

**MEETING DATE: 6-13-19**

# **BOARD OF ZONING APPEALS**

**Z19-10**

**625 Bowman**



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**June 13, 2019 Meeting**


**Case No:** Z19-10

**Address:** 625 Bowman Ln.

**Applicant:** City of Medina

**Subject:** A Variance request from Section 1115.05 to permit the creation of a new lot in the O-C District that is 80 feet wide, 0.6290 acres with an existing building with a 20 foot side yard and 13 foot rear yard where the minimum O-C District requirements are 100 foot lot width, 5 acre lot area, 25 foot side yard and 50 foot rear yard.

**Zoning:** O-C, Open Space Conservation District

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

**Background:**

A variance request for this subdivision was reviewed and approved by the Board of Zoning Appeals on April 25, 2019. It was approved, but the proposed lot dimensions in the plat were incorrect. Therefore, the variance request is amended must be reviewed again at a public meeting.

**Site Location:**

The site is City owned property at the intersection of Weymouth Rd. Bowman Ln near the entrance to Reagan Park.

**Project Introduction:**

The City proposes creating a new lot for the existing house on the subject site in order to swap the new lot and building with the Medina City School District for a property on the 300 block of N. Huntington St.

This swap will permit the school district to improve the existing building which currently houses educational services for students with disabilities. With this property under the school district ownership, funds can be accessed to perform needed improvements to the building/property. Also, the proposed lot is the minimum needed to provide the school district what it needs, but retains the remainder of the parent lot under City ownership as

part of the contiguous Reagan Park land in this area of the City and allow for the possible future alignment of Bowman Ln. with Woodland Dr. across Weymouth Rd.

The proposed lot does not comply with several of the minimum required lot dimensions in the O-C district and therefore the variances are requested.

Please find attached to this report:

1. Site aerial photograph
2. Minor subdivision plat received May 28, 2019.

**Considerations:**

Section 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 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;*

Since the proposed and the remainder lots will continue being publicly owned, the uses for the properties will not change and the conditions on the ground will not change.

*B. Whether the variance is substantial;*

The following are the percentage reductions proposed from the minimum required:

- Lot width: 80 ft proposed; 100 ft required – 20% reduction
- Lot area: 0.6290 acres proposed; 5 acres required – 87.5% reduction
- Rear yard setback: 13 ft proposed; 50 ft required – 74% reduction
- Side yard setback; 20 ft proposed; 25 ft required – 20% reduction

Given the above percentages and the practical fact that there will be no physical changes on the ground, the variance is not substantial.

- 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 lot will not be physically noticeable on the ground, the creation of the lot is for ownership purposes and not for land development purposes. Therefore, there will be no changes to the existing neighborhood character.

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

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

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

The City of Medina is aware of the applicable development regulation.

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

The only other feasible method would be to allocate more land area to the proposed lot around the house, but this would prevent the realignment of Bowman Ln. with Woodland Dr., which has significantly more public benefit than compliance with the minimum O-C lot dimensions for this case.

