

BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue 330-722-9038 www.medinaoh.org

Application Number 224-24

GENERAL	Date of Application 10/18/2024 Property Location 322 W Smith Rd				
	Description of Project New construction of a 2 story slab on grade duplex.				
	Zoning code variance requested: Use R2 construction in a C2 zoned propety 1135.03				
	Area/size difficulty: Setback requirements hinder the design of any residential project for this proper property. 1123				
CONTACT INFORMATION	Applicant Name John Potter				
	Address 3200 W Market St STE 006 City Fairlawn State OH Zip 44333				
	Phone 330-836-2189 Email jpotter@thecorniceco.com				
	Property Owner Name David Wascak				
	Address City State Zip				
8	Phone 216-410-1999 Email david.wascak@hotmail.com				
111					
TYPE	Planning Commission Site Plan Conditional Zoning Certificate Code or Map Amendment				
APPLICATION 1	Preliminary Plan Final Plat Conditional Sign (EMC/Shopping Ctr) Cert. of Appr. (TCOV) V Other				
	Historic Preservation Board Certificate of Appropriateness Conditional Sign				
	Board of Zoning Appeals Variance 🗸 Appeal				
JRE	By signing this application, I hereby certify that:				
SIGNATURE	 The information contained in this application is true and accurate to the best of my knowledge; I am authorized to make this application as the property owner of record or I have been authorized to make this 				
SIGN	application by the property owner of record;				
	3) I assume sole responsibility for correspondence regarding this application; and 4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application.				
APPLICANT					
АРР	Signature John Potter Digitally signed by John Potter Date: 2024.10.18 09:57:35 -04'00' Date 10/18/2024				
SE	- 1 - 1 - 1 - 1 - 1 - 200				
OFFICIAL USE	Zoning District $C-2$ Fee (See Fee Sheet) \$ 200 Meeting Date $11-14-24$ Check Box when Fee Paid $\sqrt{}$				
FICL	Meeting Date Check Box when Fee Paid				
Q.					



Z24-24 REVISED West Smith Road New Home

Property Owners: James and Elizabeth Vanderpool

Applicant: John Potter

Location: 322 West Smith Road

Zoning: C-2 (Central Business)

Request: Use variance to Section 1135.03 to allow a prohibited two-family residential use and an area

variance to Section 1135.06 to allow a principal structure in the rear yard setback, Section 1135.08(a) to allow parking in the front yard, and Section 1135.13(c)(1) to allow a vinyl

exterior exceeding the maximum permitted

LOCATION AND SURROUNDING USES

The subject site is composed of 0.13 acres located on the south side of West Smith Road. Adjacent properties contain the following uses and zoning:

North – Brewery/Taproom (C-2)

• East – Two-Family Residential (C-2)

• South – Single-Family Residential (R-3)

West – Single-Family Residential (C-2)



BACKGROUND & PROPOSED APPLICATION

The property previously contained a single-family home which was demolished in 2018. The site is currently vacant and backs up to a creek.

The applicant is proposing a new two-family residential building with the following general characteristics:

- Two 1,635 sq. ft. units (approx.) each with an attached one car garage
- A two story structure with a pitched roof with black asphalt shingles
- A front porch for each unit with a black metal roof
- A front elevation with vinyl board and batten siding



On November 14, 2024, the Planning Commission approved application P24-26 with the following conditions:

- 1. Shutters shall be installed beside the windows on the front building elevation.
- 2. Shake siding shall be installed in gabled areas on the front building elevation.

The front building elevation has been revised to incorporate the shutters and shake siding as required.

Also on November 14, 2024, the Board of Zoning Appeals reviewed variance applications and accepted the applicant's request to table the application. Based on comments from the Board of Zoning Appeals, the applicant has provided two options for the location of the building. Option 1 (Original Location) incorporates a front setback of 31 ft. 8 in. and a rear setback of 14 ft. 5 in. Option 2 incorporates a front setback of 19 ft. 11 in. and a rear setback of 25 ft.

ENGINEERING AND SERVICE DEPARTMENTS INFORMATION

At the previous Planning Commission and Board of Zoning Appeals meetings, there were a number of items discussed regarding drainage and access. After consulting with the City Engineering and Service Departments, the following information has been provided:

Storm Sewer Structures and Easement

The city installed a storm sewer line, catch basin, and outlet on the east side of the property at 328 W. Smith Rd. The city has easements on both properties at 322 and 328 W. Smith Rd., which are a minimum of 5 ft. off each side of the shared property line. The easements, which are a minimum combined 10 ft. wide, are sufficient for the city to access, repair, and maintain the storm sewer line, catch basin, and outlet.

Permit and Plan Review

When plans are submitted to the city's Building Department for a new two-family dwelling, a Lot Improvement Plan must also be submitted to the city's Engineering Department. The Plan must include information on how stormwater will be managed and include elevations, drainage details, and other relevant items. The plan is reviewed to ensure stormwater management complies with city regulations and does not result in negative impacts on area properties.

