

MEETING DATE: 04-11-19

BOARD OF ZONING APPEALS

Z19-08

216 S Jefferson

222 S Jefferson

226 S Jefferson



CITY of MEDINA
Board of Zoning Appeals
April 11, 2019 Meeting

Case No: Z19-08

Address: 216, 222 & 226 S. Jefferson St.

Applicant: Anthony Vacanti (Buckingham, Doolittle & Burroughs, LLC)
representing SDSS Properties, LLC

Subject: A Variance request from Section 1129.07(a) of the Planning and Zoning Code to permit parking spaces within the M-U District minimum 40 foot yard setback.

A variance request from Section 1149.05(c)(4)(A) to permit the plantings to be placed inside the proposed fence instead of outside the fence as required.

Zoning: Current: R-3, High Density Urban Residential
Proposed: M-U, Multi-Use

Submitted by: Jonathan Mendel, Community Development Director 

Subject Site:

The subject site is three platted lots addressed 216, 222 and 226 S. Jefferson St. located on the east side of the 200 block of S. Jefferson St. and each lot has an existing single family detached residential structure.

Project Introduction:

As part of the development of the subject site for commercial use under the M-U zoning district, the applicant proposes a specific site development plan which will be reviewed by the Planning Commission for rezoning from R-3 to M-U and Site Plan approval at the April 11, 2019 meeting.

The applicant's proposed site development plan is mostly compliant with the applicable site development standards of the M-U district and the general site development zoning chapters except for the prohibition on parking in the front yard in Section 1129.07(a) and the planting location requirements of Section 1149.05(c)(4)(A).

Please find attached to this report:

1. Site aerial
2. Applicant's project narrative and site plan received dated March 27, 2019 and March 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 properties could still be developed for commercial use with an accessory parking area with three fewer parking spaces and placing the screening landscaping outside the screening fence instead of inside the fence.

- B. *Whether the variance is substantial;*

The variance for the three parking spaces in the required front yard could be considered substantial as the regulation is a complete prohibition on parking spaces in the required front yard.

The variance for screening landscaping placement could be considered substantial, but, due to the nature of the site and the neighborhood context, placing the plantings inside the fence can reduce the visual impact on the interior of the proposed parking area and reduce potential conflict between the subject site's management and the adjacent property owners when trying to maintain plantings so close to an adjacent property line.

- 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 proposed development is located within a mixed zoning stretch of S. Jefferson with a range of development history. The west side of the 200 block of S. Jefferson St. is zoned C-2 and has properties developed with parking in the front yards, but the C-2 zoning district has much different requirements for minimum front yards and location of parking spaces. The east side of this same block is mostly occupied single family houses with typical residential front yard parking improvements under the R-3 zoning district.

Placing the screening plantings inside the screening fence should not be noticeably out of character within the varied nature of this area of the S. Jefferson. If rezoned to M-U and developed as proposed, the location of the plantings versus as required by code would be an imperceptible difference.

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

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

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

The applicant was made aware of the existence of the various applicable regulations approximately during the same period the applicant was purchasing two of the three properties comprising the subject site and well before the third property was purchased.

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

The proposed accessory parking area would be reduced from 26 spaces to 23 spaces to comply with the M-U district prohibition on parking in the required front yard.

With the proposed parking area layout, the screening fence could move slightly into the property to provide more area outside the fence adjacent to the neighboring property lines to place the plantings, but that would push the fence closer to most of the proposed parking spaces and drive aisles at the east and south side of the subject site. This could increase the potential for damage to the fencing by vehicles using the proposed parking area.

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 M-U district prohibition on parking spaces in the required front yards was to maintain a predominantly residential character for an M-U district as the City's typical residential zoning districts have significant restrictions on the amount and extent of parking in required front yards.

The intent of requiring placing plantings between the screening fence and the adjacent residential property line is likely to minimize the visual impact of the required fence or wall on the adjacent residential zoned property.

The BZA must weigh the above seven factors to determine if a practical difficulty exists that would merit variances from Section 1129.07(a) and 1149.05(c)(4)(A).

