

MEETING DATE: 3-12-20

BOARD OF ZONING APPEALS

Z20-02

PP#028-19C-23-001



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

Case No: Z20-02

Address: PP# 028-19C-213-001

Applicant: Medina County Park District & City of Medina

Subject: A Variance request from Section 1141.05 of the Planning and Zoning Code to permit two new I-1 zoned lots without frontage on a public street when a minimum 100 ft. of frontage is required.

Zoning: I-1 Industrial

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The subject property is located at the southwesterly City of Medina boundary and is landlocked between 200-700 feet east of the Lake Road public right-of-way.

Project Introduction:

The Medina County Park District (MCPD) purchased the subject property in 2019 as it is adjacent to a portion of their rail trail recreational path and intended to use the entire property for recreational open spaces purposes. The northern half of the subject property is adjacent to the City of Medina's railroad right-of-way and an adjacent privately developed industrial property in the City of Medina. In order to provide a future rail spur to this private property, the City of Medina wishes to purchase 3 acres from the MCPD.

To execute the land sale, two new lots must be created (a 5.2908 acre lot and a 3 acre lot) that do not meet the minimum 100 foot frontage on a public street required in the I-1 zoning district.

Please find attached to this report:

1. Aerial photograph of the property
2. Proposed minor subdivision

Considerations:

§1107.08(b) of the Medina Administrative 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 a front lot line 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 MCPD and the City of Medina are public entities and the proposed lots will be used for public benefit with limited improvements.

B. Whether the variance is substantial;

The proposal constitutes a 100% variance since the properties will not have road frontage.

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 essential character of the neighborhood will not be altered as the existing parent parcel is landlocked and unused. The proposed subdivision will not be readily evident on the ground.

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

The variance would permit the City of Medina to purchase the northern 3 acres for future rail spur use to a portion of the City's industrial neighborhood and will provide a benefit to the community through economic development.

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

The City of Medina is fully aware of the applicable restrictions, but had no part of the original subdivision that created the current landlocked parent parcel.

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

The owner's predicament cannot be obviated as the parent parcel is already landlocked. Additionally, the City of Medina does not own adjacent compliant properties with which to combine the proposed 3 acre lot.

