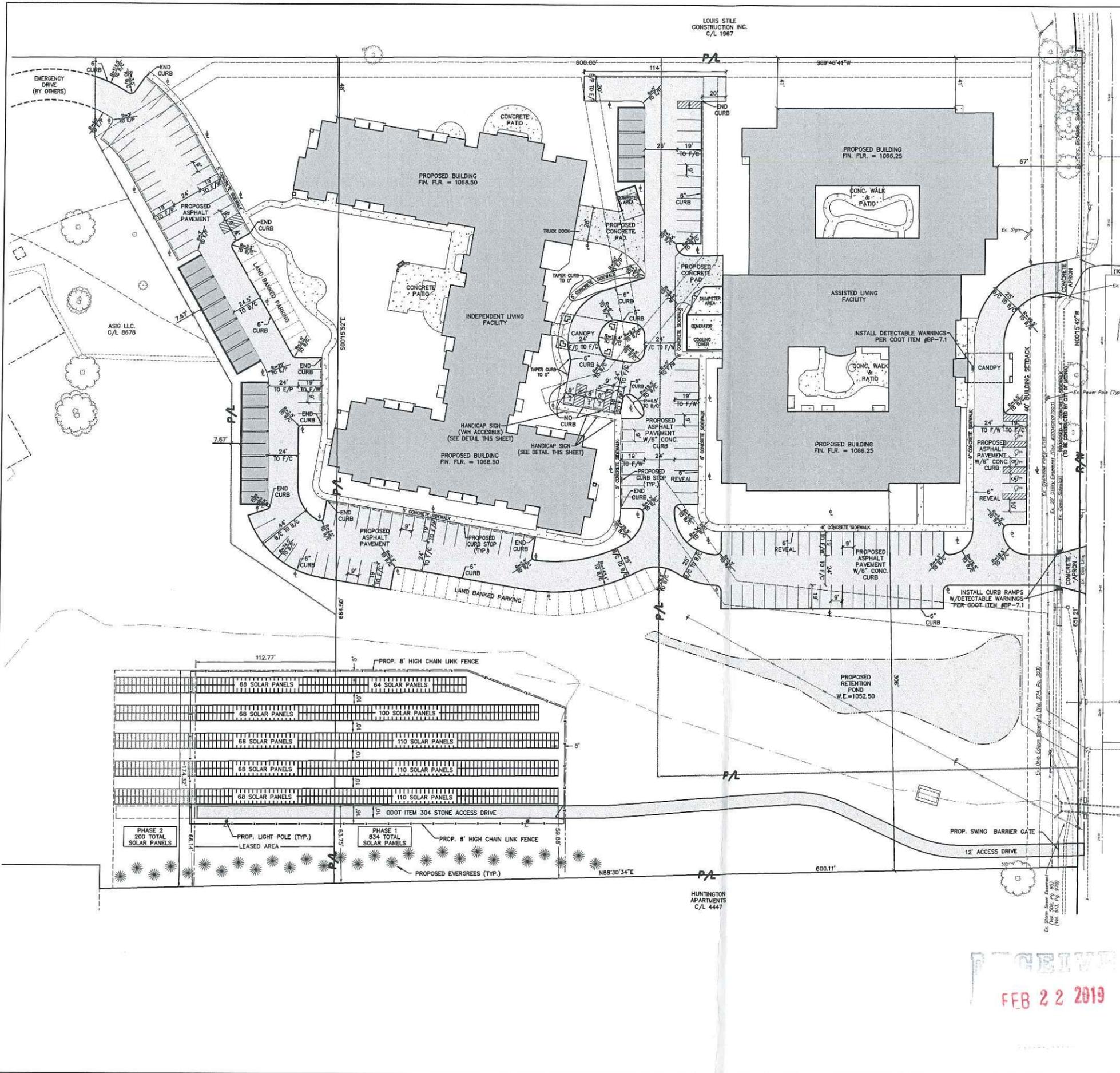
# SITE PLAN

- Maximum 9' height solar array
- Enclosed with black chain link fence, berm and tree buffer.
- 300 kW on subject property (Phase I) 43,560 SF±
- 70 kW – ASIG MM would require portion of common site (Phase II) 10,000 SF ±



LOUIS STILE  
CONSTRUCTION INC.  
C/L 1967

DATE	DESCRIPTION	BY	CHK
11/20/17	ASIS	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM
11/20/17	REVISED	TEM	TEM



WEST  
HOMESTEAD  
ST. (50')

NORTH HUNTINGTON ST. (R/W Varies)

BRADWAY  
ST. (45')