Since the proposed variances are part of a site development plan proposed under the regulatory framework of the M-U District and a request for rezoning of the subject site is still under consideration, Staff recommends the following conditions of approval be applied to any motion for approval:

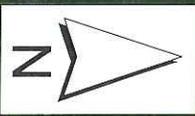
1. Subject to City Council approving an ordinance to rezone 216, 222 & 226 S. Jefferson St. from R-3, High Density Urban Residential to M-U, Multi-Use and the ordinance taking effect.
2. Subject to Planning Commission Site Plan approval of the proposed development plan for 216, 222 & 226 S. Jefferson St.



S JEFFERSON ST

Subject Site

P19-07 & Z19-08
216, 222 & 226 S. Jefferson
Rezone - R-3 to M-U
SPA for commercial use
Variances for parking and landscaping
April 11, 2019



1 inch = 60 feet



Anthony R. Vancanti, Esq.
avacanti@bdblaw.com
dp: 216.453.4286 df: 330.252.5241

March 27, 2019

VIA E-MAIL DELIVERY

City of Medina Planning Department
Attn: Jonathan Mendel, AICP
132 North Elmwood Street
Medina, Ohio 44256
jmendel@medinaoh.org

**RE: 216 S. Jefferson St., Medina, Ohio 44256 / 222 S. Jefferson St., Medina, OH 44256 /
226 S. Jefferson St., Medina, Ohio 44256**

To Whom It May Concern:

The undersigned and the law firm of Buckingham, Doolittle & Burroughs, LLC represent SDSS Properties, LLC (“SDSS”) regarding the enclosed planning application concerning the above referenced properties (“the Properties”). SDSS is requesting site plan approval and is also requesting two area variances: (1) an area variance to allow for three parking spaces within the front yard setback; and (2) an area variance from Section 1149.05(c)(4)(A) to permit the plantings to be placed on the west side of the proposed eastern fence line instead of the east side of the fence as required and on the north side of the proposed southern fence line instead of the south side as require..

SDSS ultimately plans to utilize the Properties for residential purposes, in addition to commercial, professional and administrative offices with off-street, shared parking as reflected in the survey and preliminary plans enclosed herewith. SDSS intends to utilize the current structures on the Properties and does not intend to materially alter the exterior of the Properties¹, but plans to remodel the interior for business purposes as may be needed in the future. SDSS proposes adding a shared parking area and access drives as shown. SDSS has already submitted, under separate cover, an application for rezoning.

SDSS intends to share its parking across all three Properties, as well as with Dominic’s Italian Restaurant and Jo Jo’s Sports Bar & Grille, which are currently suffering from a lack of adequate parking due to the library expansion and library patrons using the off-street parking for those locations. Notably, Code Section 1145.04(c) makes it clear that “[j]oint use of parking is

¹ SDSS does plan to make exterior and interior changes, as required by law, in order to make the Properties suitable for business purposes.

locations. Notably, Code Section 1145.04(c) makes it clear that “[j]oint use of parking is encouraged.” SDSS will be submitting with the site plan application a parking, landscaping, and lighting plan (the enclosed plans are preliminary and for reference only).

The basis for the variance allowing the three parking spaces in the front yard setback is based on the unique configuration of the current structures on the parcels. The current structures are legal non-conforming structures as it relates to the front yard setbacks and the three parking spaces are consistent with the current setback established by these structures. There will be no protrusion of parking spaces into the front yard beyond the building line. Consequently, variance will not alter or change the character of the area, impact any services, and will allow for the economically viable use of the Properties as mixed use by providing adequate parking.

The basis for the variance to permit the plantings to be placed on the west side of the proposed eastern fence line instead of the east side of the fence as required and on the north side of the proposed southern fence line instead of the south side as required is for adequate maintenance of said plantings. SDSS desires to maintain the plantings in a first class manner, and in order to comply with the strict interpretation of the Zoning Code provision indicating the plantings must be on the other side of the fence, SDSS would need to trespass on the adjacent properties in order to maintain the plantings. Moreover, the fence location cannot be moved back further because the parking and access configuration shown the site plan is the minimum necessary to allow the Properties to be used for their intended M-U Multi-Use purpose and to provide safe and adequate room for vehicular and pedestrian circulation. The variance will not alter or change the character of the area, impact any services, will provide for more than adequate buffering and screening, and will provide for the economically viable use of the Properties as mixed use.

We look forward to working with the City on this project. Please do not hesitate to contact me should you have any questions or require any additional information.