Creek Maintenance

The creek to the rear of the properties at 322 and 328 W. Smith Rd. has been maintained by the city. To perform maintenance, the city typically accesses the creek at the S. Huntington St. bridge and works westward to the bridge at W. Smith Rd.

<u>USE VARIANCE – TWO-FAMILY RESIDENTIAL USE (SECTION 1135.03)</u>

Section 1135.03 indicates permitted uses in the C-2 zoning district, which are predominantly commercial. The proposed two-family residential use is not a permitted use in the C-2 zoning district.

Standards for Variances and Appeals (Section 1107.08(i))

Variances and appeals shall be granted only in accordance with, and based on, the findings set forth in this Section. The burden of proof for variances and appeals shall be upon the applicant. The extent to which the following factors, standards, and criteria apply to a specific case shall be determined by the Board.



Standards Applicable to Use Variances (Section 1107.08(i)(2))

The applicant shall demonstrate by clear and convincing evidence that all of the following standards have been met in order to find an unnecessary hardship exists so as to justify the granting of a use variance, as determined by the Board:

- A. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district
- B. The hardship condition is not created by actions of the applicant;
- C. The granting of the variance will not adversely affect the rights of adjacent owners;
- D. The granting of the variance will not adversely affect the public health, safety or general welfare;
- E. The variance will be consistent with the general spirit and intent of this Ordinance;
- F. The variance sought is the minimum which will afford relief to the applicant; and
- G. There is no other economically viable use which is permitted in the zoning district.

Applicant's Responses to Standards for Variances and Appeals

The applicant's responses to the Standards for Variances and Appeals include, but are not limited to, the following:

- The variance stems from a unique condition as the property is on a block that is zoned C-2 and contains single-family and two-family residences.
- The rights of adjacent owners will not be affected as a single-family residence was previously on the property and a neighboring property is a two-family residence.
- There is no other economically viable use for the property and a residential use requires a variance.

Please consider Sections 1107.08(i) and 1107.08(i)(2) when reviewing the proposed Use Variance.

<u>AREA OR SIZE TYPE VARIANCES (MULTIP</u>LE SECTIONS)

The property is zoned C-2 and subject to requirements of Section 1135, which are more appropriately applied to commercial uses. Though the proposed use is a two-family residence, the requirements of the section apply.

Section 1135.06 states that when a property in the C-2 zoning district is adjacent to a residential zoning district, the rear yard setback of the C-2 property is equal to that of the adjacent residential zoning district. The adjacent property to the rear is zoned R-3, which has a 30 ft. rear yard setback. **The rear yard setback of the proposed property is thus 30 ft.** The setback was previously incorrectly cited as 50 ft., which is the rear yard setback in the R-2 district.

The applicant has proposed two rear yard setback options of 14 ft. 5 in and 25 ft. Neither option complies with the required 30 ft. rear yard setback. Though a 25 ft. riparian setback is shown on the submitted plan, the setback is a recommendation by the City's Engineering Department and is not a formal requirement.

Section 1135.08(a) states that off-street parking is not permitted in the front yard. The applicant has proposed parking in the front yard in a shared driveway.

Section 1135.13(c)(1) states that no more than 15% of the area of a building facing a right-of-way can be vinyl. The proposed building elevation facing the West Smith Road right-of-way is clad in 8 in. vinyl board and batten and vinyl shake siding.

Standards for Variances and Appeals (Section 1107.08(i))

Variances and appeals shall be granted only in accordance with, and based on, the findings set forth in this Section. The burden of proof for variances and appeals shall be upon the applicant. The extent to which the following factors, standards, and criteria apply to a specific case shall be determined by the Board.



Factors Applicable to Area or Size Type Variances (Section 1107.08(i)(1))

Factors applicable to area or size-type variances ("practical difficulty"). 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 a practical difficulty exists and an area or size-type 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;
- B. Whether the variance is 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;
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Applicant's Responses to Standards for Variances and Appeals

The applicant's responses to the Standards for Variances and Appeals include, but are not limited to, the following:

1135.06 – Rear Yard Setback

- The variance is not substantial as the 50 ft. rear setback creates a hardship for the property and adjacent properties are within the required rear yard setback.
- The essential character of the neighborhood will not be altered as the proposed two-family residence is aligned with adjacent properties.
- The spirit and intent behind the zoning requirement will be observed as the residence will enhance the neighborhood, align with area residences, and incorporate increased side yard setbacks.

1135.08(a) - Parking in the Front Yard

- The only beneficial use of the property is residential and the proposed standard is a commercial requirement.
- The essential character of the neighborhood will not be altered as the proposed drive and parking in the front yard does not affect the residential side of West Smith Road.
- There is no option other than a variance as the size of the lot is not conducive for parking in the side yard. In addition, residential uses typically include parking in the front yard.

1135.13(c)(1) - Vinyl Siding

- The variance is not substantial and the essential character of the neighborhood will not be altered as existing homes on the street are completely clad in vinyl siding.
- There is no option other than a variance as another exterior material would not be appropriate for the area.
- The spirit and intent behind the zoning requirement will be observed as the proposed vinyl board and batten siding will have an improved appearance.