**SITE DATA**

ZONING DISTRICT	.....	(MEDIUM DENSITY URBAN RESIDENTIAL DISTRICT) R-2
MINIMUM BUILDING SETBACK	.....	40 FT.
MINIMUM REAR YARD	.....	50 FT.
MINIMUM SIDE YARD	.....	10 FT.
MAXIMUM HEIGHT	.....	35 FT.
SITE AREA	.....	9.0612 ACRES
LAND TO BE ACQUIRED	.....	1.2416 ACRES
TOTAL SITE AREA	.....	10.3028 ACRES

**CONDITIONALLY PERMITTED USE:**  
NURSING HOME, ASSISTED LIVING FACILITY, AND INDEPENDENT LIVING FACILITY.

PROPOSED ASSISTED LIVING FACILITY	.....	(RESIDENT ROOMS) 100 UNITS
PROPOSED INDEPENDENT LIVING FACILITY	.....	(RESIDENT ROOMS) 90 UNITS

**PARKING REQUIREMENTS (ASSISTED LIVING):**  
ONE SPACE FOR EACH TWO RESIDENT ROOMS, AND ONE SPACE FOR EVERY FIVE RESIDENT ROOMS.

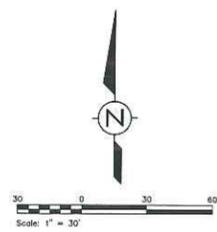
100 UNITS/2	.....	50 SPACES
100 UNITS/5	.....	20 SPACES
ASSISTED LIVING PARKING REQUIRED	.....	70 SPACES

**PARKING REQUIREMENTS (INDEPENDENT LIVING):**  
ONE AND ONE HALF SPACES FOR EACH DWELLING UNIT, AND ONE SPACE FOR EVERY FIVE DWELLING UNITS.

90 UNITS x 1.5	.....	135 SPACES
90 UNITS/5	.....	18 SPACES
INDEPENDENT LIVING PARKING REQUIRED	.....	153 SPACES

TOTAL PARKING REQUIRED	.....	223 SPACES
PROPOSED PARKING SPACES	.....	149 SPACES
LANDBANKED SPACES	.....	74 SPACES
TOTAL PARKING PROVIDED	.....	223 SPACES