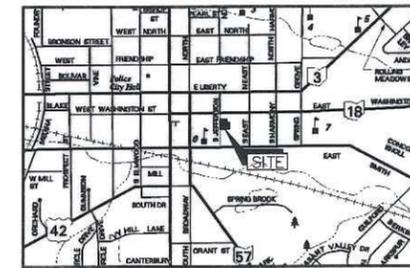
Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony R. Vacanti', with a long horizontal line extending to the right.

Anthony R. Vacanti

cc: SDSS Properties, LLC

PRELIMINARY SITE PLAN
FOR
216,222 & 226
S. JEFFERSON ST.
 LOCATED IN THE CITY OF MEDINA
 IN THE COUNTY OF MEDINA
 AND STATE OF OHIO



LOCATION MAP

OWNER: SDSS PROPERTIES LLC.
 2090 HIGH MEADOW CT.
 MEDINA, OHIO 44256
 TELEPHONE: (330) 350-0033

INDEX OF DRAWINGS

- 1 - EXISTING CONDITIONS PLAN
- 2 - PRELIMINARY SITE PLAN

LEGEND

- EX. SANITARY SEWER
- EX. SANITARY MANHOLE
- EX. STORM SEWER
- EX. STORM MANHOLE
- EX. STORM INLET MANHOLE
- EX. CURB INLET BASIN
- EX. 2-2-B INLET BASIN
- EX. WATER MAIN
- EX. HYDRANT ASSEMBLY
- EX. TELEPHONE POLE
- EX. COMBINATION POLE
- EX. SIGN
- EX. CONTOUR
- EX. TREE LINE

REVISIONS	DESCRIPTION	DATE

216, 222, & 226 S. JEFFERSON ST.
 LOCATED IN
 COUNTY OF MEDINA
CUNNINGHAM & ASSOCIATES, INC.
 CIVIL ENGINEERING and SURVEYING
 203 W. LIBERTY ST., MEDINA, OHIO 44256 330-723-5980

EXISTING CONDITIONS PLAN

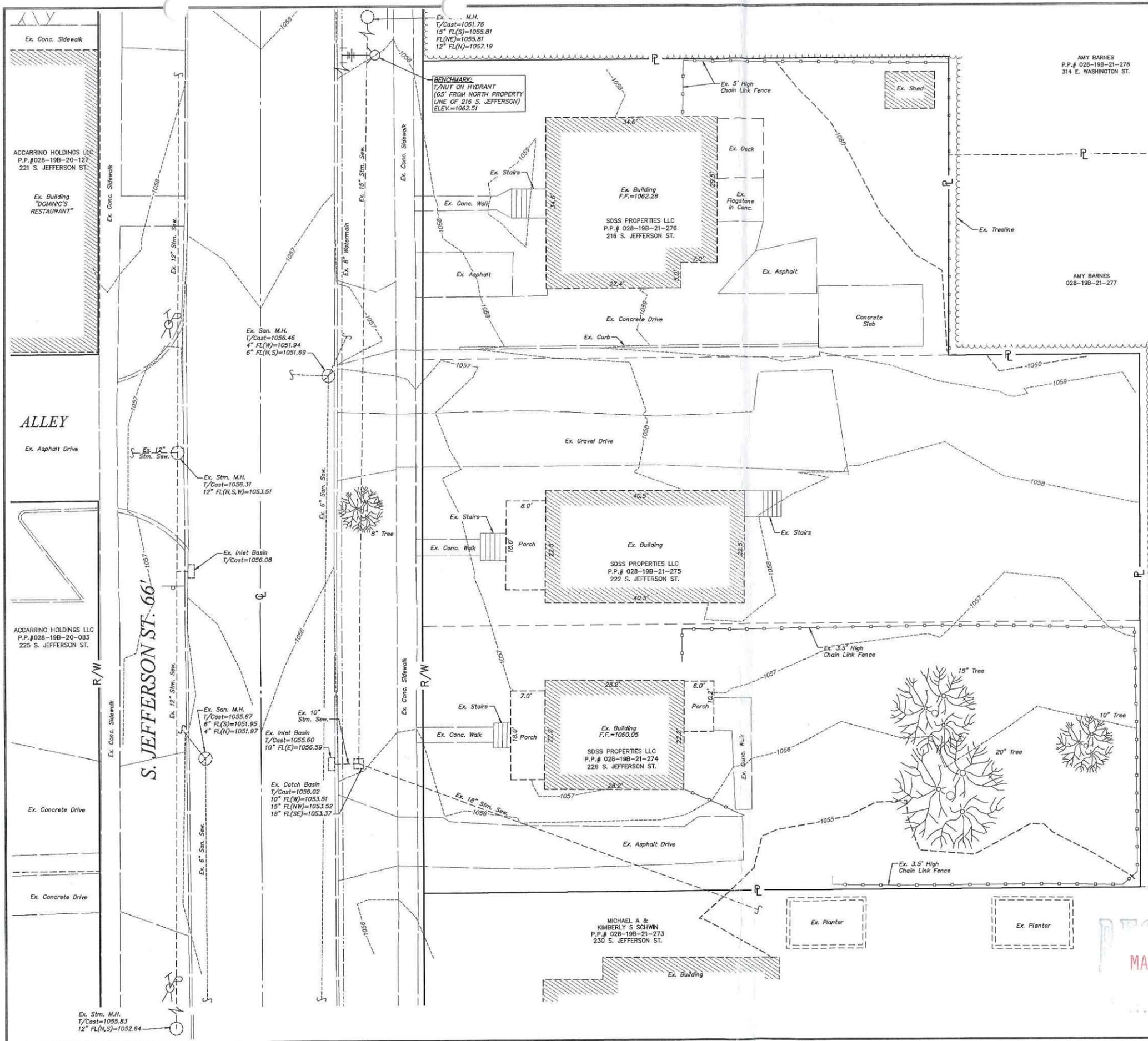
DRAWN BY: CAH
 DATE: 03/22/19
 CHECKED BY: NEJ
 DATE: 03/22/19
 PROJECT No.
 18-117
 ACAD FILE No.
 MCL-18-117-SP