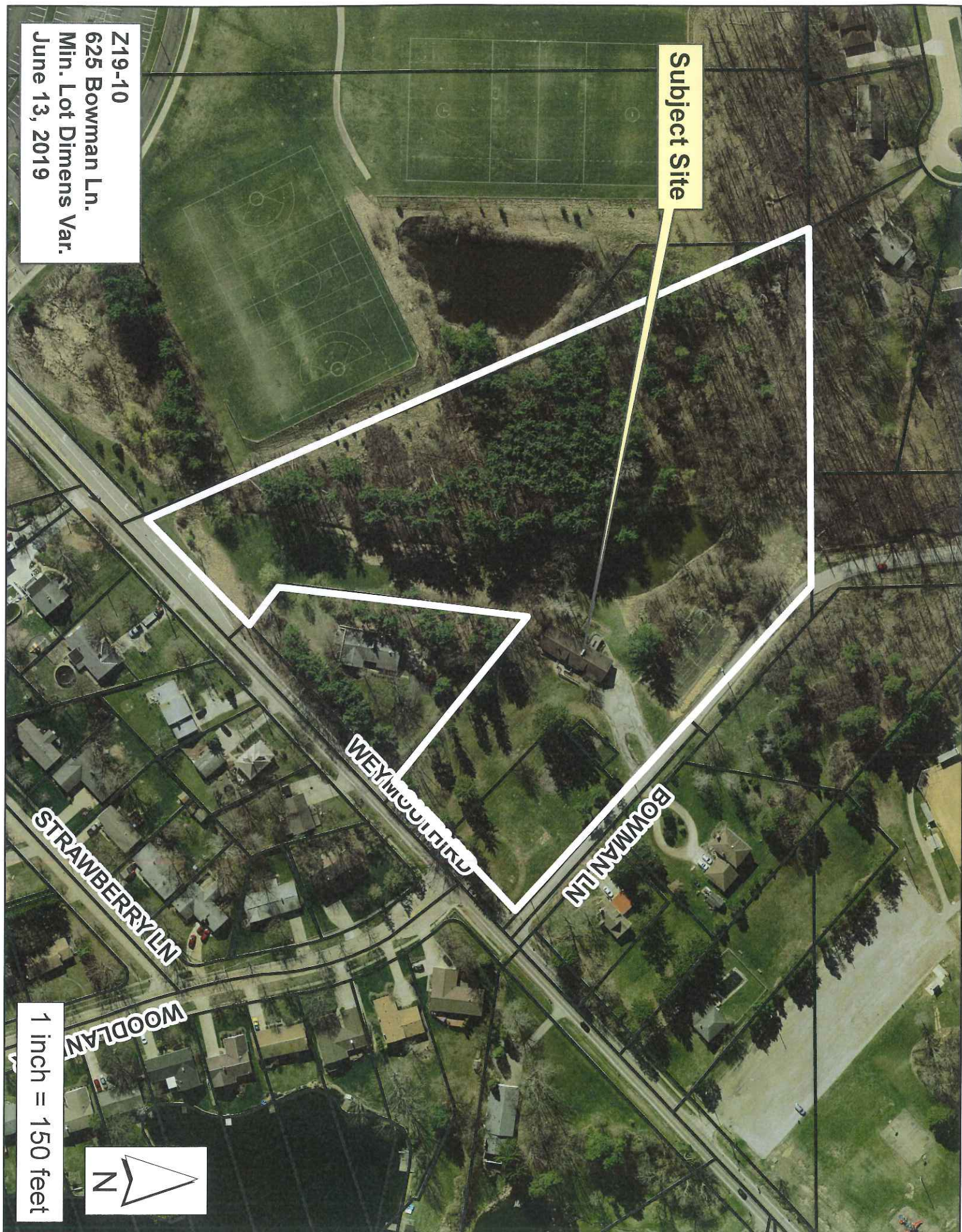
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.*

The intent of the requirement was to require minimum adequately sized areas for public open space and parkland within the City of Medina. In this instance, the proposed lot does not affect the public value of the acreage of Reagan Park and will provide space for creating safer street alignments for public access to the Park.

The BZA must weigh the above seven factors to determine if a practical difficulty exists that would merit variances from Section 1115.05.

Subject Site

Z19-10  
625 Bowman Ln.  
Min. Lot Dimens Var.  
June 13, 2019



WEYMOUTH LN

BOWMAN LN

STRAWBERRY LN

WOODLAN

1 inch = 150 feet



**CERTIFICATION:**

I HEREBY CERTIFY THIS DRAWING TO BE OF A SURVEY MADE BY ME AND/OR UNDER MY DIRECT SUPERVISION AND TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS ARE REFERENCED TO AN ASSUMED MERIDIAN AND ARE USED TO INDICATE ANGLES ONLY.

