

MEETING DATE: 4-22-21

BOARD OF ZONING APPEALS
Special Meeting

Z21-08
993-975 N. Court Street
Wendy's



CITY of MEDINA

Board of Zoning Appeals

April 22, 2021 Special Meeting


Case No: Z21-08

Address: 993 N. Court Street

Applicant: John Willse

Subject: A variance request from Section 1137.05 to permit a new 31.89 foot frontage lot instead of the minimum required 40 foot frontage.

Zoning: C-3, General Commercial

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The subject site is located on the west side of the 900 block of N. Court Street.

Project Introduction:

The applicant proposes creating a new lot that has a 31.89 foot frontage on the N. Court Street public right-of-way. This new lot is land being subdivided from the property to the south. The ultimate plan is to have this new lot be part of the redevelopment of the existing Wendy's restaurant property that is contiguous to the north, but may not be combined with the existing lot underlying the Wendy's site. The applicant requests a variance to create the new lot with a 31.89 foot frontage, because the C-3 district requires a minimum 40 foot frontage.

Please find attached to this report:

1. Applicant's narrative and proposed plans dated April 1, 2021
2. Aerial photograph

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 lot width and area 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 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 applicant intends to completely redevelop the existing Wendy's site for a new Wendy's facility in order to upgrade the facility to modern standards as the existing building and site is about 35 years old. Without the variance, the applicant may not be able to create enough contiguous land area to redevelop the outdated facility. This could leave the City with an unnecessarily vacant and outdated commercial site.

B. Whether the variance is substantial;

The variance may not be substantial. The proposed 31.89 foot frontage is 20.2% smaller than the C-3 minimum required 40 foot frontage, but the proposed lot is intended be part of a unified development site plan for a replacement Wendy's restaurant and will be imperceptible on the ground.

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 may not be altered. There are unified developed properties throughout the N. Court St. commercial corridor that have two or more underlying substandard lots, but present as one unified site on the surface.

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 applicant has been fully aware of the C-3 district minimum frontage

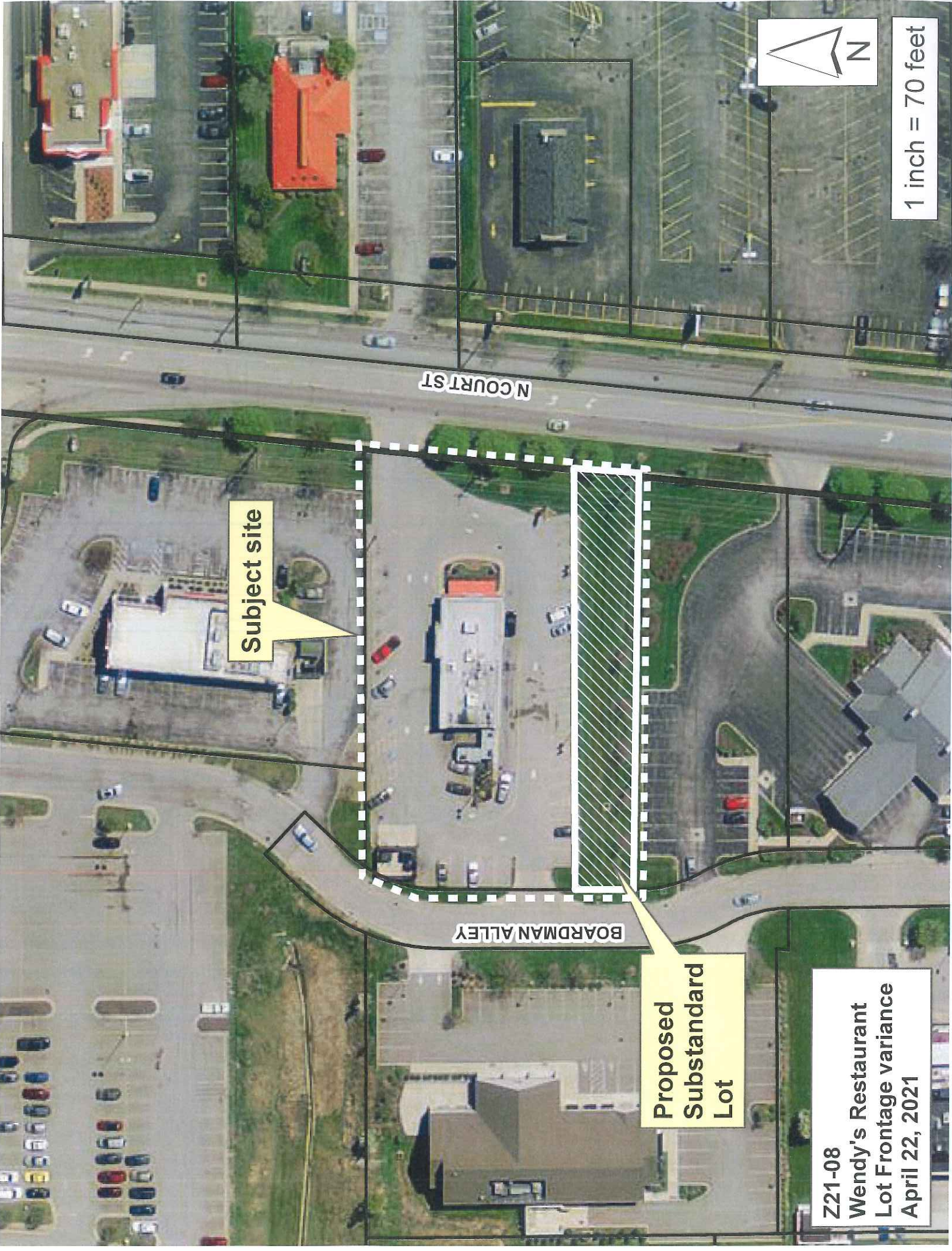
F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