SCALE: PLAN- 1"=10'
 PROFILE- Horz. Vert.

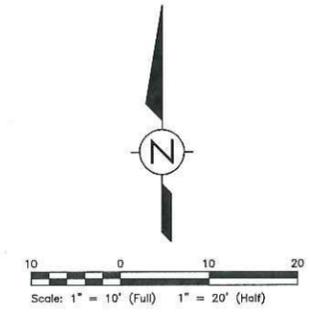
SHEET NO.
1
2

AMY BARNES
 P.P.# 028-198-21-278
 314 E. WASHINGTON ST.

AMY BARNES
 028-198-21-277

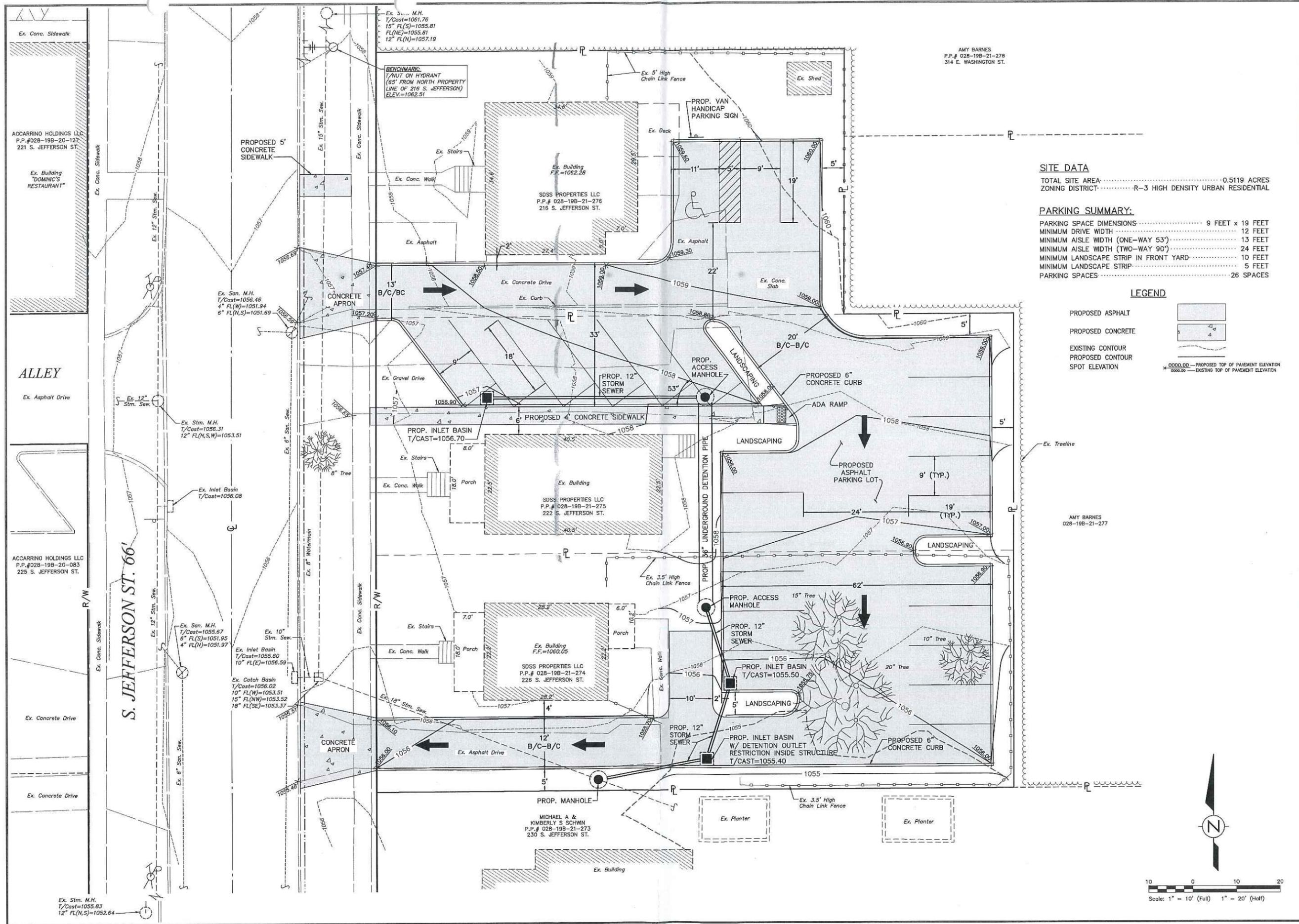


MAR 22 2019



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SITE DATA
 TOTAL SITE AREA 0.5119 ACRES
 ZONING DISTRICT R-3 HIGH DENSITY URBAN RESIDENTIAL

PARKING SUMMARY:
 PARKING SPACE DIMENSIONS 9 FEET x 19 FEET
 MINIMUM DRIVE WIDTH 12 FEET
 MINIMUM AISLE WIDTH (ONE-WAY 53°) 13 FEET
 MINIMUM AISLE WIDTH (TWO-WAY 90°) 24 FEET
 MINIMUM LANDSCAPE STRIP IN FRONT YARD 10 FEET
 MINIMUM LANDSCAPE STRIP 5 FEET
 PARKING SPACES 26 SPACES

LEGEND

