

MEETING DATE: 5-14-20

BOARD OF ZONING APPEALS

Z20-06

574 Leisure Lane



CITY of MEDINA
Board of Zoning Appeals
May 14, 2020

Case No: Z20-06

Address: 574 Leisure Lane

Applicant: Forest Meadows Villas

Subject: A variance from Sections 1113.05(1)(2)A.5 & 7 of the Planning & Zoning Code to permit an 18 foot tall and 1,800 sqft accessory building instead of the maximum 15 feet tall and 1,032 sqft.

A variance from Section 1145.09(a)(1) of the Planning & Zoning Code to permit a gravel drive to the proposed accessory building where a concrete or asphalt drive is required.

Zoning: R-2, Medium Density Urban Residential District

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The site is located on the south of the applicant's multi-family property with frontage on the south side of the 300 block of E. Reagan Parkway.

Project Introduction:

The applicant proposes a 1,800 sqft, 18 foot tall detached accessory building to be a service building for the applicant's existing multi-family property adjacent to the north. Additionally, the proposed accessory building would be accessed by a gravel drive from the existing paved drives within the applicant's existing property.

The Planning and Zoning code permits a maximum square footage of 1,032 sqft for all accessory structures and 15 foot height max. Also, all drives and parking areas must be constructed with asphalt or concrete surface.

Please find attached to this report:

1. Aerial photograph of the subject site
2. Applicant's narrative and plans received April 23, 2020

Considerations:

Section 1107.08(b) of the Planning & 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 building area, height and drive surface variances are 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 Board shall weigh the following factors to determine whether a 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;*

A maximum 1,032 sqft and 15 foot tall accessory building with a paved access drive could be built on the subject site without the requested variances.

- B. *Whether the variance is substantial;*

The variances may be substantial. The proposal is:

- 3 feet or 20% taller than allowed
- 768 sqft or 74.4% larger in area than allowed
- all gravel drive surface or a 100% variance from code

- 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 may be altered as there are few, if any, oversized accessory buildings in the immediate vicinity surrounding the subject site.

Additionally, all driveways and access drives in the immediate surrounding area are paved in asphalt or concrete.

- 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;

The applicant owned and developed the subject property long before the regulations were in effect, but the subject property has been vacant and undeveloped.

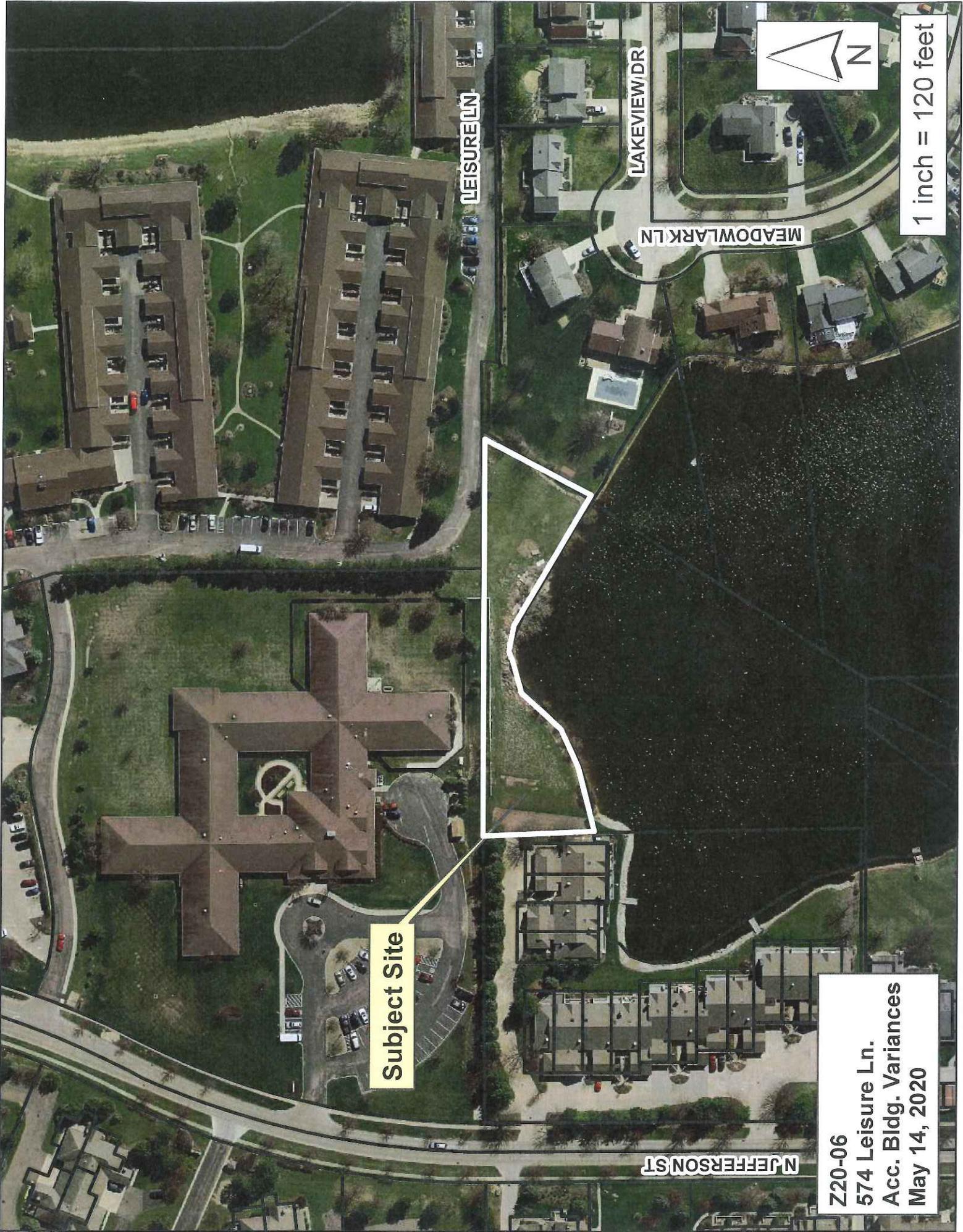
F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

