MEETING DATE: 3-12-20

BOARD OF ZONING APPEALS

Z20-01

2-10 Exchange Park Dr.

CITY of MEDINA
Board of Zoning Appeals
March 12, 2020 Meeting

Case No: Z20-01

Address: 2 Exchange Park Drive

Applicant: Ryan Baker

Subject: Under Section 1151.05 of the Planning and Zoning Code, the applicant requests the Board of Zoning Appeals permit the substitution of the nonconforming 9 unit residential use for a 10 unit residential use on subject property zoned I-1, Industrial.

Zoning: I-1, Industrial

Submitted by: Jonathan Mendel, Community Development Director

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Site Location:
The site is located on the south side of the 600 block of West Smith Road adjacent to the railroad overpass.

Project Introduction:
The applicant proposes dividing the existing single unit residential building at the south end of the subject property.

The subject property currently has nine existing nonconforming single unit detached residential buildings on the subject property. The subject property has had its current land use for more than 70 years. The applicant is in the process of repairing, updating and improving the condition of the existing residential buildings and the grounds. The applicant requests dividing the existing southernmost building on the subject property from one residential unit to two residential units under the provision of substitution of nonconforming uses in Section 1151.05:

> *So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting*

such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this section. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

Please find attached to this report:

1. Aerial photograph
2. Applicant's narrative and development plans received March 2, 2020

Considerations:

The Medina 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 building 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 subject property could continue as a 9 unit residential land use, effectively, in perpetuity.

B. Whether the variance is substantial;

The requested additional residential unit (from 9 to 10) is an 11% increase, which may not be considered 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 existing building proposed for division into to two residential units is approximately 520 feet south of the W. Smith Road public right-of-way at the southern end of the subject property and the applicant does not propose any changes to the subject building's footprint.

Additionally the subject property is adjacent to the City of Medina railroad embankment to the east and an existing multi-tenant light industrial development to the west. Lastly, the existing nonconforming use is a less intensive land use than land uses permitted under the I-1 zoning district.

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 subject property has been zoned I-1 Industrial for many decades and it was the zoning district for the property when the applicant purchased it in 2018.