PROPOSED ASPHALT [Symbol]
 PROPOSED CONCRETE [Symbol]
 EXISTING CONTOUR [Symbol]
 PROPOSED CONTOUR [Symbol]
 SPOT ELEVATION [Symbol]

10000.00 - PROPOSED TOP OF PAVEMENT ELEVATION
 8888.88 - EXISTING TOP OF PAVEMENT ELEVATION

REV.	DATE	DESCRIPTION

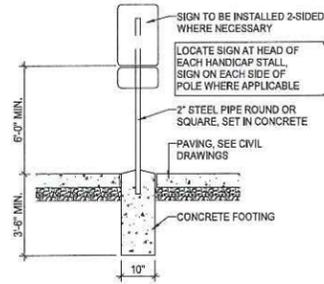
216, 222, & 226 S. JEFFERSON ST.
 COUNTY OF MEDINA
 CITY OF MEDINA
CUNNINGHAM & ASSOCIATES, INC.
 CIVIL ENGINEERING and SURVEYING
 203 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

PRELIMINARY SITE PLAN

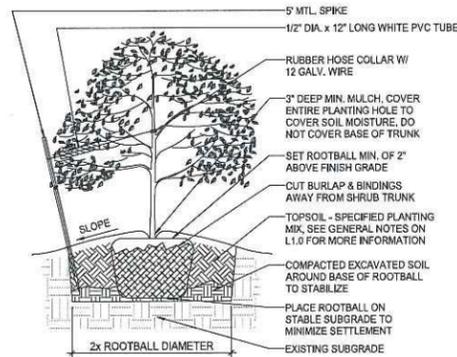
DRAWN BY: CAH
 DATE: 03/22/19
 CHECKED BY: NEJ
 DATE: 03/22/19
 PROJECT No. 18-117
 ACAD FILE No. M.L.118-117-SP

SCALE: PLAN- 1"=10'
 PROFILE- Horz. Vert.