The zoning code would permit a 1,032 sqft and 15 foot tall accessory building in the proposed location with a concrete or asphalt access drive.

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 requirements is to prevent accessory structures from dominating subject sites and neighboring properties and paved access drives that maintain a specific cultural aesthetic.

The BZA must weigh the above seven factors and determine if a practical difficulty exists that would merit a variances from Sections 1113.05(1)(2)A.5 & 7 and 1145.09(a)(1)



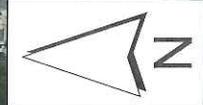
Subject Site

LEISURE LN

LAKEVIEW DR

MEADOWLARK LN

N JEFFERSON ST



1 inch = 120 feet

Z20-06
574 Leisure Ln.
Acc. Bldg. Variances
May 14, 2020



April 21, 2020



To: Medina City Board of Zoning Appeals

We are proposing a maintenance storage garage on our Villas Limited Access property parcel number 028-19B-06-004 on the south west corner of our property owned by Forest Meadows Villas, LTD parcel number 028-19B-06-038. This building/property is adjacent to Mallards Cove Condos and Elmcroft Assisted living, located off North Jefferson Street. This building will be used for storage for our operations of Forest Meadows Villas, LTD. We are seeking variances with regards to the height of the building, size of the building and the driveway access to the property from Leisure Lane. The building we are looking to build is 30' x 60' as noted on the drawings which is 1800sf. The height of the building we are purposing has 14 feet tall walls with a 3/12 pitch gable roof. This leaves the overall height of the building at approximately 17 foot tall overall. We are requesting these variances due to operational issues with our current Forest Meadows Villas and the extra space we need. We have had to seek offsite storage which is costing additional expenses to our business that can be eliminated with this building. We can no longer provide any additional storage on our current property for our existing tenants, hence causing them to have seek storage off premises as well. We are requesting the following;