Please consider Sections 1107.08(i) and 1107.08(i)(1) when reviewing the proposed Area or Size-Type Variances.

STANDARDS APPLICABLE TO USE VARIANCES ("UNNECESSARY HARDSHIPS")

The applicant shall demonstrate by clear and convincing evidence that all of the following standards have been met in order to find an unnecessary hardship exists so as to justify the granting of a use variance, as determined by the Board:

A. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;						
The property while being zoned C-2, has been residential and is within a residential						
'block'. It's location is a wedge shape block flanked by a single family home and a residential duplex. The block has 4 homes and is adjacent to residential in the rear.						
B. The hardship condition is not created by actions of the applicant; Correct, Our client has not purchased the property yet pending approval. We believe						
the best use of the property is to stay residential.						
C. The granting of the variance will not adversely affect the rights of adjacent owners;						
The single family home that was on the property was torn down in 2019. We do not						
believe rebuilding affects the adjacent property owners, one being an duplex already.						
D. The granting of the variance will not adversely affect the public health, safety or general welfare; We do not have any reason to believe so.						
E. The variance will be consistent with the general spirit and intent of this Ordinance; Correct, the property is zoned C-2 but has been residential and it makes sense to stay						
residential for the foreseeable future.						
F. The variance sought is the minimum which will afford relief to the applicant; and Correct. We seek to build a duplex and nothing more.						
G. There is no other economically viable use which is permitted in the zoning district. Correct, to rebuild any residential project on this property it has been be a variance.						

FACTORS APPLICABLE TO AREA OR SIZE-TYPE VARIANCES ("PRACTICAL DIFFICULTY")

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 a practical difficulty exists and an area or size-type 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; Given that the property is adjacent to the stream and that there is residential on the other side of the stream, the required 50 rear setback is unattainable for construction of a new residential home. B. Whether the variance is substantial; The 50' setback creates a hardship for this property, along with the adjacent properties already constructed. Given the stream is is not included in the 50', we believe we are still within principle of the setback. 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; We do not believe so. The proposed duplex intent to be aligned with adjacent properties which are within the 50' setback. D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); We do not believe so as the project is putting back a residential building where there already was one. E. Whether the property owner purchased the property with knowledge of the zoning restrictions; The property has not been closed on for this reason. F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or This variance was a requirement proposed by the City of Medina. In order to build on the property as is, a variance is required. G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance. We are taking steps to enhance the existing neighborhood, aligning the buildings, and providing more than required side setbacks. We strongly believe the location will be greatly served by this proposed project and a variance is a necessity to make it move forward.

FACTORS APPLICABLE TO AREA OR SIZE-TYPE VARIANCES ("PRACTICAL DIFFICULTY")

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 a practical difficulty exists and an area or size-type 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;					
Side lot parking is a requirement for the C2 commercial area. This being proposed use for residential, we do not believe the requirement is needed.					
B. Whether the variance is substantial;					
Side car parking is not a requirement for duplex construction.					
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;					
being the property is located on a residential side of W Smith, we see no effect.					
D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); No effect.					
E. Whether the property owner purchased the property with knowledge of the zoning restrictions; Property has yet to be purchased, pending appeal approval.					
F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or					
The size of the lot is not conducive for side lot parking, nor is it required for residential					
construction.					
G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.					
yes, we see that the spirit of the residential zoning requirement would make the most sense for this property and proposed plan.					
Solide for this property and proposed plan.					

FACTORS APPLICABLE TO AREA OR SIZE-TYPE VARIANCES ("PRACTICAL DIFFICULTY")

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 a practical difficulty exists and an area or size-type 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;				
By matching existing houses on the street, we believe the return is staying cohesive with the neighbor hood.				
with the neighbor hood.				
B. Whether the variance is substantial; We believe introducing 75% of the front of the house as different material would not be cohesive with the neighborhood and the associated cost of construction would be increased 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; Adjoining properties would be benefited by similar materials as they are 100% vinyl				
sided.				
D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); No effect.				
E. Whether the property owner purchased the property with knowledge of the zoning restrictions; Property has yet to be purchased, pending appeal approval.				
F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or We do not believe introducing additional siding materials would be appropriate.				
G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance. The spirit of the neighbor hood would stay intact, and the use of board and batten vinyl				
would also improve they over all appearance.				



Lager Heads Brewing Co. 325 W Smith Road Medina, OH 44256 330-721-2337

November 27, 2024

Andrew Dutton City of Medina Planning & Zoning 132 N Elmwood Ave Medina, OH 44256

Dear Andrew,

Unfortunately I will not be able to attend the zoning board meeting on 12/12/24, but I felt it was important to voice my opinion on the Planning and Zoning matter that is before the board, regarding 322 W Smith St.

I have reviewed the building plans that Mr. Wascak has submitted to the city for approval, and I fully support the building of this duplex. The duplex will provide additional (needed) housing opportunities for residents, increase property values, provide additional tax revenue for the city, and give an updated appearance to the street. This lot has been vacant for several years, and I would ask that the zoning board approve the variance requests without delay, so that construction may begin.

Sincerely yours,

Matt Kiene

Owner - Lager Heads Brewing Co.