The owner's predicament may feasibly be obviated without a variance. The owner could renegotiate the purchase of the proposed lot's land to increase the frontage to 40 feet and comply.

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 provide a standard and predictable amount of development on any given street and public right-of-way for individually developed lots.

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 1135.05.



1 inch = 70 feet

Subject site

Proposed Substandard Lot

Z21-08
Wendy's Restaurant
Lot Frontage variance
April 22, 2021

N COURT ST

BOARDMAN ALLEY



April 1, 2021

City of Medina - Board of Zoning Appeals
Planning Department
132 North Elmwood St
Medina, OH 44256

Dear Board of Zoning Appeals members:

Below, I have summarized our variance request for the proposed Wendy's Restaurant redevelopment plan, located at 993 North Court St, and the adjacent land immediately to the south located at 975 N. Court St. (under contract with Huntington National Bank).

By way of history, the existing Wendy's restaurant at 993 N. Court St. was constructed in 1984. The restaurant is (and has always been) operated by Medina County Foods, Inc., a Wendy's franchise entity. Medina County Foods, Inc., is lessee of the current property (Thomarios & Pastis Trust, landowners of 993 N. Court/PP028-19A-09-193).

We wish to redevelop this location and construct a new building at 993 N. Court St. The current lot dimensions, however, featuring 125' of frontage do not provide adequate area to construct a new-design Wendy's building, adequate parking spaces, lane widths, etc. In order to redevelop, we require additional land area. We have entered into an agreement with Huntington National Bank to acquire approximately 7,935 square feet (32' x 251 +/-) of land to augment the developable area. This land is currently green space along the border of the Huntington Bank & Wendy's properties. Our variance request is as follows:

1. To approve the lot split of PP 028-19A-09-197 and create a non-conforming minor subdivision for the approximately 7,935 sq. ft. land as described in the legal description attached, and identified on the preliminary site plan, also attached. This would allow for the described redevelopment plan to proceed with a single user, Wendy's.

The granting of these variance requests will permit us to operate at the same location we have been since 1984, with a newly redeveloped site. Without approval we cannot redevelop at this location and would be forced to vacate and search for an alternate site or abandon the market. Our plan does not create any other issues of encumbrance or impairment to any surrounding businesses, changes to traffic flows, public safety, etc.

Respectfully submitted,



John Willse

APR 01 2021

Huntington Prop-Wendys Medina Ct St



04/26/2017

MISCELLANEOUS NOTES:

- There is a deed record in the public records of Boone County, Missouri, recorded as 1995-004016, 194, 191 & 192 of the Boone County, Missouri, which relates to the subject property. The deed record is a deed from the Boone County, Missouri, to the Boone County, Missouri, and the deed record is a deed from the Boone County, Missouri, to the Boone County, Missouri.
- The deed record in the public records of Boone County, Missouri, recorded as 1995-004016, 194, 191 & 192 of the Boone County, Missouri, which relates to the subject property. The deed record is a deed from the Boone County, Missouri, to the Boone County, Missouri, and the deed record is a deed from the Boone County, Missouri, to the Boone County, Missouri.

SURVEY REFERENCES:

- Survey of the Boone County, Missouri, recorded as 1995-004016, 194, 191 & 192 of the Boone County, Missouri, which relates to the subject property. The survey is a survey from the Boone County, Missouri, to the Boone County, Missouri, and the survey is a survey from the Boone County, Missouri, to the Boone County, Missouri.
- Survey of the Boone County, Missouri, recorded as 1995-004016, 194, 191 & 192 of the Boone County, Missouri, which relates to the subject property. The survey is a survey from the Boone County, Missouri, to the Boone County, Missouri, and the survey is a survey from the Boone County, Missouri, to the Boone County, Missouri.