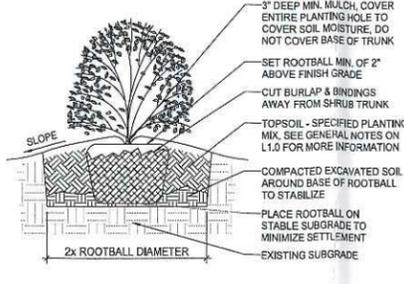
SHEET NO.
 2 / 2



4 ACCESSIBLE SIGN POLE
SCALE: 1/2" = 1'-0"



3 DECIDUOUS TREE PLANTING
SCALE: 1/2" = 1'-0"



2 SHRUB PLANTING
SCALE: 1/2" = 1'-0"

LANDSCAPING LEGEND			
SYMBOL	NAME	SIZE	CONDITION
	ACER PLAT. 'GLOBOSUM'	2" CAL.	B&B
	GLOBE NORWAY MAPLE		
	IRIS VERSICOLOR	24" HT.	CONT.
	BLUEFLAG IRIS		
	ASTER NOVAE-ANGLIAE	24" HT.	CONT.
	NEW ENGLAND ASTER		
	CALAMAGROSTIS CANADENSIS	1 GAL.	CONT.
	BLUEJOINT GRASS		
	THUJA EMERALD	48" HT.	CONT.
	EMERALD GREEN ARBOR VITAE		
	ONOCLEA SENSIBILIS	24" HT.	CONT.
	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.

PLANT COUNTS GIVEN ONLY FOR NEW PLANTS PART OF REVISED DRAWINGS FOR THE AMENDMENT TO THE EXISTING CASE FILE.

PLEASE CONTACT THE MEDINA CITY ARBORIST CURTIS WELLOCK AT (330) 350-2034 PRIOR TO COMMENCING WITH ANY LANDSCAPE WORK WITHIN THE ROAD RIGHT-OF-WAY.

GENERAL NOTE

REFER TO CIVIL DRAWINGS FOR SPECIFIC PARKING DESIGN LAYOUT, DIMENSIONS AND DETAILS.

GENERAL LANDSCAPE NOTES

- ALL SINGLE STEM TREES TO HAVE STRAIGHT TRUNK AND SYMMETRICAL CROWNS.
- ALL SINGLE TRUNK SHADE TREES TO HAVE CENTRAL LEADER, TREES WITH FORKED OR IRREGULAR TRUNKS WILL NOT BE ACCEPTED.
- ALL MULTI STEM TREES SHALL BE HEAVILY BRANCHED AND HAVE SYMMETRICAL CROWNS. ONE SIDED TREES OR THOSE WITH THIN OR OPEN CROWNS SHALL NOT BE ACCEPTED.
- ALL EVERGREEN TREES SHALL BE HEAVILY BRANCHED, FULL TO THE GROUND AND SYMMETRICAL IN SHAPE.
- ALL TREE LOCATIONS SHALL BE STAKED BY LANDSCAPE CONTRACTOR AND ARE SUBJECT TO THE APPROVAL OF THE ARCHITECT PRIOR TO INSTALLATION OF THE PLANT MATERIAL.
- IT IS MANDATORY THAT POSITIVE DRAINAGE IS PROVIDED AWAY FROM ALL BUILDINGS.
- ALL PLANTING BEDS SHALL BE MOUNDED TOWARD THE CENTER. ISLANDS TO BE KEYS 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.
- 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.
- CONTRACTOR SHALL EXTEND IRRIGATION SYSTEM AS NEEDED TO PROVIDE PROPER IRRIGATION TO ALL PLANTING AREAS.
- 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.