December 3, 2024

City of Medina 132 N Elmwood Ave Medina, OH 44256

To Whom It May Concern,

My name is Shannon Rush and I live at 316 W Smith Road. I live in the duplex next door to the open lot at 322 W Smith Road.

I understand that the city is reviewing plans to construct a new duplex at 322 W Smith, and I wanted to share my support for the approval of this project. It should be approved immediately.

The open lot next door has been vacant for years and is an eyesore. I have seen the blueprints for the duplex, and it would be a beautiful addition to this neighborhood.

Thank you,

Shannon Rush

440-506-8003

SITE PLAN OPTION 1

DRAWING INDEX

MAX HEIGHT

MEDINA DUPLEX

NEW CONSTRUCTION

ZONING 10/16/2024

OVERALL SITE PLAN

2004

THE CORNICE COMPANY
3200 WEST MARKET, SUITE 6
FAIRLAWN. OH 44333

TS-100 TITLE	SHEET / SITE PLAN							
A-200 ELEV	FLOOR PLAN ATIONS ATIONS							
ZONING INFORMATION								
CONTACT INFO	PRMATION:							
CONTRACTOR:	THE CORNICE CO., 3200 WEST MARKET ST, STI FAIRLAWN, OH, 44333	≣ 006						
ADDRESS:	322 W SMITH	ROAD						
PARCEL NUMBE	ER: 028-19C-05-1	21						
INTENDED USE	:: MULTI-FAMIL	Υ						
ZONING DISTRI	C-2 CENTRAL BUSINESS							
DISTRICT C-2 R	EQUIREMENTS:							
	REQUIRED	PROVIDED						
MAX LOT COVE	RAGE NONE	-						
MIN FRONT YAF	RD NONE	31'-8"						
MIN REAR YARI	D 50'	14'-7"						
MIN SIDE YARD	NONE	6'-7"'						

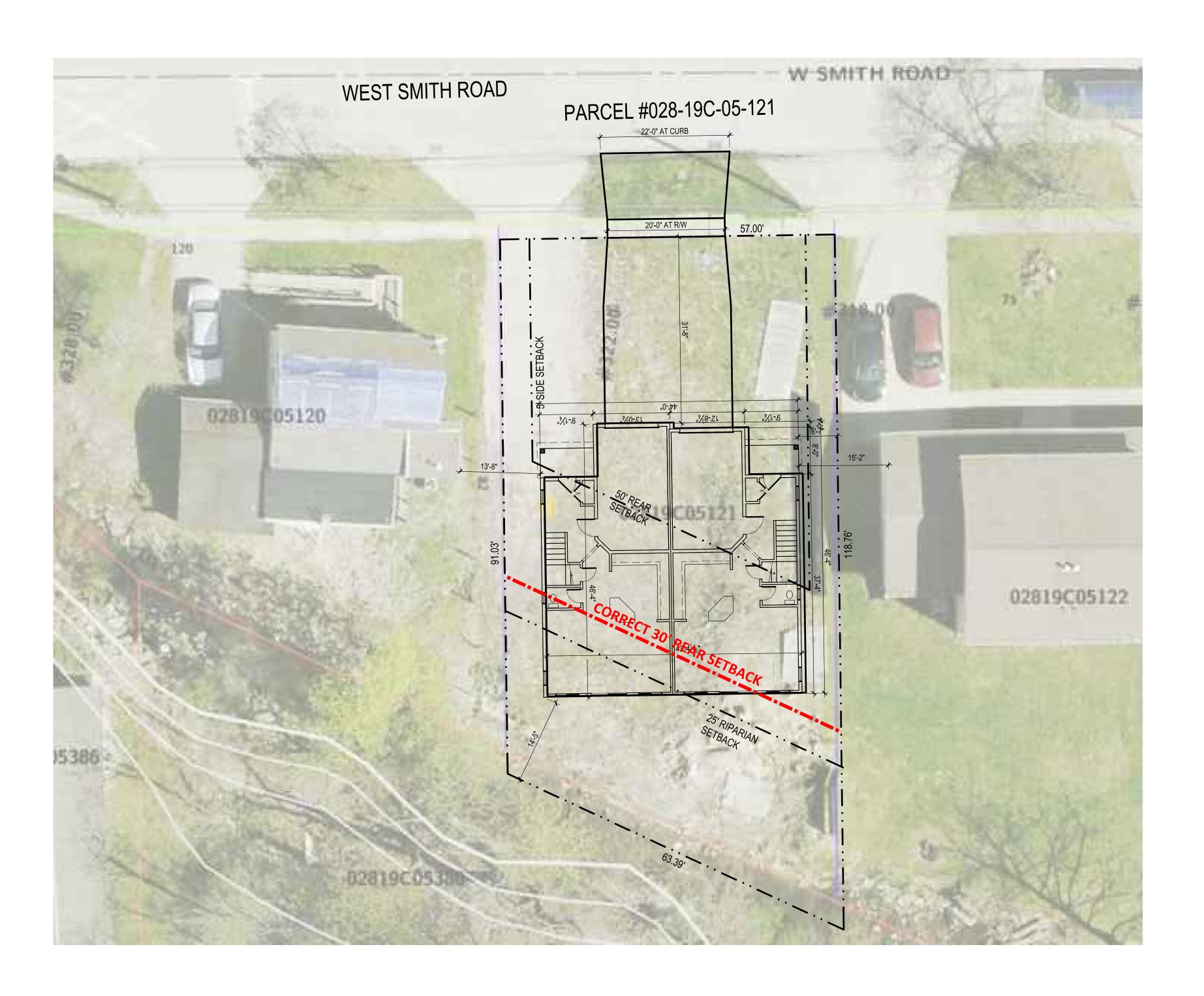
VARIANCE REQUESTED: R2 DUPLEX USE WITHIN A C2 CENTRAL BUSSINESS DISTRICT 1135.03