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

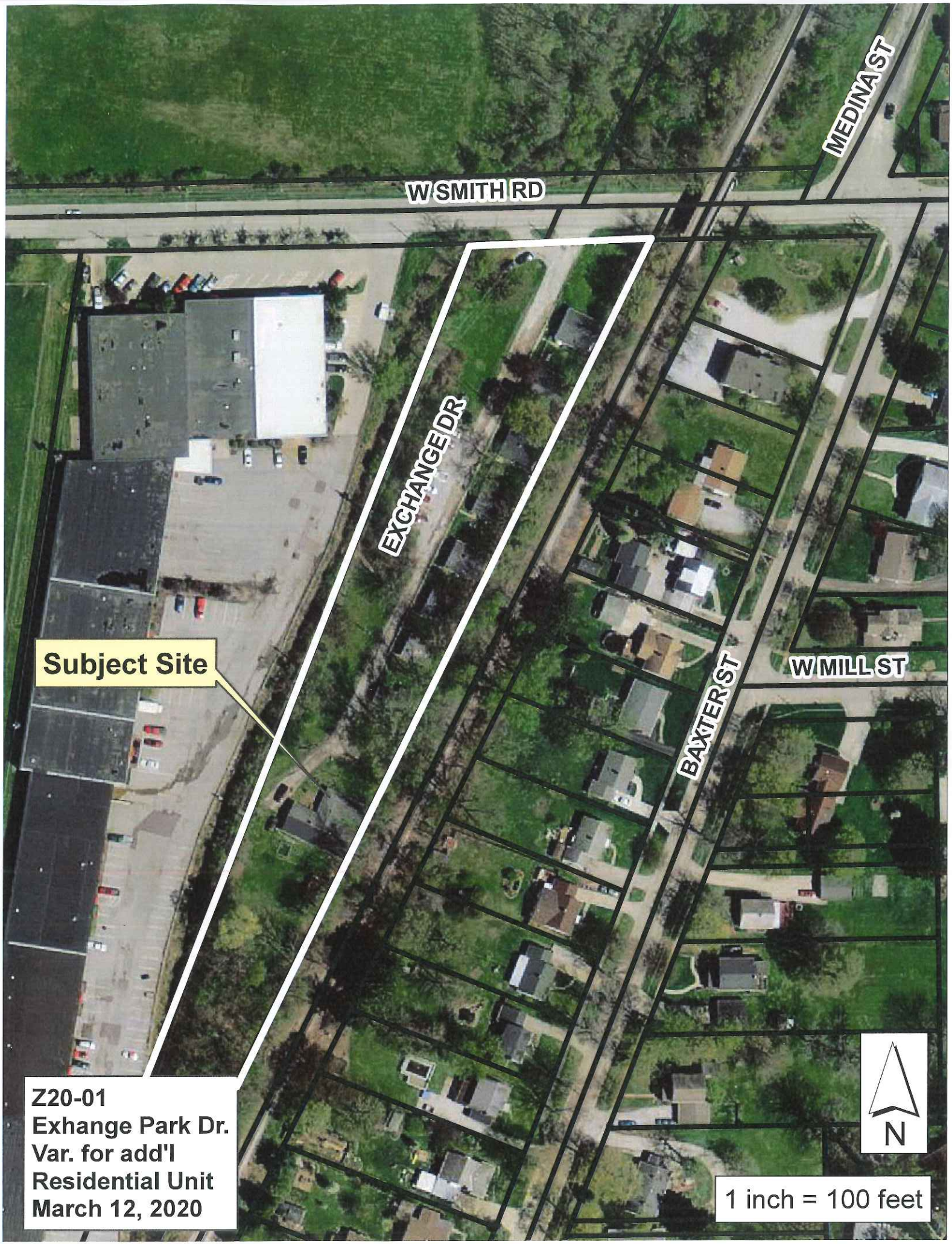
The property owner could completely redevelop the subject property under the I-1 zoning district regulations.

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

The likely intent for why the subject property was zoned I-1 is due to it being physically related to the industrially zoned and developed area of the City of Medina under the presumption that the property's development future may be industrial/commercial rather than the existing residential use.

But given the City of Medina's age and evolution of land use regulation and development, Chapter 1151 (Nonconforming Uses, Building, Structures and Lots) exists to balance owner's needs and costs for buildings and uses established prior to the existing regulatory framework in an effort to, theoretically, remove potential nuisance and/or hazardous conditions left over as cultural desires have changed.

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 1151.05 to permit the substitution of the 9 unit residential use with a 10 unit residential use on the subject property in the I-1, Industrial zoning district.



Z20-01
Exhange Park Dr.
Var. for add'l
Residential Unit
March 12, 2020

Architects
C.A. McGettrick
Inc.

14551 Madison Ave.
Lakewood, OH 44107

(216) 227-0700 - Fx#: (216) 227-0712
Email: archicam@ameritech.net

March 02, 2020

RECEIVED
MAR 02 2020
By

City of Medina
Board of Zoning Appeals
601 Lakeside Avenue
Cleveland, Ohio 44114

Case No. Z20-01

RE: REQUEST FOR A VARIANCE FOR THE PROPERTIES AT 2 – 10 EXCHANGE PARK. PURSUANT TO SECTION 1151.05 SUBSTITUTION OF NONCONFORMING USES OF THE MEDINA, OH CODE OF ORDINANCES.

To Whom it may concern:

The goal of our renovations to the above referenced property is to update the single story, stand alone structures currently on Site. With these renovations the property will provide affordable housing for the citizens of the City of Medina.

With that being said, our request for the variance is directed at the large single story structure at the south end of the property. It is a structure of Two Thousand, One Hundred Fifty-Nine (2,159) Square Feet. The other units on site range from Four Hundred Eighty-Eight (488) Square Feet to Eight Hundred Sixty-Eight (868) Square Feet.