**LOT COVERAGE:**  
MAXIMUM ALLOWED ..... 60%  
PROPOSED ..... 41%



**PAVEMENT LEGEND:**

	PROPOSED CONCRETE PAVEMENT AREA
	PROPOSED ASPHALT PAVEMENT AREA
	PROPOSED CONCRETE SIDEWALK AREA
	PROPOSED CURB

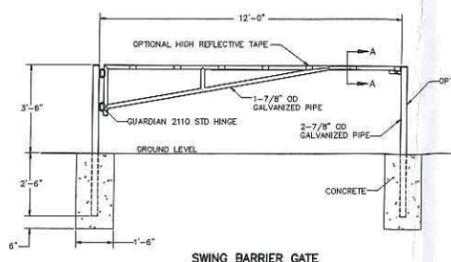
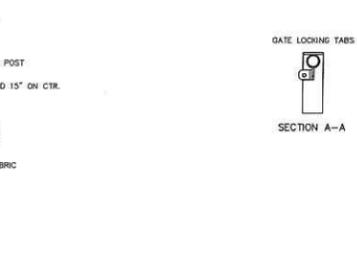
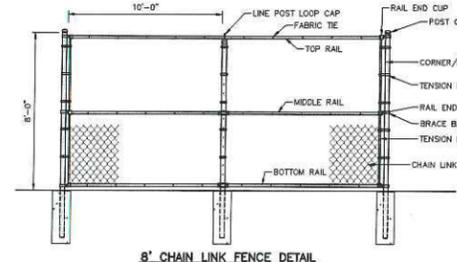
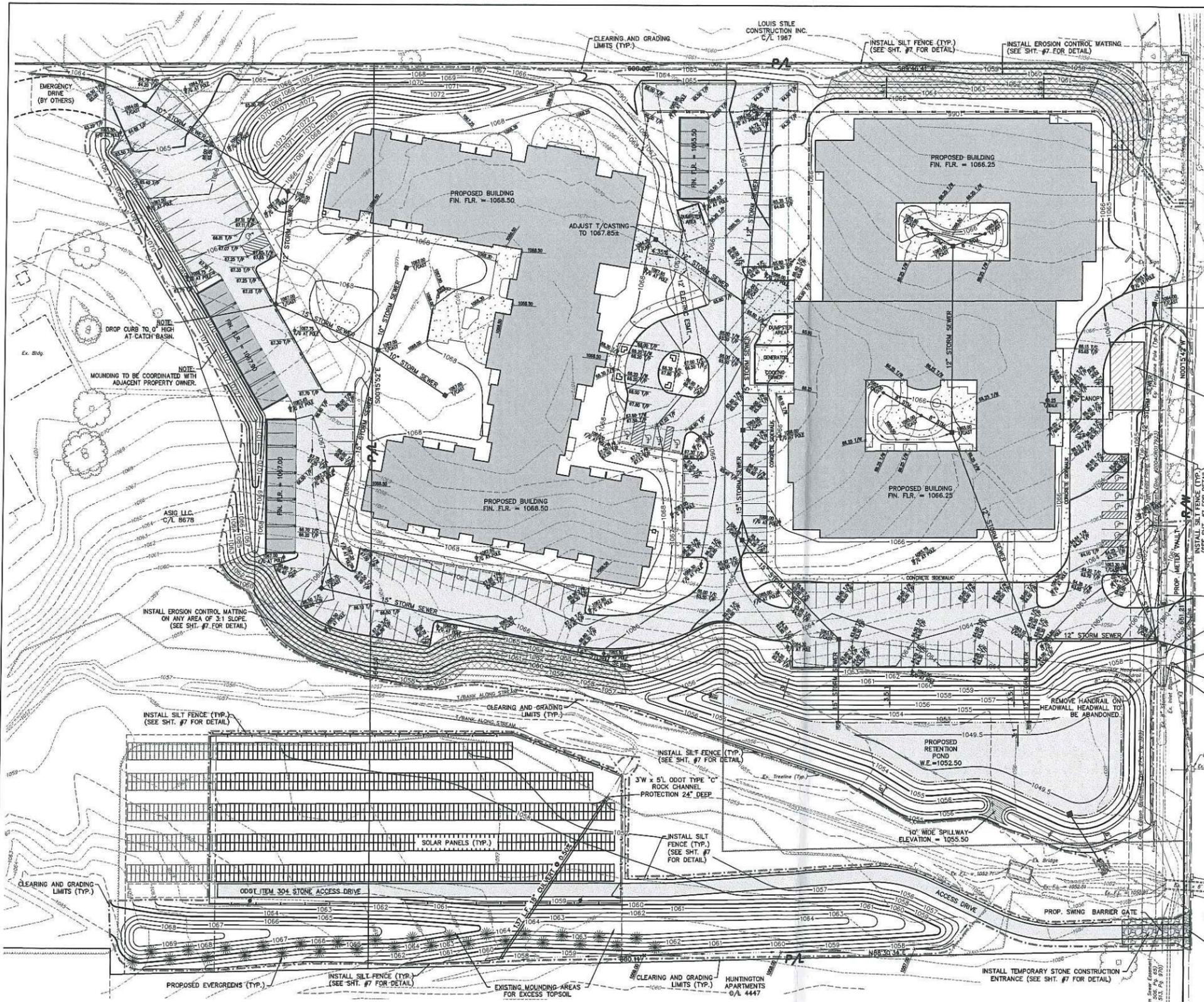
**ASSISTED LIVING CENTER - NORTH HUNTINGTON ST.**  
LOCATED IN THE COUNTY OF MEDINA  
CITY OF MEDINA

**SUBJECT TITLE:**  
SOLAR ARRAY  
AND  
SITE DIMENSIONAL PLAN

**DRAWN BY:** TEM  
**DATE:** 3/28/17  
**CHECKED BY:**  
**DATE:**  
**PROJECT No:** 15-129  
**ACAD FILE No:** ML\_15129-DP PLANS.dwg

**SCALE PLAN:** 1"=30'  
**PROFILE:** Hor.  
Vert.  
**SHEET NO:**  
3 / 11

FEB 22 2019



**WEST HOMESTEAD ST. (50')**

**NORTH HUNTINGTON ST. (R/W VARIES)**

**BRADWAY ST. (45')**

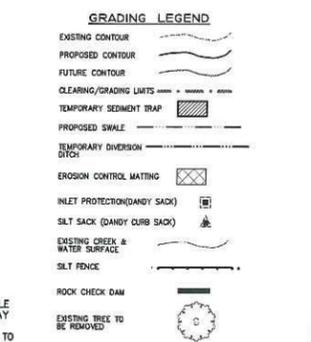
THIS SITE CONTAINS THE FOLLOWING SOIL TYPES:  
 E1B - ELLSWORTH SILT LOAM, 2 TO 6 PERCENT SLOPES  
 EuB - ELLSWORTH-URBAN LAND COMPLEX, UNDULATING  
 M1A - MAHONING SILT LOAM, 0 TO 2 PERCENT SLOPES  
 M1B - MAHONING SILT LOAM, 2 TO 6 PERCENT SLOPES