27'-9"

VARIANCE REQUESTED: C2 14-5" IN LIEU OF 50' REAR SETBACK ADJOINING RESIDENTIAL DISTRICT 1135.06

VARIANCE REQUESTED: C2 PARKING TO BE PERMITTED IN FRONT YARD 1135.08

VARIANCE REQUESTED: C2 100% USE OF VINYL IN LIEU OF REQUIRED 15% 1135.13





ledina Duplex 22 w SMITH ROAD IEDINA, OH 44256

PROJ. NUMBER: 24-0541 OCT 16, 2024 ZONING

TITLE SHEET

TS-100

SITE PLAN OPTION 2

MEDINA DUPLEX

NEW CONSTRUCTION

PLANNING AND ZONING 11/20/2024

OVERALL SITE PLAN

THE CORNICE COMPANY
3200 WEST MARKET, SUITE 6
FAIRLAWN, OH 44333
(330) 836-2189

TS-100 TITLE SHEET / SITE PLAN

DRAWING INDEX

TECTURAL
FIRST FLOOR PLAN
ELEVATIONS

ELEVATIONS

ZONING INFORMATION

CONTACT INFORMATION:

ONTRACTOR: THE CORNICE CO.,
3200 WEST MARKET ST, STE 006
FAIRLAWN, OH, 44333

ADDRESS: 322 W SMITH ROAD PARCEL NUMBER: 028-19C-05-121

ZONING DISTRICT: C-2 CENTRAL BUSINESS

DISTRICT C-2 REQUIREMENTS:

INTENDED USE:

	REQUIRED	PROVID
MAX LOT COVERAGE	NONE	-
MIN FRONT YARD	NONE	19'-11'
MIN REAR YARD	50'	25'-0"
MIN SIDE YARD	NONE	6'-7"'
MAX HEIGHT	40'	27'-9"