With our stated goal of providing affordable housing in mind, the large unit with renovations would command a disproportional high rent, do to its size and cost to renovate.

If were able to divide this structure into two (2) units, one being a two (2) bedroom suite and the other a three (3) bedroom suite, it would enable the rent for both units to balance the rent of the structure with the rent of the other units on Site.

Without this split the rent would render the unit unsalable, or worse, remain vacant because of its size and cost of renovations.

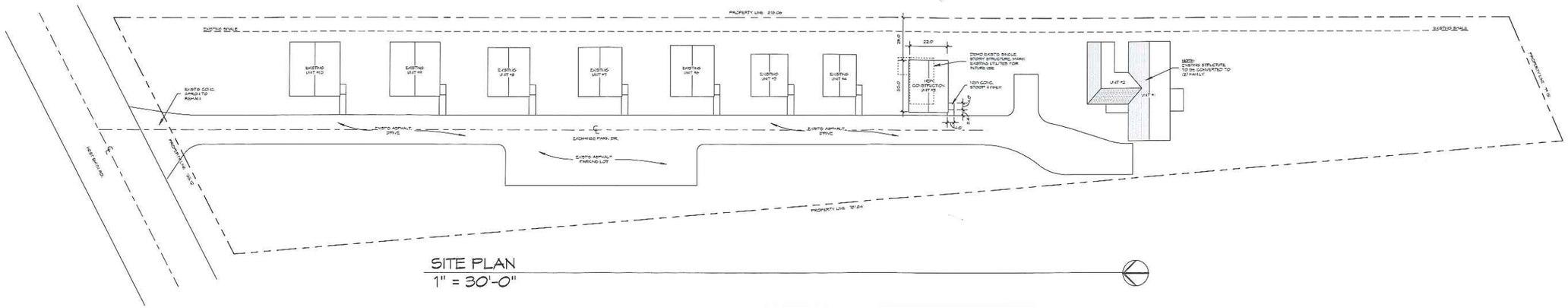
We are aware that this property is unique and has its challenges as a result of being in an I - 1 Zoning District. We understand that we are in non-conformance. Our hope is that the Board will understand our mission and grant the Approval of the variance, allowing us to provide the Community with a unique affordable housing project.

Best regards.

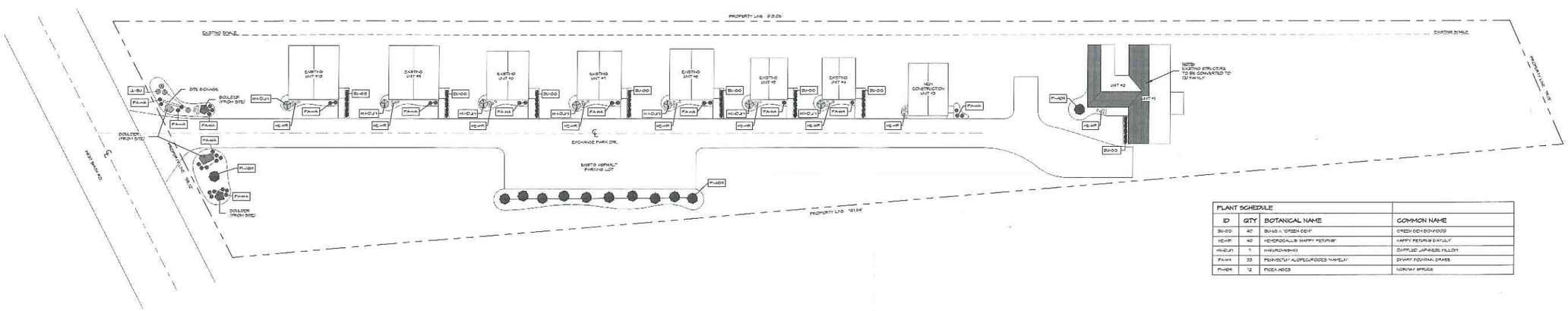
Architects, C. A. McGettrick LLC

Michael A. McGettrick
Associate

MAM/dew



SITE PLAN
1" = 30'-0"