ANDREW G. PLANET, P.S. REG. SURVEYOR NO. 7802

DATE

**ACCEPTANCE:**

KNOW ALL MEN BY THESE PRESENTS, THAT THE CITY OF MEDINA, BY DENNIS HANWELL, MAYOR, OWNER OF THE LANDS EMBRACED WITHIN THIS SUBDIVISION HEREBY ACKNOWLEDGE THIS PLAT AND SUBDIVISION TO BE MY FREE ACT AND DEED AND DO HEREBY DEDICATE TO PUBLIC USE FOREVER THE STREETS AS SHOWN AND GRANT EASEMENTS AS SHOWN ACCORDING TO THE LEGEND BELOW. I CERTIFY THAT THERE ARE NO DELINQUENT TAXES OR ASSESSMENTS AGAINST THE LANDS WITHIN THIS SUBDIVISION.

BY: DENNIS HANWELL, MAYOR

COUNTY OF MEDINA }  
STATE OF OHIO }

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED: DENNIS HANWELL, MAYOR WHO ACKNOWLEDGE THE MAKING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE HIS OWN FREE ACT AND DEED. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT OHIO, THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_.

NOTARY PUBLIC

**APPROVALS:**

THIS PLAT WAS DULY ACCEPTED BY ORDINANCE NO. \_\_\_\_ OF MEDINA CITY COUNCIL AT A REGULAR MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_ 20\_\_.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED FOR TRANSFER THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_.

TAX MAP DRAFTSMAN

RECEIVED FOR TRANSFER THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_.

MEDINA COUNTY AUDITOR

RECEIVED AND RECORDED THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_ AT \_\_\_\_ A.M./P.M.  
RECORDED IN PLAT DOCUMENT NO. \_\_\_\_  
FEE: \$ \_\_\_\_