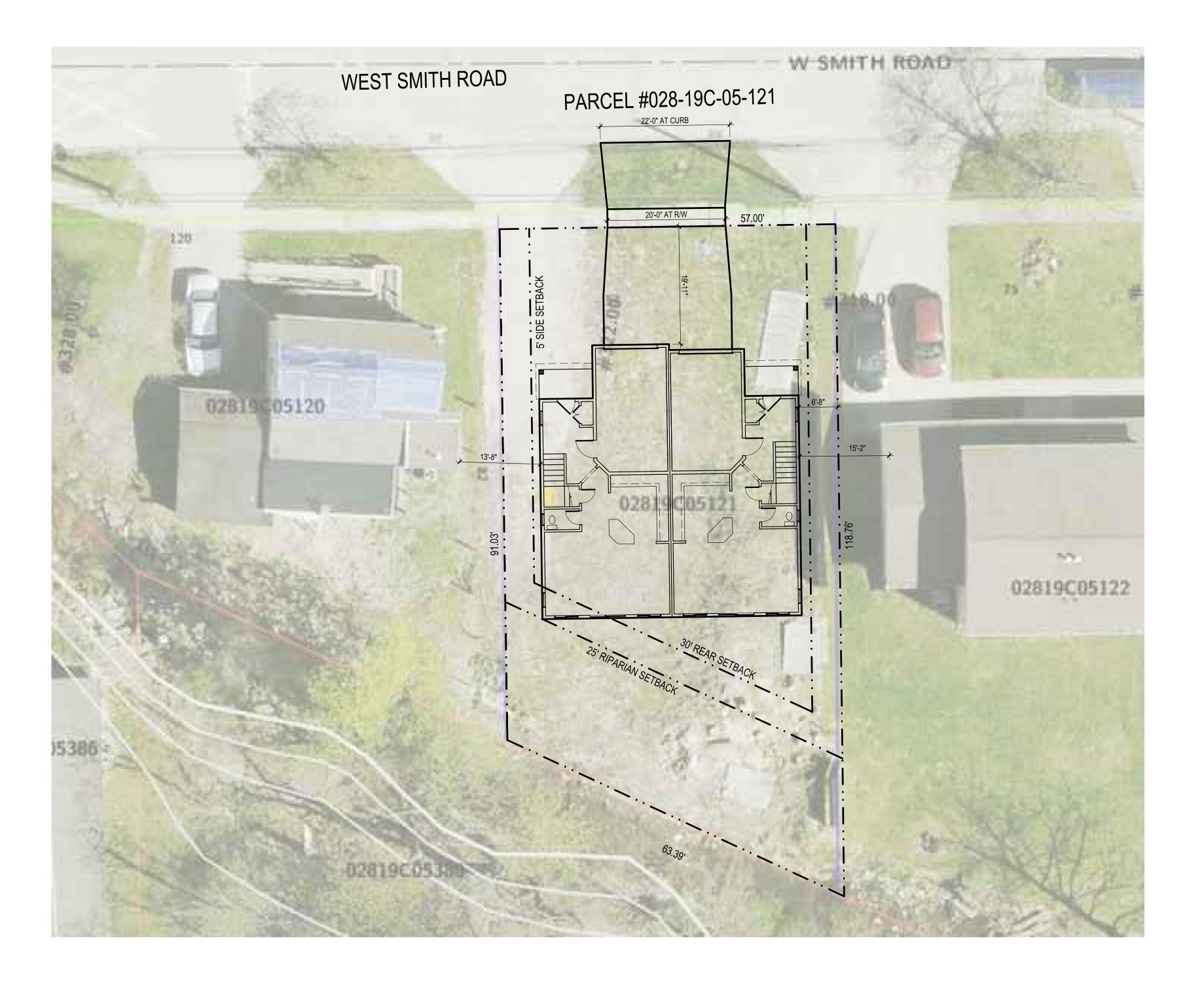
MULTI-FAMILY

VARIANCE REQUESTED: R2 DUPLEX USE WITHIN A C2 CENTRAL BUSSINESS DISTRICT 1135.03

VARIANCE REQUESTED: C2 25' IN LIEU OF 30' REAR SETBACK ADJOINING RESIDENTIAL DISTRICT 1135.06

VARIANCE REQUESTED: C2 PARKING TO BE PERMITTED IN FRONT YARD 1135.08

VARIANCE REQUESTED: C2 100% USE OF VINYL IN LIEU OF REQUIRED 15% 1135.13





Nedina Duplex 22 w SMITH ROAD IEDINA, OH 44256

PROJ. NUMBER: 24-0541 OCT 20, 2024 PLAN/ZONING

TITLE SHEET

TS-100

REVISED BUILDING ELEVATIONS