CONCEPTUAL LANDSCAPE PLAN
1" = 30'-0"

PLANT SCHEDULE

ID	QTY	BOTANICAL NAME	COMMON NAME
BU-GO	40	BUXUS X 'GREEN GEM'	GREEN GEM BOXWOOD
HE-HR	40	HEMEROCALLIS 'HAPPY RETURNS'	HAPPY RETURNS DAYLILY
HI-DJ	7	HYDRANGEA PAN.	DAPPLE JAPANESE WILLOW
FA-HA	33	PENNISETUM ALOPECUROIDES 'HAMELN'	DWARF FOUNTAIN GRASS
PI-NO	12	PICEA ABIES	NORWAY SPRUCE

RECEIVED
MAR 02 2020
By

STATE OF OHIO
CHARLES A. McGETTRICK JR.
Member
5919
REGISTERED ARCHITECT

DATE: 3/2/20
REVISION:

EXCHANGE PARK

2 Exchange Park Dr. Medina, Ohio

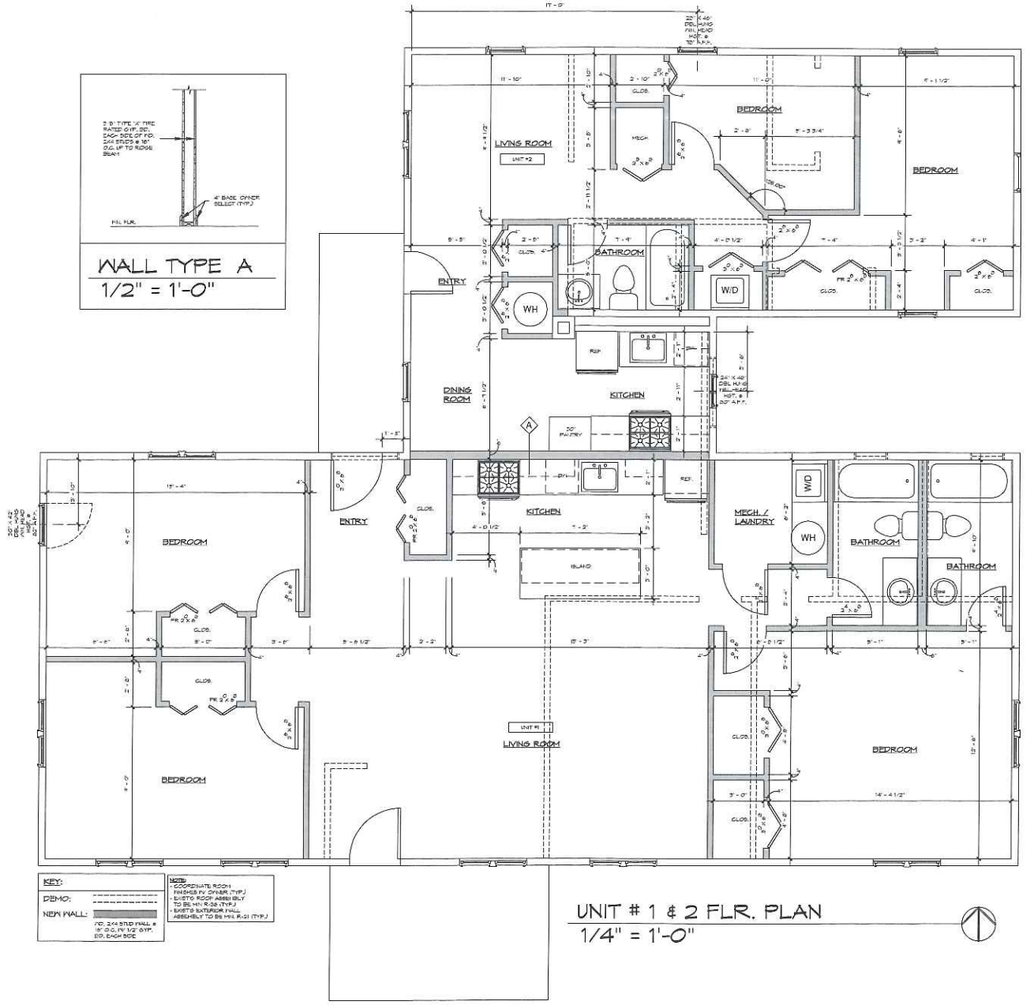
ARCHITECTS, C.A. McGETTRICK, LLC
14551 Madison Ave. | Lakewood, Ohio | 44107 | 216-227-0700 | FAX: 216-227-0712