- 1) We are requesting a size variance based on section 1113.05(I)(2) the maximum size of accessory buildings being 1032sf. We are requesting that a variance of the size be issued from the 1032sf to the proposed 1800sf. This location is hidden behind the Elmcroft property and Mallards Cove condos properties as noted in the attached aerals. While looking, please note that Mallards cove condos (to the west of the property) has encroached on your property with landscaping and fencing to which we have not made an issue of. The property is adjacent to the lake as well to which we are owners of $\frac{3}{4}$ of the lake that adjoins the other properties, again as noted on the attached photos from the Medina County Auditors site. Although not noted on the drawings, there is plenty of vegetation around the lake that hides the property location as well around the lake as show in the photos of the property.
- 2) We are also requesting a variance under section 1113.05(I)(2) for the height of the building. The current section allows 15 feet over all height. We are requesting a variance for 2 feet for the total of 17 foot over all as noted in the drawings. This will allow us to maximize our storage as well. Please note the Mallards Cove property sits about 10 feet higher than our proposed building from the ground, which is located to the west of our proposed location. Mallard Cove buildings are 2 story buildings, which is approximately 17 foot to the eve of their buildings, adding the roof above takes them approximately 25 foot above the 10ft ground level of the foundation of their buildings. This is way higher than our proposed building. You can see in the photos provided showing how much higher Mallard Cove sits than the proposed building.





- 3) We are requesting a variance under section 1145.09 A 1 for the gravel drive as noted on the plans. This variance is needed due to extreme costs of a concrete or asphalt 2250sf driveway. This drive will connect at the south west corner of Leisure Lane. This is NOT a drive for public access, rather access for maintenance vehicles to get to storage area. There will be a chain with a lock on it at the entry point from Leisure Lane. This will only allow employee's access to this driveway as needed. Again, this drive cannot be seen from North Jefferson or Reagan parkway.

Please note this property is not visible from North Jefferson street or Reagan Parkway. This building will be pole barn construction with 29 gage painted steel siding, and 29 gages standing seem roofing.

On behalf of my partners, Troy Gerspacher & James Gerspacher we appreciate your review of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Gerspacher", is written over a faint, larger version of the signature.

Todd Gerspacher
General Manger / Partner
330-725-1596



Map

APR 23 2020



Map

APR 23 2020



5

Looking NORTH TOWARDS Elmcroft



Looking WEST TOWARDS MALLARD'S COVE & Elmcroft



APR 23 2020

Looking EAST FROM MALLARD'S COVE



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Looking EAST TOWARDS FOREST MEADOWS U/LAS