IMMEDIATE RECEIVING SURFACE WATER:  
 UNNAMED TRIBUTARY  
 FIRST SUBSEQUENT RECEIVING TRIBUTARY:  
 WEST BRANCH OF ROCKY RIVER

OHIO E.P.A. FACILITY PERMIT # 36C08237\*AG  
 PRIOR LAND USE  
 COMMERCIAL  
 TOTAL SITE AREA = 10.3 Acres  
 TOTAL AREA TO BE DISTURBED = 8.92 Acres  
 ESTIMATED TOTAL IMPERVIOUS SURFACES = 4.4 Acres  
 ESTIMATED TOTAL PERCENTAGE IMPERVIOUS SURFACES = 42%

- CONSTRUCTION SCHEDULE**
1. INSTALL STONE CONSTRUCTION ENTRANCE
  2. CLEARING AND GRUBBING
  3. BUILD ALL SILT FENCE
  4. BUILD RETENTION POND
  5. TEMPORARY SEEDING
  6. BEGIN GRADING OPERATIONS
  7. UTILITY CONSTRUCTION
  8. PAVING
  9. PERMANENT SEEDING
  10. REMOVE FROM SITE ALL SILT FENCE
  11. REMOVE STONE CONSTRUCTION ENTRANCE
  12. OPEN DETENTION ORIFICE IN RETENTION POND
  13. STABILIZE ALL REMAINING DISTURBED AREAS

**PROJECT DESCRIPTION**  
 CLEARING FOR CONSTRUCTION OF BUILDING, PARKING AND UTILITIES FOR A ASSISTED LIVING CENTER



- NOTE: MAINTAIN 1/2" FT. CROSS SLOPE ON SIDEWALK INCLUDING THRU APRON.
- NOTE: MAX 1:20 SLOPE ON SIDEWALK.
- NOTE: POSSIBLY ADJUST EXISTING EX. T/CAST = 1057.37 PROP. T/CAST = 1057.70
- CONSTRUCT BULKHEAD ON 8" PIPE WEST.
- EX. 8" STORM TO BE ABANDONED.
- REMOVE HANDRAIL ON HEADWALL, HEADWALL TO BE ABANDONED.
- NOTE: CONTRACTOR WILL BE RESPONSIBLE FOR THE REPAIR OF THE ROADWAY CURB AND SIDEWALK WHERE THE TEMPORARY STONE ENTRANCE IS TO BE INSTALLED IF DAMAGED.

- NOTES:**
1. RETENTION POND TO FUNCTION AS A SEDIMENT POND DURING CONSTRUCTION.
  2. ALL WORK TO COMPLETE THE INSTALLATION OF THE PROPOSED BUILDING, PARKING AREAS, AND UTILITIES MUST OCCUR ON THE SUBJECT PARCEL UNLESS WRITTEN PERMISSION IS RECEIVED FROM THE ADJOINING PARCEL OWNER. CITY OF MEDINA PLAN APPROVAL IN NO WAY GRANTS PERMISSION TO ENTER ONTO ANY ADJOINING PROPERTY.
  3. PLEASE CONTACT THE CITY OF MEDINA BUILDING DEPARTMENT FOR ALL REQUIREMENTS AND REGULATIONS REGARDING THE CONSTRUCTION OF THE BUILDING PAD.
  4. THE PROPOSED MOUNDED AREAS OF EXCESS TOPSOIL SHALL BE STABILIZED WITH SEEDING AND MULCHING OR OTHER APPROPRIATE MEANS WITHIN 7 DAYS OF THE LAST DISTURBANCE.

DATE	DESCRIPTION	BY	CHKD
12/11/17	ADD/REVISE	TEM	TEM
12/11/17	ADD/REVISE	TEM	TEM
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12/11/17	ADD/REVISE	TEM	TEM

**ASSISTED LIVING CENTER - NORTH HUNTINGTON ST.**  
 LOCATED IN THE COUNTY OF MEDINA  
 CITY OF MEDINA  
**CUNNINGHAM & ASSOCIATES, INC.**  
 CIVIL ENGINEERING and SURVEYING  
 202 W. LIBERTY ST., MEDINA, OHIO 44236 330-723-5996

**SITE GRADING AND STORMWATER POLLUTION PREVENTION PLAN**

DRAWN BY: TEM  
 DATE: 12/11/17  
 CHECKED BY:  
 DATE:  
 PROJECT No. 15-120  
 A.C.A.D. FILE No. N:\15120-DMP PLANS.dwg

SCALE: PLAN- 1"=30'  
 PROFILE-Vert.  
 SHEET NO. 6/11