COMMISSION NO:
21948

CHARLES MCGETTRICK JR. #119919
EXPIRATION DATE: 12/31/2020

SP

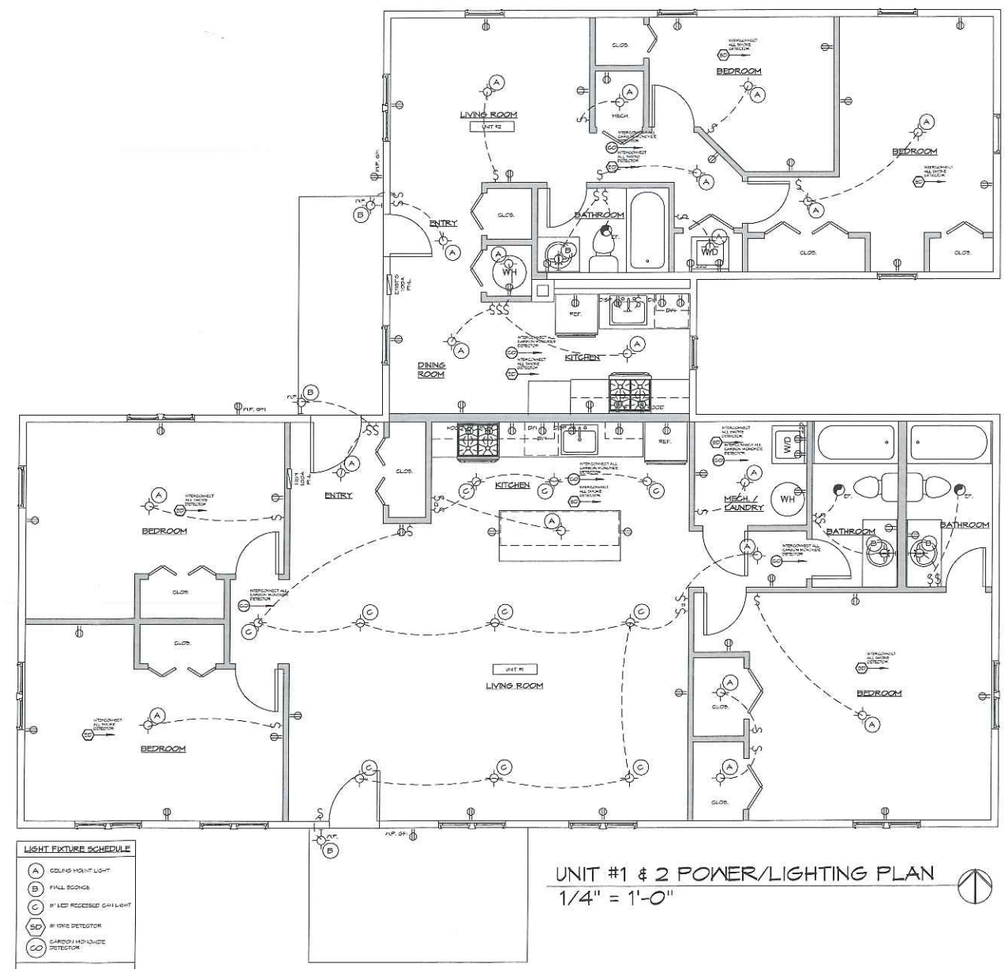
WALL TYPE A
1/2" = 1'-0"