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

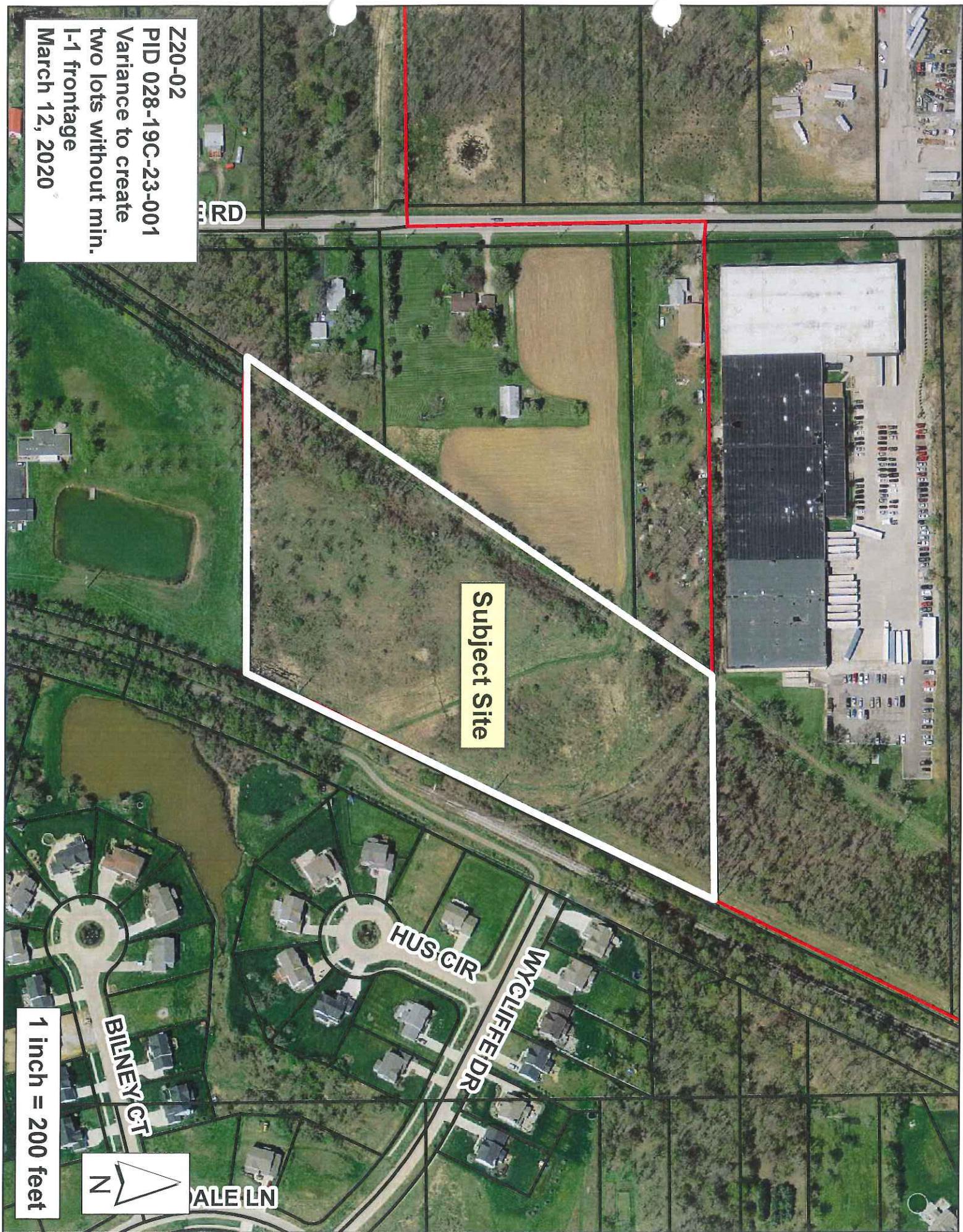
The likely intent of the requirements is to assure properties have reasonable road access for the general public and emergency services. That is reasonable when land is subdivided for development purposes with occupied buildings/land uses and easy visibility is important for the provision of public services such as fire protection and policing. The proposed subdivision is not intended for the development of substantively occupied buildings and/or land uses requiring easy visibility and accessibility.

The BZA must weigh the above seven factors for the request and determine if a practical difficulty exists to merit a variance from section 1141.05.

Z20-02
PID 028-19C-23-001
Variance to create
two lots without min.
I-1 frontage
March 12, 2020

Subject Site

1 inch = 200 feet



| Curve Table | | | | | | |
|-------------|---------|----------|------------|-----------------|--------------|---------|
| Curve # | Length | Radius | Delta | Chord Direction | Chord Length | Tangent |
| C1 | 215.20' | 2914.93' | 4° 13' 48" | S25° 02' 53"W | 215.15' | 107.65' |

PLAT OF SURVEY

CREATING new MEDINA CITY LOT

Nos. _____ & _____

SITUATED IN THE CITY OF MEDINA, COUNTY OF MEDINA AND STATE OF OHIO, BEING A REPLAT OF A PORTION OF MEDINA CITY LOT No. 2490

CERTIFICATION:

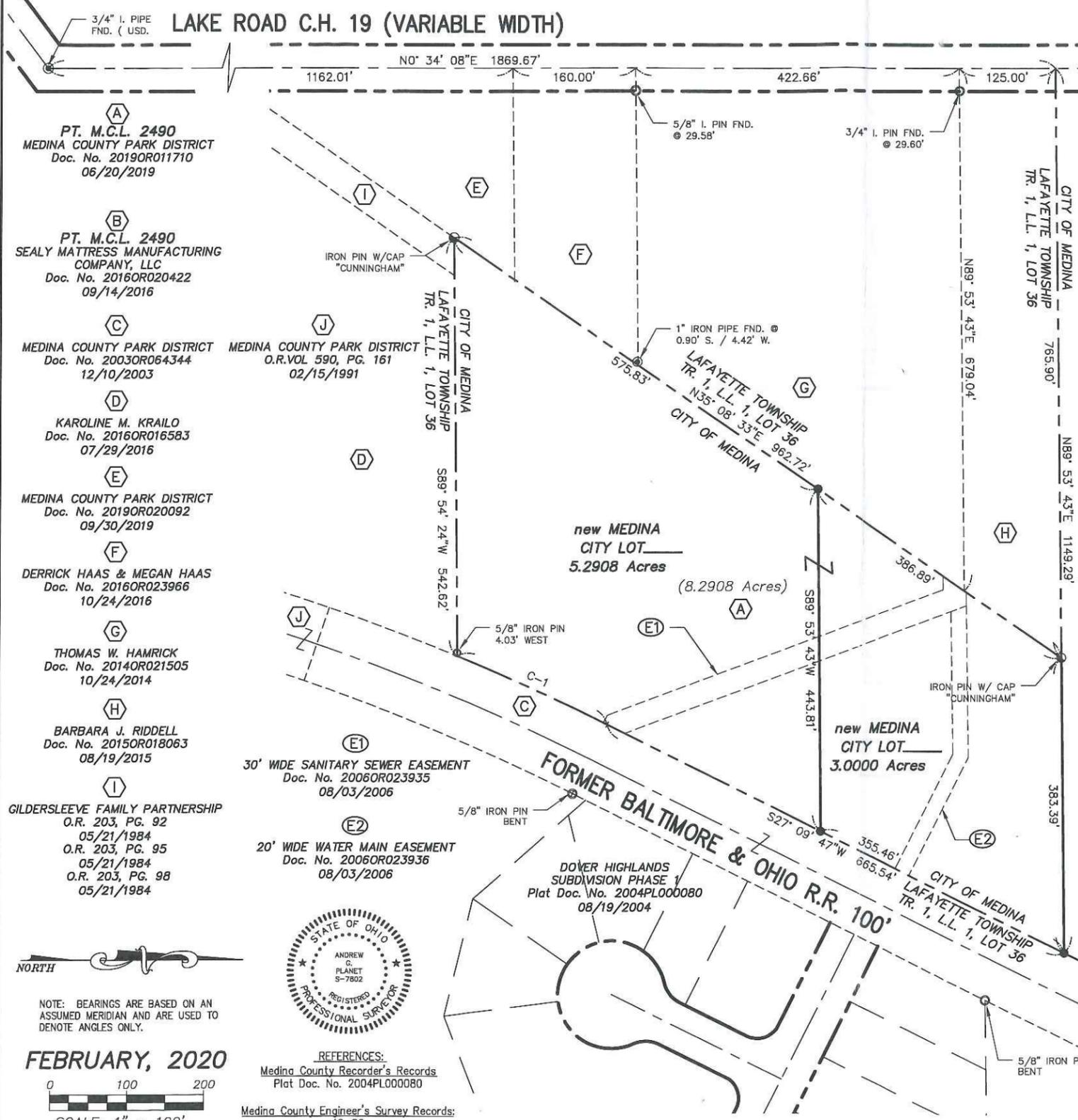
I HEREBY CERTIFY THIS DRAWING TO BE OF A SURVEY MADE BY ME AND/OR UNDER MY DIRECT SUPERVISION AND TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