BASIS OF BEARINGS:

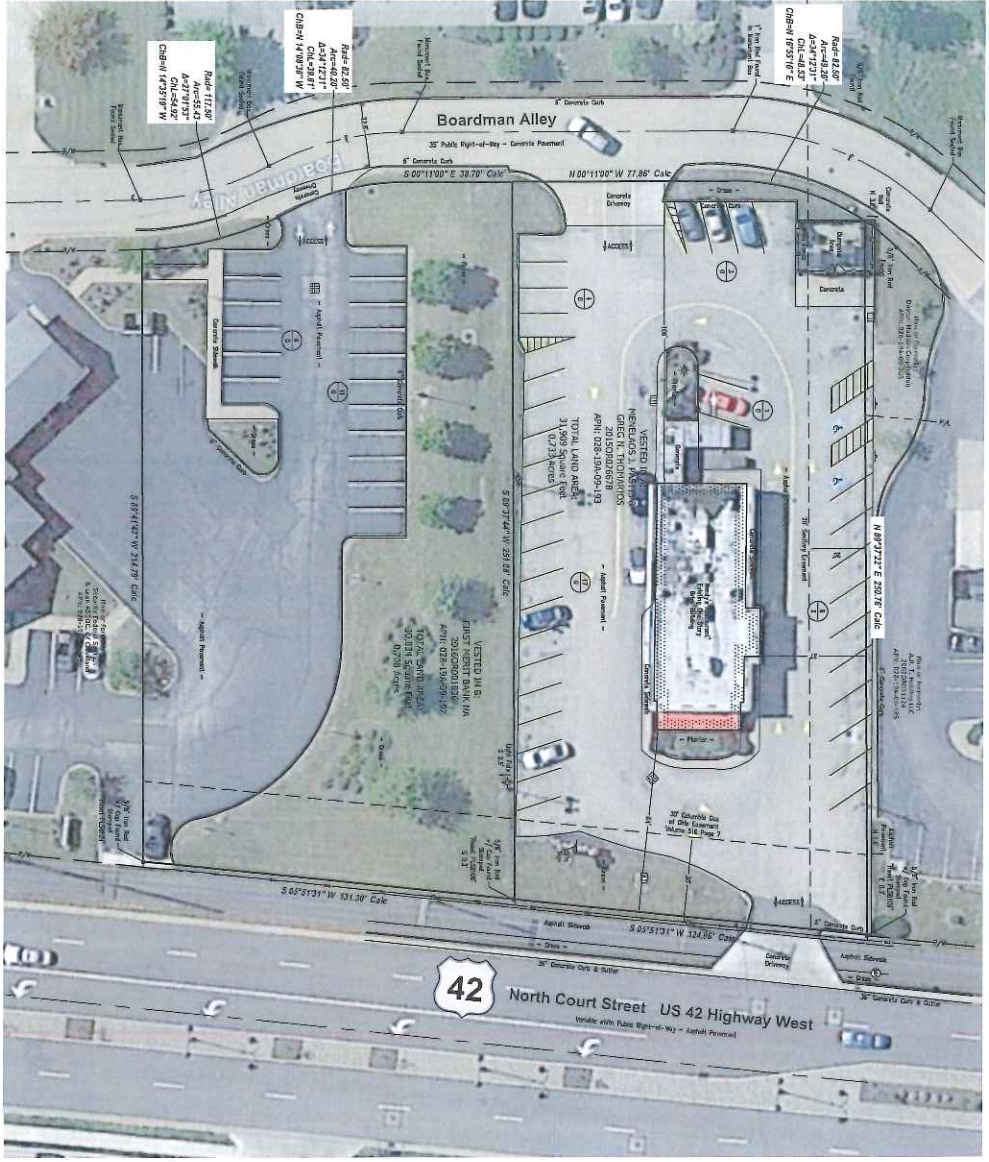
The bearings are based on the National Mean Sea Level datum. The bearings are based on the National Mean Sea Level datum. The bearings are based on the National Mean Sea Level datum. The bearings are based on the National Mean Sea Level datum.

TOTAL LAND AREA:

31.76 Acres

PARKING:

31 Spaces



UNDERGROUND UTILITIES:

2. ALL UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION OF UTILITIES IS NOT GUARANTEED. THE USER ASSUMES ALL RESPONSIBILITY FOR THE LOCATION AND DEPTH OF UTILITIES.