FLAG NOTES - LANDSCAPE PLAN

- LINE IDENTIFY EXTENT OF LANDSCAPING BEDS. SEE GENERAL NOTES ABOVE FOR MORE INFORMATION.
- NEW CONCRETE SIDEWALK TO CONNECT TO EXISTING SIDEWALK. 4" REINFORCED CONCRETE WITH 6x6 W1.4xW1.4 WWF REINFORCING OVER 4" GRANULAR FILL OVER WELL COMPACTED EARTH. CONTROL JOINTS @ 5'-0" O.C. MAX. - REFER TO CIVIL DRAWINGS.
- EXISTING CONCRETE SIDEWALK.
- EXISTING BUILDING.
- NEW CONCRETE CURB - REFER TO CIVIL DRAWINGS.
- PROVIDE ACCESSIBLE RAMP WITH INTEGRATED DETECTABLE WARNING BUMPS - REFER TO CIVIL DRAWINGS.
- NEW ASPHALT PAVED DRIVE AND PARKING - REFER TO CIVIL DRAWINGS.
- NEW TRAFFIC DIRECTION FLOW - REFER TO CIVIL DRAWINGS.
- NEW 8' TALL P.T. BOARD ON BOARD FENCE WITH P.T. 4x4 POSTS SPACES AT 8'-0" O.C. MAX AND SET IN 12" DIA. x 42" DEEP CONCRETE FOOTING - CONTRACTOR TO COORDINATE COLOR AND STYLE WITH OWNER.
- NEW ISLAND WITH PLANTINGS.
- NEW PARKING AREA LIGHTING POLE.
- ACCESSIBLE PARKING SPACE.
- ACCESSIBLE PARKING SIGNAGE.
- ACCESSIBLE PARKING AISLE.

LIGHTING LEGEND

SYMBOL	TYPE	HEIGHT	QUANTITY
	SITE LIGHTING	10'-0"	9

SITE INFORMATION

PARCELS: 028-198-21-276, 028-198-21-275, 028-198-21-274
PARCEL SIZE: 0.14 AC (-6,476 SQ. FT.) + 0.18 (-7,882 SQ. FT.) + 0.18 (-7,886 SQ. FT.) = 0.51 AC

PARKING AREA: +10,561 SQ. FT.
LANDSCAPING BEDS TOTAL: +52,185 SQ. FT.
PARKING SPACES: 26 (INCLUDING 2 ACCESSIBLE)



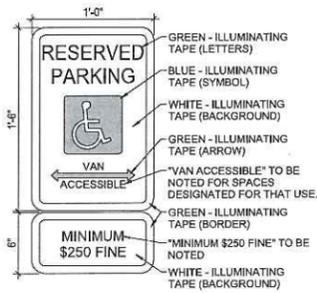
REVISIONS

phone 330.666.5770
fax 330.666.8812
3660 Embassy Parkway
Fairlawn, OH 44333
MANN - PARSONS • GRAY
ARCHITECTS
mpg-architects.com

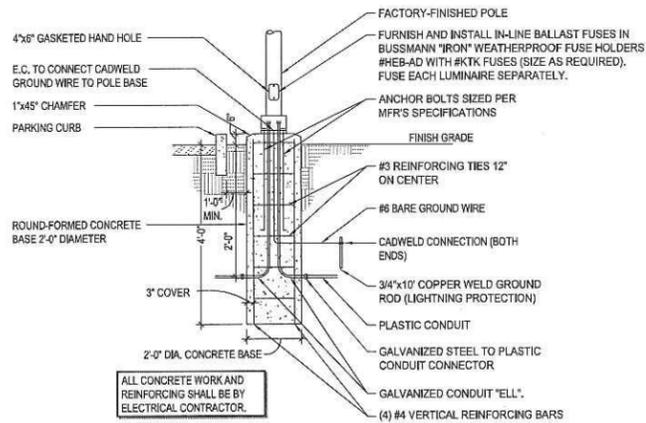
LANDSCAPE PLAN
PROJECT #: 17818
DATE: MARCH 21, 2019