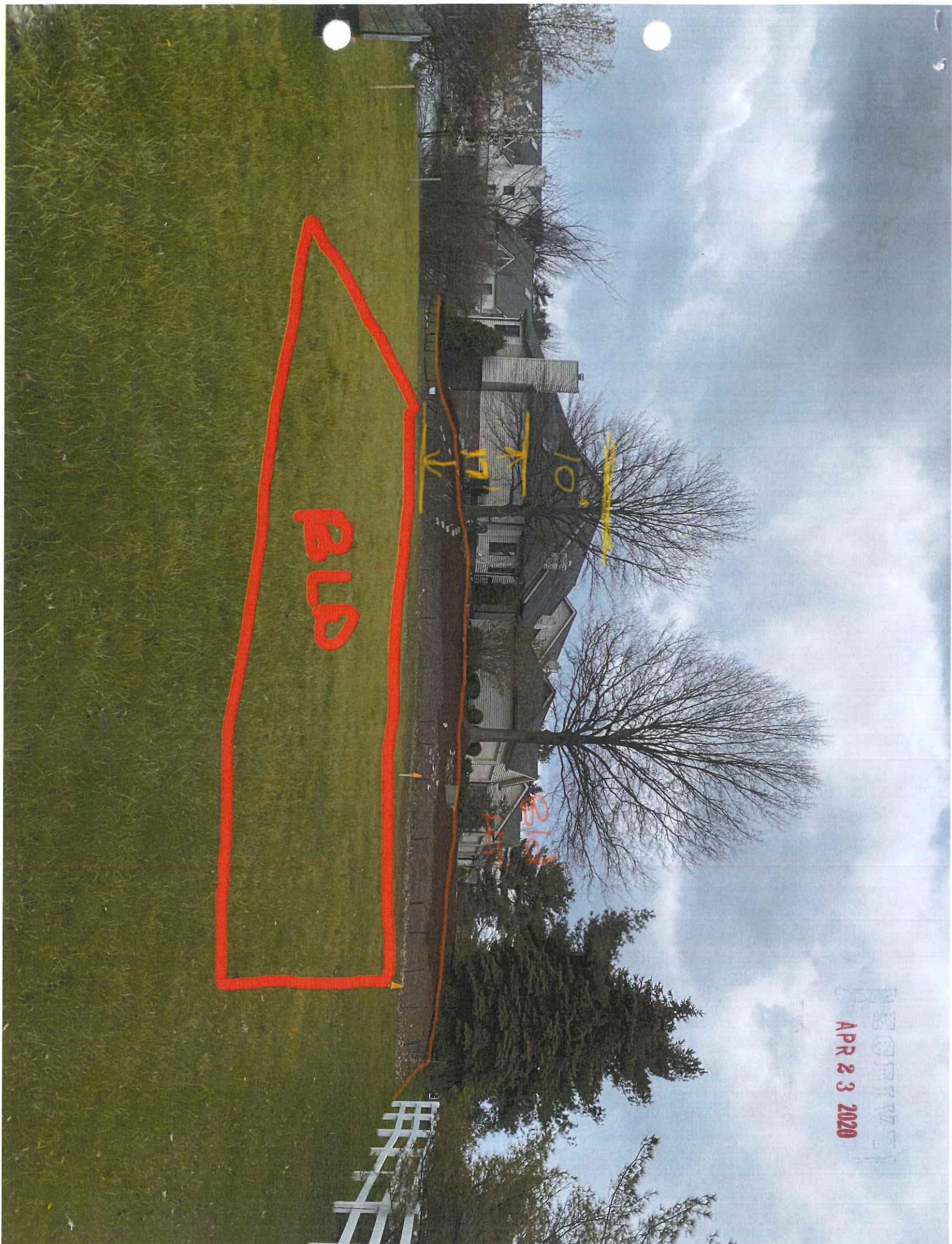
APR 23 2020

PROPERTY
APR 23 2020



10'
K
N

8'
H



APR 23 2020

SOUTH



A NEW ACCESSORY BUILDING FOR; VILLA ACCESS LIMITED

SUBLOT #2538
MEDINA, OHIO 44256



ILLES ARCHITECTS INC.
5000 GATEWAY DRIVE MEDINA SUITE 105
MEDINA, OHIO 44256
PH: 330.725.6262

GENERAL NOTES

- ALL PHASES OF THIS PROJECT SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE OBC WHETHER INDICATED OR NOT
- GENERAL CONTRACTOR SHALL VERIFY ALL LINES, LEVELS AND DIMENSIONS AS SHOWN ON THE DRAWINGS AND SHALL REPORT ANY ERRORS OR INCONSISTENCIES TO THE ARCHITECT BEFORE COMMENCING WORK
- ALL PHASES OF THE PLUMBING WORK SHALL COMPLY WITH THE OHIO PLUMBING CODE, AND THE GOVERNING COUNTY BOARD OF HEALTH
- ALL PHASES OF THE ELECTRICAL WORK SHALL COMPLY WITH OBC AND THE NATIONAL ELECTRICAL CODE (N.E.C.)
- ALL CONCRETE, UNLESS OTHERWISE NOTED, SHALL BE WITH AIR ENTRAINING ADMIXTURES IN ACCORDANCE WITH "SPECIFICATIONS FOR STRUCTURAL CONCRETE" ACI-318 AND SHALL OBTAIN A STRENGTH OF 4000 PSI IN 28 DAYS
- ALL MECHANICAL EQUIPMENT, ETC. SHALL BE INSTALLED IN ACCORDANCE WITH THE OBC MECHANICAL CODE AS THEY APPLY AND AS RECOMMENDED BY THE MANUFACTURER, AND IN A WORKMANLIKE MANNER
- EXIT SIGNS SHALL BE PROVIDED AND INSTALLED IN ACCORDANCE WITH OBC
- ALL EXIT DOOR HARDWARE SHALL COMPLY WITH OBC AND A.D.A.
- ALL INTERIOR WALL AND FLOOR FINISHES SHALL COMPLY WITH OBC
- ALL WOOD CONSTRUCTION SHALL COMPLY WITH ALL THE REQUIREMENTS OF OBC
- ALL LUMBER IN CONTACT WITH THE EARTH SHALL BE TREATED TO A MINIMUM NET RETENTION OF 0.50 POUNDS OF C.C.A. PER CUBIC FOOT AND BEAR THE A.W.P.I. FOUNDATION QUALITY MARK
- FIRE EXTINGUISHERS SHALL BE VERIFIED, PROVIDED AND INSTALLED TO THE INTENT OF THE OBC AND THE LOCAL FIRE AUTHORITY.
- ALL WOOD BLOCKING, NAILERS, FRAMING, ETC., IN CONTACT WITH MASONRY, CONCRETE, ETC., OR EXPOSED TO MOISTURE, CONDENSATION OR EXTERIOR CONDITIONS SHALL BE PRESSURE TREATED (PRESERVATIVE).
- ANY EXISTING FOUNDATIONS, SEWERS OR DRAINS, UTILITIES, ETC. ENCOUNTERED DURING CONSTRUCTION AND NOT SHOWN ON THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE ALTERING, RELOCATING, OR REMOVING SAME.
- INTERIOR FLOOR SLABS SHALL BE FINISHED TO A HARD, SMOOTH SURFACE WITH A STEEL TROWEL. SLABS SHALL BE PERFECTLY LEVEL, FREE OF HUMPS, DEPRESSIONS, OR RIDGES UNLESS OTHERWISE INDICATED.
- ALL OPENINGS IN ROOF FOR DUCTS AND VENTS SHALL BE FLASHED AND SEALED BY ROOFING CONTRACTOR.