UNIT # 1 & 2 FLR. PLAN
1/4" = 1'-0"

GENERAL NOTES

1. SOIL BEARING PRESSURE IS ASSUMED TO BE 2000 PSF. CONTRACTOR SHALL VERIFY IN FIELD.
2. CONCRETE DESIGN FOR FOOTING SHALL BE MIN. F'c = 2000 PSI
3. CONCRETE DESIGN FOR FLOOR SLABS SHALL BE MIN. F'c = 3000 PSI
4. CONTRACTOR SHALL USE NO LESS THAN TYPE 'M' OR 'S' MORTAR IN CRAWL SPACE BLOCK WALLS
5. ALL FLOOR JOISTS, CEILING JOISTS AND ROOF RAFTERS ARE DESIGNED TO BE MIN. Fb = 1200 PSI
6. WINDOWS: BASED ON PELLA 350 SERIES VINYL, W/ ADVANCED LOW-E 5/8" INSULATED GLASS, or APPROV'D EQUAL. COLOR: OWNER SELECT.
7. DOOR HARDWARE TO BE SELECTED BY OWNER.
8. KITCHEN EQUIPMENT WILL BE FURNISHED BY OWNER.
9. PLUMBING FIXTURES WILL BE FURNISHED BY OWNER.
10. MECHANICAL CONTRACTOR TO PROVIDE BUILDING DEPARTMENT WITH HEAT LOSS CALCULATIONS PRIOR TO COMMENCEMENT OF THE WORK.
11. ELECTRICAL CONTRACTOR TO PROVIDE BUILDING DEPARTMENT WITH SIGNS OF ELECTRICAL SERVICE (MIN. 50a INCREASE) AND PANEL DIAGRAM PRIOR TO COMMENCEMENT OF THE WORK.
12. ELECTRICAL CONTRACTOR WILL COMPLY WITH THE 2011 EDITION OF THE NEC SECTION 210.12 "DWELLING UNITS, ALL 120V, SINGLE PHASE, 15 & 20 AMP BRANCH CIRCUITS SUPPLYING OUTLETS OR DEVICES INSTALLED IN DWELLING UNIT KITCHENS, FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, REC. ROOMS, CLOSETS, HALLWAYS, LAUNDRY AREAS, OR SIMILAR ROOMS OF AREAS SHALL BE PROTECTED BY ARC FAULT CIRCUIT INTERRUPTERS (AFCI's)".
13. PLUMBING CONTRACTOR TO PROVIDE BUILDING DEPARTMENT WITH PLUMBING ISOMETRIC DIAGRAM PRIOR TO COMMENCEMENT OF THE WORK.



LIGHT FIXTURE SCHEDULE

- (A) CEILING MOUNT LIGHT
- (B) WALL SCONCE
- (C) 6" LED RECESSED CAN LIGHT
- (SD) IONIZ DETECTOR
- (CO) CARBON MONOXIDE DETECTOR

NOTE: LIGHT FIXTURES TO BE SELECTED BY OWNER.
- ALL ELECTRICAL & EXISTS UNLESS NOTED ON PLANS
* F.W.P. = WATER PROOF FIXTURE
* E.F. = EXHAUST FAN

UNIT #1 & 2 POWER/LIGHTING PLAN
1/4" = 1'-0"

STATE OF OHIO CHARLES A. MCGETTRICK III 8313 REGISTERED ARCHITECT

DATE: 3/2/20
REVISION:

EXCHANGE PARK
2 Exchange Park Dr. Medina, Ohio

ARCHITECTS, C.A. McGETTRICK, LLC
14551 Madison Ave. Lakewood, Ohio 44107 216-227-0700 FAX: 216-227-0712

COMMISSION NO:
21948

CHARLES MCGETTRICK JR. #71985
EXPIRATION DATE: 12/31/2020

A-1