S. JEFFERSON STREET PARKING
216, 222 & 228 S. JEFFERSON STREET
MEDINA, OHIO 44256

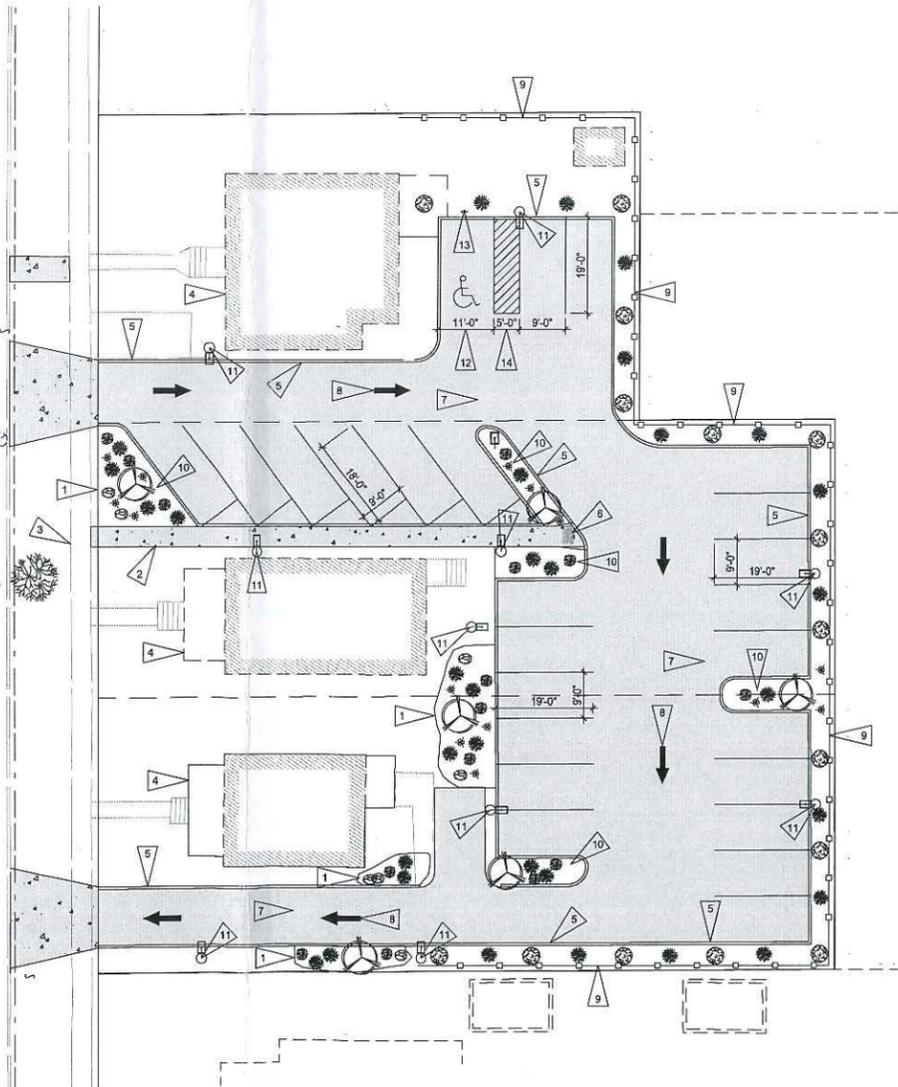
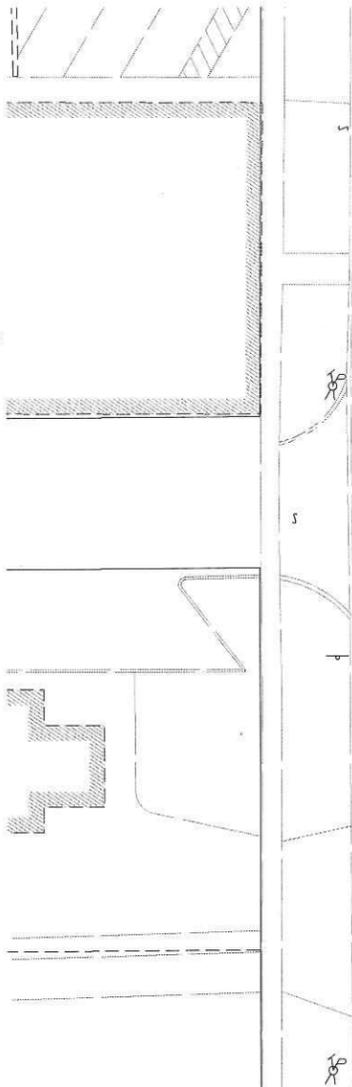
L1.0
1 OF 1



5 ACCESSIBLE PARKING SIGNAGE
SCALE: 1-1/2" = 1'-0"



6 LIGHT POLE BASE DETAIL
SCALE: 3/4" = 1'-0"



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