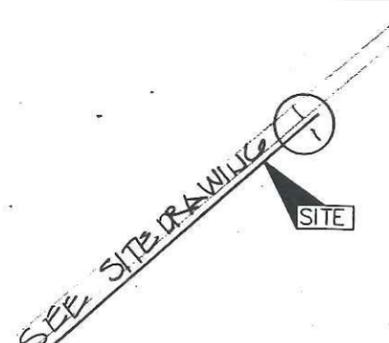
SEISMIC DESIGN REQUIREMENTS

SEISMIC IMPORTANCE FACTOR (I _s)	1.25
SEISMIC DESIGN CATEGORY	B
SEISMIC FORCE RESISTING SYSTEM	STEEL MOMENT RESISTING FRAME
SEISMIC RESPONSE MODIFICATION COEFFICIENT (R)	8
SEISMIC DESIGN SPECTRAL ACCELERATION AT SHORT PERIODS (S _s)	0.251g
SEISMIC DESIGN SPECTRAL ACCELERATION AT LONG PERIODS (S ₁)	0.117g
SEISMIC DESIGN SPECTRAL ACCELERATION AT VERY LONG PERIODS (S _{0.5})	0.080g

ROOF/DESIGN LOADS

DEAD LOAD	20 PSF
ROOF LIVE LOAD	12 PSF
ROOF WIND LOAD	1500 PSF
WIND LOAD	115 PSF
BASE REACTION	

LOCATION PLAN



Urinals shall be stall-type or wall-hung with an elongated

ELECTRICAL NOTES (GENERAL)

- ALL NEW WIRING SHALL CONFORM TO THE CURRENT EDITIONS OF THE NATIONAL ELECTRIC CODE AND THE OBC BUILDING CODE.
- ELECTRICAL CONTRACTOR TO VERIFY EQUIPMENT REQUIREMENTS AND ROUGH-IN LOCATIONS PRIOR TO START OF CONSTRUCTION.
- ALL CONDUIT EXPOSED TO WEATHER, USED IN DAMP LOCATIONS OR CONCEALED IN FLOOR SLABS OR OUTSIDE WALLS SHALL BE RIGID GALVANIZED CONDUIT OR SHERARDIZED CONDUIT. ALL BRANCHES, FEEDER RUNS, CONDUIT FOR MISCELLANEOUS SERVICES, ETC. EXCEPT WHERE IT FALLS WITHIN A CATEGORY DESCRIBED ABOVE, MAY BE EMT (THIN WALL) CONDUIT OR RIMEX. CONDUIT SHALL BE CONCEALED IN ALL PARTS OF THE BUILDING WHERE SO INDICATED AND WHERE PRACTICAL.
- ELECTRICAL CONTRACTOR SHALL COORDINATE ALL INCOMING SERVICE REQUIREMENTS WITH THE POWER AND TELEPHONE COMPANIES.
- GROUNDING OF EQUIPMENT AND DEVICES SHALL COMPLY WITH NEC ARTICLE 250 AND AUTHORITY HAVING JURISDICTION.
- ALL EQUIPMENT INSTALLED OUTSIDE SHALL BE WEATHERPROOF.
- ALL CONDUCTORS USED ON THIS PROJECT SHALL BE COPPER (THHN 90).
- ALL BREAKERS FEEDING HVAC EQUIPMENT SHALL BE HACR RATED.
- PROVIDE A MINIMUM #10 COPPER WIRE TO WATER PIPE AHEAD OF THE WATER METER IN ACCORDANCE WITH NEC ARTICLE 250.
- ALL ELECTRICAL WIRE IS TO BE #12 AWG MINIMUM.
- THE BRANCH CIRCUIT FEEDING THE UNIT EQUIPMENT FOR EMERGENCY MEANS OF EGRESS LIGHTING AND EXIT SIGNS SHALL BE THE SAME BRANCH CIRCUIT AS THAT SERVING THE NORMAL LIGHTING IN THE AREA AND SHALL BE CONNECTED AHEAD OF ANY LOCAL SWITCHES