THE CORNICE COMPANY
3200 WEST MARKET, SUITE 6
FAIRLAWN, OH 44333
(330) 836-2189

PROJ. NUMBER: 24-0541 OCT 20, 2024 PLAN/ZONING

> ELEVATIONS AND DETAILS

> > A-201

1 NORTH ELEVATION
A-200 1/4" = 1'-0"

*Color, shutters, and shake siding added





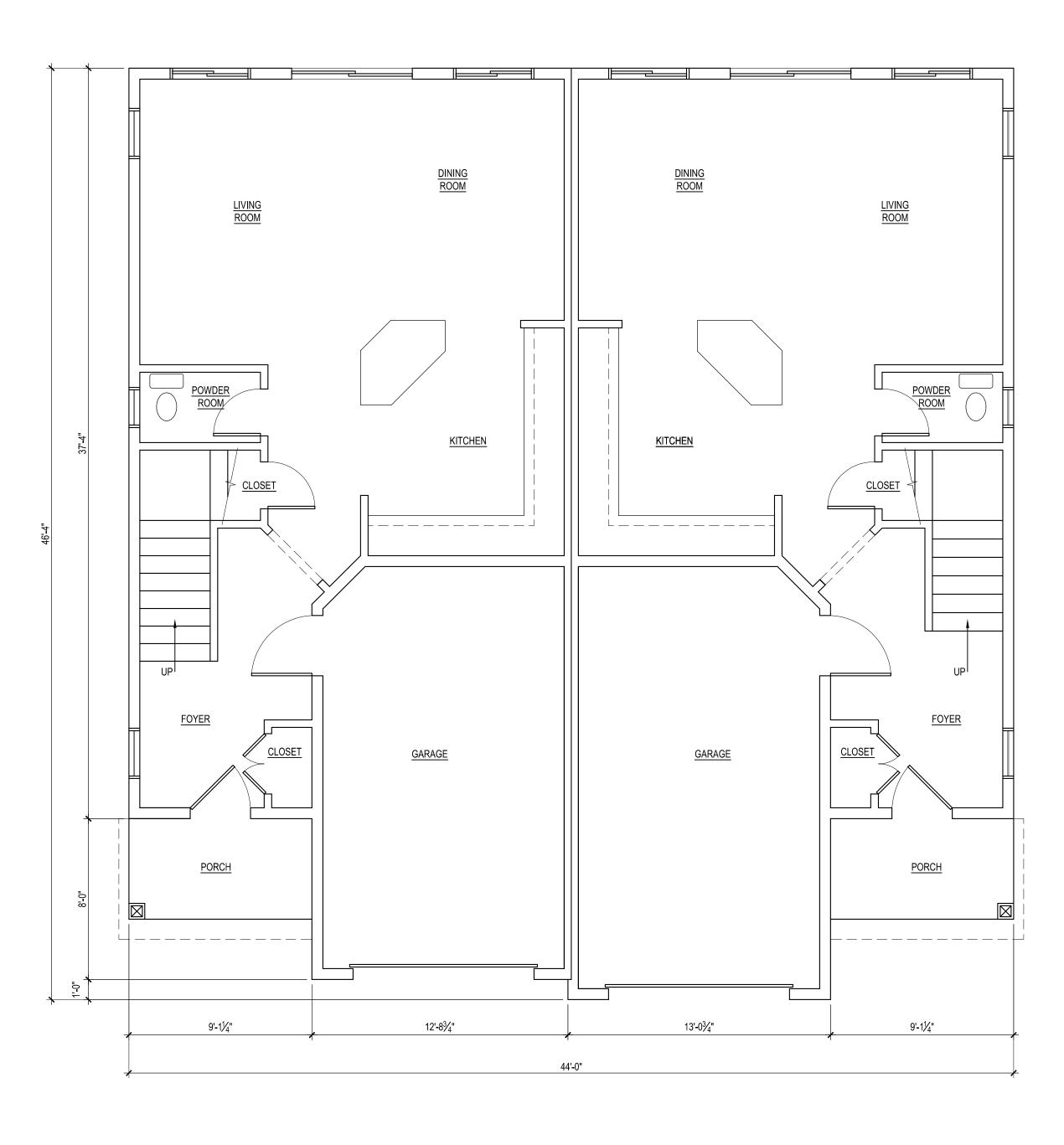
2 EAST ELEVATION

A-200 / 1/4" = 1'-0"

3 SOUTH ELEVATION
A-200 1/4" = 1'-0"

4 WEST ELEVATION
A-200 1/4" = 1'-0"

(NO CHANGE)







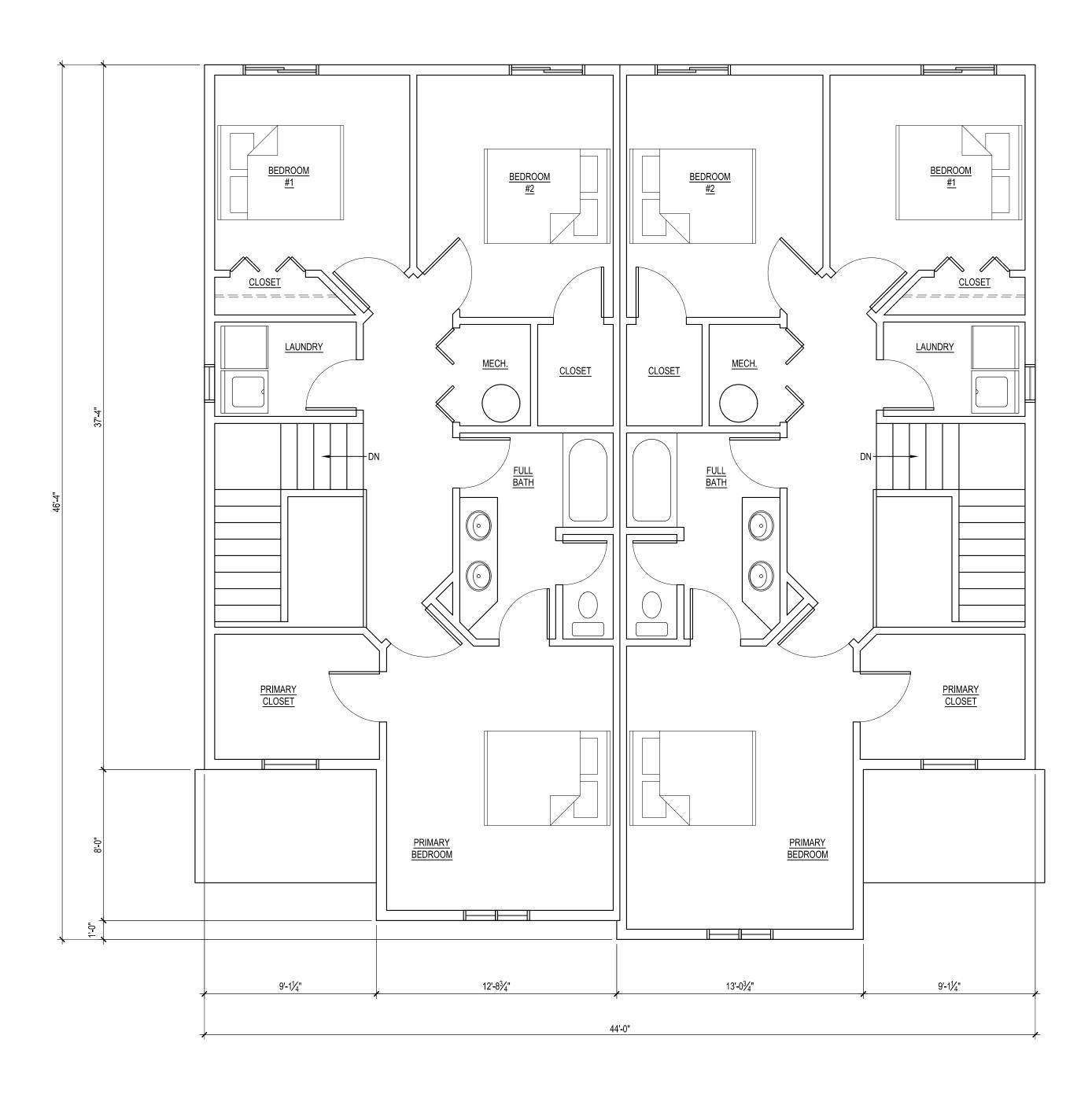
Medina Duplex 322 w SMITH ROAD MEDINA, OH 44256