MEDINA COUNTY RECORDER

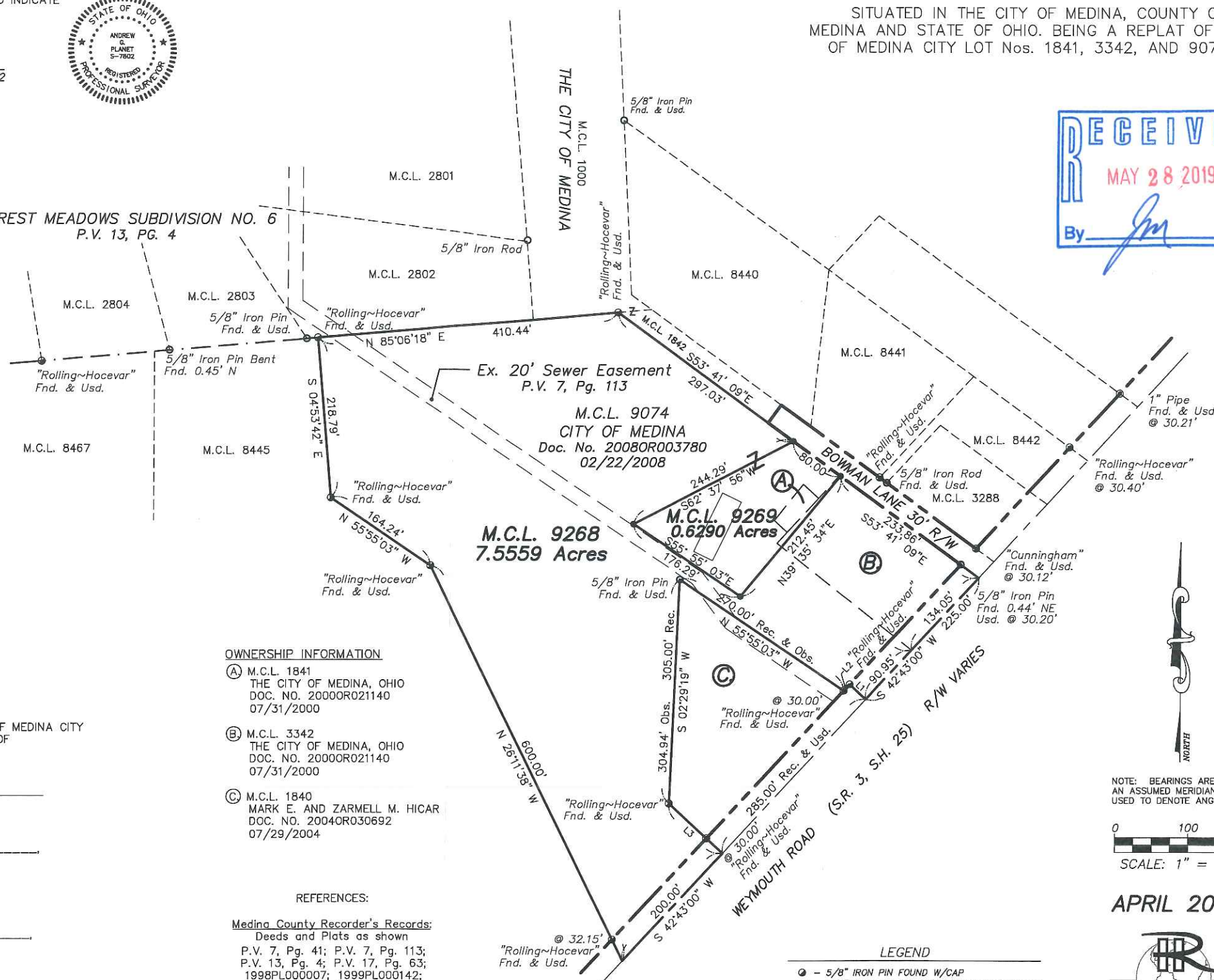


**PLAT OF SURVEY**  
**CREATING NEW MEDINA CITY LOT NO. 9268**  
**AND NEW MEDINA CITY LOT NO. 9269**

SITUATED IN THE CITY OF MEDINA, COUNTY OF MEDINA AND STATE OF OHIO. BEING A REPLAT OF ALL OF MEDINA CITY LOT Nos. 1841, 3342, AND 9074.



FOREST MEADOWS SUBDIVISION NO. 6  
P.V. 13, PG. 4



**OWNERSHIP INFORMATION**

- (A) M.C.L. 1841  
THE CITY OF MEDINA, OHIO  
DOC. NO. 20000R021140  
07/31/2000
- (B) M.C.L. 3342  
THE CITY OF MEDINA, OHIO  
DOC. NO. 20000R021140  
07/31/2000
- (C) M.C.L. 1840  
MARK E. AND ZARMELL M. HICAR  
DOC. NO. 20040R030692  
07/29/2004

**REFERENCES:**

Medina County Recorder's Records:  
Deeds and Plats as shown  
P.V. 7, Pg. 41; P.V. 7, Pg. 113;  
P.V. 13, Pg. 4; P.V. 17, Pg. 63;  
1998PL000007; 1999PL000142;  
1999PL000175; 2008PL000014

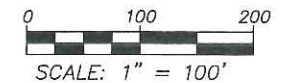
| LINE TABLE |        |               |  |             |
|------------|--------|---------------|--|-------------|
| LINE       | LENGTH | BEARING       |  |             |
| L1         | 30.00  | N 47°17'00" W |  | Rec. & Usd. |
| L2         | 11.65  | S 42°43'00" W |  | Rec. & Usd. |
| L3         | 100.00 | S 42°17'00" E |  | Rec. & Usd. |

**LEGEND**

- ⊙ - 5/8" IRON PIN FOUND W/CAP
- - 5/8" IRON PIN SET W/CAP ROLLING-HOCEVAR
- ⊠ - MONUMENT BOX W/ IRON PIN FOUND
- - 5/8" IRON PIN FOUND (NO CAP)
- ⊙ - IRON PIPE FOUND
- ⊠ - STONE FOUND
- ☆ - RAILROAD SPIKE FOUND

Fnd. - FOUND  
Msd. - MEASURED  
Obs. - OBSERVED  
Rec. - RECORD  
Usd. - USED  
M.C.L. - MEDINA CITY LOT  
P.V. - PLAT VOLUME

NOTE: BEARINGS ARE BASED ON AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY.



APRIL 2019



CIVIL ENGINEERING & SURVEYING  
257 SOUTH COURT STREET  
SUITE 6  
MEDINA, OHIO 44256  
PHONE: (330)723-1828  
FAX: (330)723-6637

PROJECT No. 31,173