DRAWING INDEX

SHT NO.	DRAWING
T1	THIS DRAWING - GENERAL NOTES
A1	PLAN AND ELEVATIONS, SECTIONS

RECEIVED
APR 23 2020

BY:

2017 OBC CODE INFORMATION

USE GROUP	CONSTR TYPE	AREA INFORMATION	OCCUPANT LOAD	LIVE LOAD ON FLOOR	SPECIAL CONDITIONS
St	V-B	1800 SF	8000	50 PSF ON GRADE	UNOCCUPIED STORAGE TOILETS, PED

SURVEYOR CERTIFICATION

This Plat was prepared from a field survey, analysis of recorded plats, recorded deeds, and survey records, as applicable. Distances are given in feet and decimal parts thereof. All dimensional and geodetic details are correct and the survey balances and closes to the best of my knowledge. All monuments shown hereon exist or shall be set as shown.

Guy P. Haney P.S. No. S-7631 Date

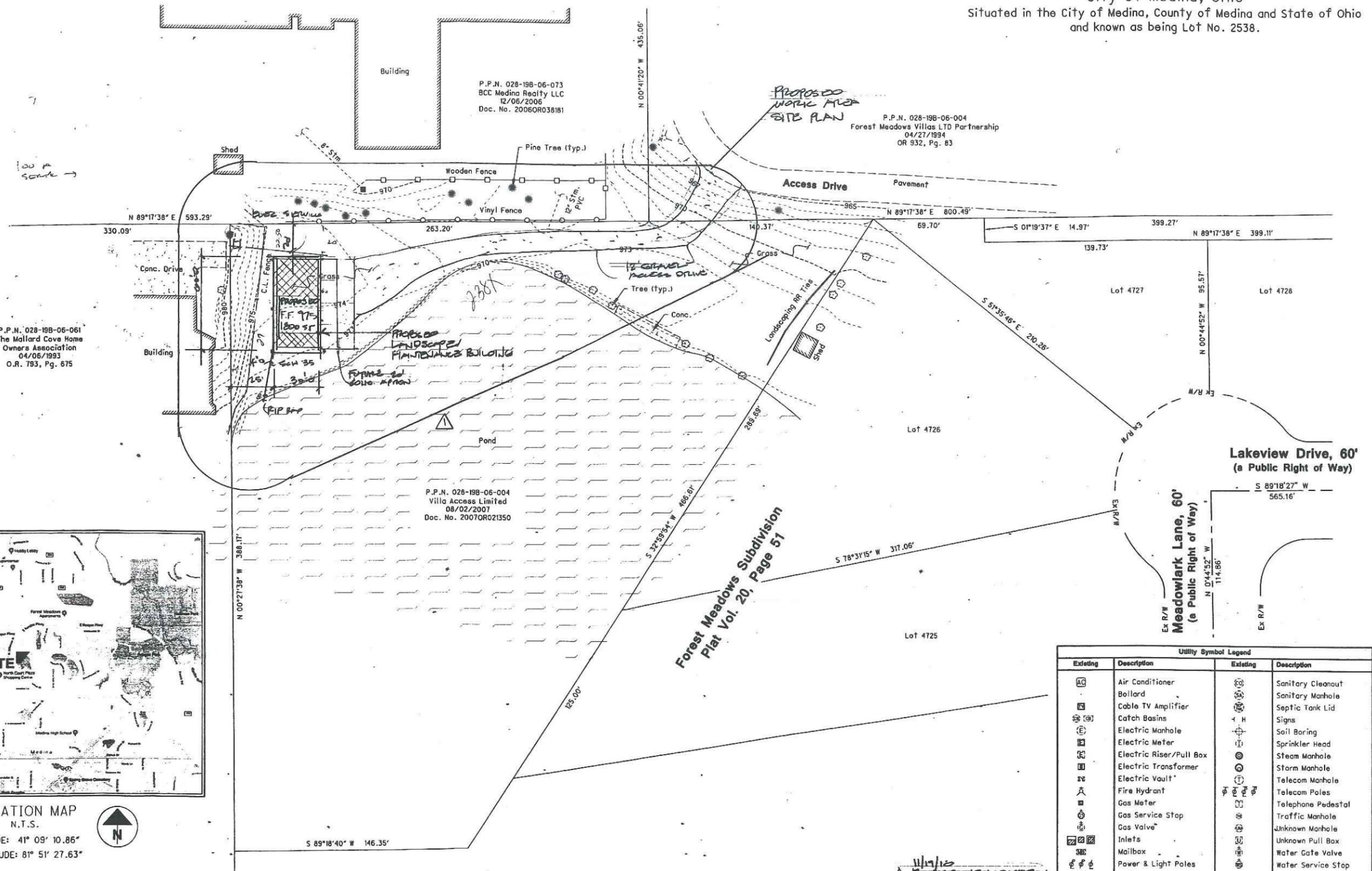
Topographic Survey
of land owned by
Villa Access Limited
(2.3714 Ac.)