APR 01 2021



SYMBOL LEGEND

▲	Point of Beginning
○	Center Point
□	Corner Point
△	Survey Station
○	Well Head
○	Water Meter
○	Electric Meter
○	Gas Meter
○	Water Valve
○	Electric Valve
○	Gas Valve
○	Water Meter
○	Electric Meter
○	Gas Meter

CERTIFICATION:

I, the undersigned, being a duly licensed and sworn Surveyor of the State of Ohio, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records, and that the same was made in accordance with the provisions of the laws of the State of Ohio, and that the same was made on the 1st day of April, 2021.

REVISION HISTORY

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PRELIMINARY FOR REVIEW ONLY

Surveyor's Seal

Sheet No. **1** of **1**

MSI Project No. 47586

Drawn: CRH

millman

Environmental
Engineering
Surveying

1111 Bradley Circle NW
Canton, OH 44718
Phone: 800-520-0100
Fax: 330-452-4254
www.millman.com

BOUNDARY SURVEY:

393 & 987 North Court Street
City of Medina
County of Medina
State of Ohio

NORTH GEODETIC GRAPHIC SCALE

0 40 80 120 160 200 240 280 320 360 400 440 480 520 560 600 640 680 720 760 800 840 880 920 960 1000

1 INCH = 20 FT.



April 1, 2021

City of Medina - Board of Zoning Appeals
Planning Department
132 North Elmwood St
Medina, OH 44256

Dear Board of Zoning Appeals members:

Please see below, summarized BZA worksheet detail:

- A. Without approval, we cannot redevelop the property to use as a Wendy's restaurant.
- B. The variance is insubstantial because it does not materially impact the adjacent Huntington bank property, traffic flow, parking, or building. It will essentially convert existing greenspace to parking, similar to the current conditions at the Wendy's, immediately to the north.
- C. The neighborhood would not be subjected to any substantial change to the existing conditions, except for an overall enhancement provided for a new restaurant and land improvement.
- D. The variance would not adversely affect the delivery of government services because there will be no change to the operating conditions that exist today.
- E. Approval of the variance request is the determining factor on allowing Wendy's to continue to do business at the location.
- F. The spirit & intent behind the zoning requirement would be observed by granting this variance because it will allow for an enhancement/improvement to an existing business operation (since 1984) and reinvestment to the City of Medina.

Respectfully submitted for your approval,

John Willse
Medina County Foods, Inc.



CITY of MEDINA
Planning and Zoning Department

Ph(330) 722-0397 Fax (330) 350-1011
www.medinaoh.org

Board of Zoning Appeals
Area/Size (practical difficulties) worksheet

Case No.
Address: 993/975 NORTH COURT ST., MEDINA
Applicant: JOHN WILLSE

A. The property in question [will/ will not] yield a reasonable return and there [can/cannot] be any beneficial use of the property without the variance because

B. The variance is [substantial/insubstantial] because

(SEE ATTACHED)

C. The essential character of the neighborhood [would/would not] be substantially altered and the adjoining properties [would/would not] suffer substantial detriment as a result of the variance because

D. The variance [would/would not] adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

E. The property owner purchased the property [with/without] knowledge of the zoning restrictions;

F. The property owner's predicament feasibly [can/can not] be obviated through some method other than a variance because

G. The spirit and intent behind the zoning requirement [would/would not] be observed and substantial justice done by granting a variance because

For all of the above reasons, I move the board [approve/disapprove] the request with the following conditions:

APR 01 2021

RV

Situated in the City of Medina, County of Medina and State of Ohio. Known as being a 7,931 square foot parcel of land of part of land now or formerly conveyed to First Merit Bank NA as recorded in Document No. 2016OR001836 of Medina County Records and being more particularly described as follows:

Commencing at the northeast corner of said land now or formerly conveyed to First Merit Bank NA, and the west right-of-way of North Court Street (also known as US Route 42), from which, a 5/8" iron rod with cap stamped 'Reset PLS8109' bears South 0.3' feet;

thence South 05°51'31" West, along said west right-of-way of North Court Street (also known as US Route 42, and along the east line of said land now or formerly conveyed to First Merit Bank NA, a distance of 31.89 feet;

thence South 89°37'44" West, a distance of 248.52 feet to the west line of said land now or formerly conveyed to First Merit Bank NA;

thence North 00°11'00" West, along said land now or formerly conveyed to First Merit Bank NA, a distance of 31.70 feet to the northwest corner thereof;

thence North 89°37'44" East, along the north line of said land now or formerly conveyed to First Merit Bank NA, a distance of 251.88 feet to the Point of Beginning and containing 0.182 acres (7,931 square feet) of land, more or less.

APR 01 2021