PROJ. NUMBER: 24-0541 OCT 20, 2024 PLAN/ZONING

FIRST FLOOR PLAN

A-100

(NO CHANGE)







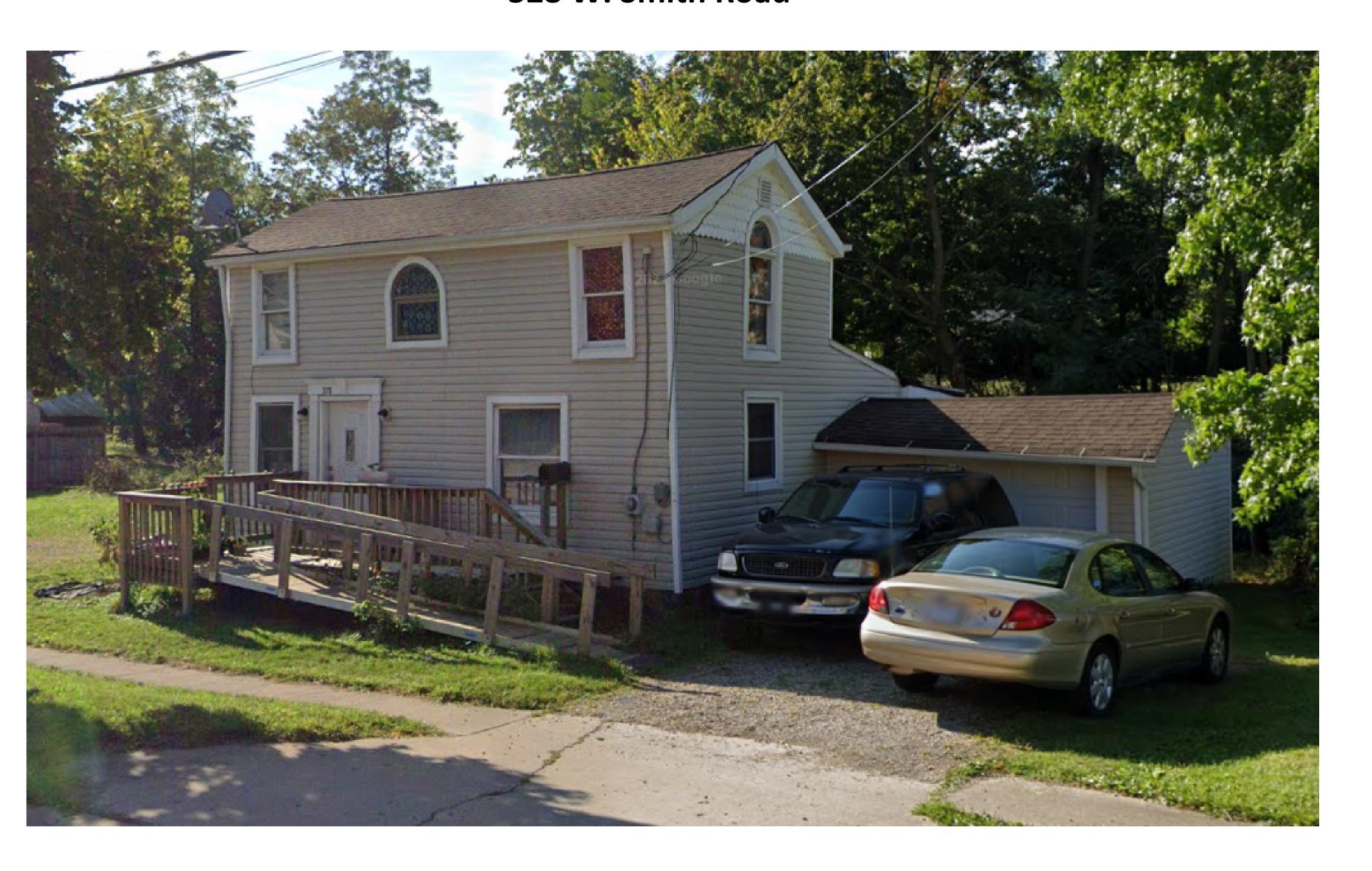
Medina Duplex 322 w SMITH ROAD MEDINA, OH 44256

PROJ. NUMBER: 24-0541 OCT 20, 2024 PLAN/ZONING

SECOND FLOOR PLAN

A-101

328 W. Smith Road



318 W. Smith Road