City of Medina, Ohio
Situated in the City of Medina, County of Medina and State of Ohio
and known as being Lot No. 2538.

TBC Engineering, LLC
1310 SHAWAN CREEK ROAD, P.O. BOX 37
SHAWAN-CENTER, OHIO 44274
(PHONE) 330.500.8000 (FAX) 330.500.8023



60
30
15
0
SCALE (IN FEET)
1 inch = 30 ft.

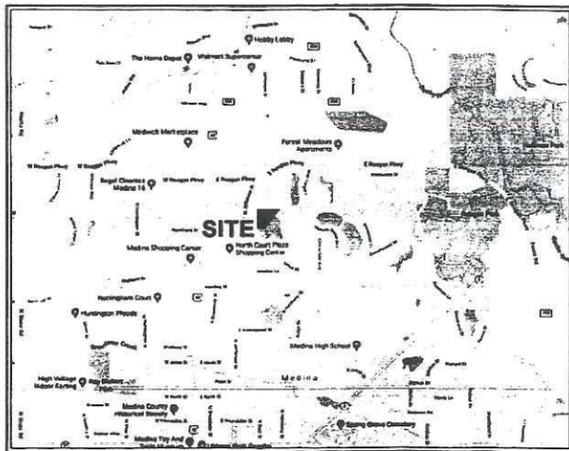


P.P.N. 028-198-06-061
The Mallard Cove Home
Owners Association
04/06/1993
O.R. 793, Pg. 675

P.P.N. 028-198-06-073
BCC Medina Realty LLC
12/06/2006
Doc. No. 2006OR038181

P.P.N. 028-198-06-004
Forest Meadows Villas LTD Partnership
04/27/1994
OR 932, Pg. 63

P.P.N. 028-198-06-004
Villa Access Limited
08/02/2007
Doc. No. 2007OR021350



LOCATION MAP
N.T.S.
LATITUDE: 41° 09' 10.86"
LONGITUDE: 81° 51' 27.63"



Utility Symbol Legend			
Existing	Description	Existing	Description
	Air Conditioner		Sanitary Cleanout
	Bollard		Sanitary Manhole
	Cable TV Amplifier		Septic Tank Lid
	Catch Basins		Signs
	Electric Manhole		Soil Boring
	Electric Meter		Sprinkler Head
	Electric Riser/Pull Box		Steam Manhole
	Electric Transformer		Storm Manhole
	Electric Vault		Telecom Manhole
	Fire Hydrant		Telecom Poles
	Gas Meter		Telephone Pedestal
	Gas Service Stop		Traffic Manhole
	Gas Valve		Unknown Manhole
	Inlets		Unknown Pull Box
	Mailbox		Water Gate Valve
	Power & Light Poles		Water Service Stop
	Rock		

VILLA ACCESS LIMITED
TOPO SURVEY

PROJECT NUMBER
1615-A

DATE
2018-10-25