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

~FOR REVIEW~

ANDREW G. PLANET, P.S. S-7802

DATE



- A** PT. M.C.L. 2490
MEDINA COUNTY PARK DISTRICT
Doc. No. 2019OR011710
06/20/2019
- B** PT. M.C.L. 2490
SEALY MATTRESS MANUFACTURING
COMPANY, LLC
Doc. No. 2016OR020422
09/14/2016
- C** MEDINA COUNTY PARK DISTRICT
Doc. No. 2003OR064344
12/10/2003
- D** KAROLINE M. KRAILO
Doc. No. 2016OR016583
07/29/2016
- E** MEDINA COUNTY PARK DISTRICT
Doc. No. 2019OR020092
09/30/2019
- F** DERRICK HAAS & MEGAN HAAS
Doc. No. 2016OR023966
10/24/2016
- G** THOMAS W. HAMRICK
Doc. No. 2014OR021505
10/24/2014
- H** BARBARA J. RIDDELL
Doc. No. 2015OR018063
08/19/2015
- I** GILDERSLEEVE FAMILY PARTNERSHIP
O.R. 203, PG. 92
05/21/1984
O.R. 203, PG. 95
05/21/1984
O.R. 203, PG. 98
05/21/1984
- J** MEDINA COUNTY PARK DISTRICT
O.R.VOL 590, PG. 161
02/15/1991

ACCEPTANCE:

I, THE UNDERSIGNED OWNER OF THE LANDS EMBRACED WITHIN THIS SUBDIVISION HEREBY ACKNOWLEDGE THIS PLAT AND SUBDIVISION TO BE OUR FREE ACT AND DEED. WE CERTIFY THAT THERE ARE NO DELINQUENT TAXES OR ASSESSMENTS AGAINST THESE LANDS.

MEDINA COUNTY PARK DISTRICT
NATHAN D. EPPINK, DIRECTOR

STATE OF _____ COUNTY SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED _____ WHO ACKNOWLEDGE THAT HE DID SIGN THE FOREGOING INSTRUMENT AND THAT THE SAME IS HIS FREE ACT AND DEED, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT _____, OHIO, THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC

APPROVALS:

APPROVED FOR TRANSFER THIS ____ DAY OF _____, 20__ BY THE MEDINA COUNTY TAX MAP OFFICE.

TAX MAP DRAFTSMAN

RECEIVED FOR TRANSFER THIS ____ DAY OF _____, 20__ BY THE MEDINA COUNTY AUDITOR'S OFFICE.

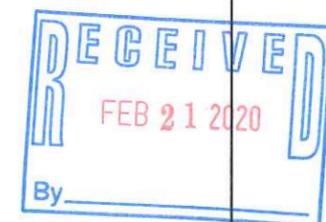
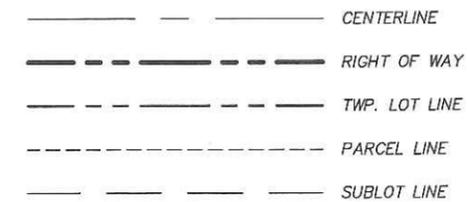
COUNTY AUDITOR

RECEIVED AND RECORDED THIS ____ DAY OF _____, 20__ BY THE MEDINA COUNTY RECORDER'S OFFICE AND IS RECORDED AS PLAT DOCUMENT NO. _____ AND FILED AT ____ A.M./P.M. FEE: _____

COUNTY RECORDER

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
- - STEEL BAR FOUND
- ☆ - DRILL HOLE FOUND
- PK - PK NAIL SET
- ★ - DRILL HOLE SET
- Fnd. - FOUND
- Msd. - MEASURED
- Obs. - OBSERVED
- Rec. - RECORD
- Usd. - USED



NORTH

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

FEBRUARY, 2020

SCALE: 1" = 100'



REFERENCES:
Medina County Recorder's Records
Plat Doc. No. 2004PL000080
Medina County Engineer's Survey Records
40-80

CIVIL ENGINEERING & SURVEYING
257 SOUTH COURT STREET
SUITE 6
MEDINA, OHIO 44256
PHONE: (330)723-1828
FAX: (330)723-6637
PROJECT No. 31,906