

MEETING DATE: 6-10-21

BOARD OF ZONING APPEALS

**Z21-13
696 Lafayette Rd.**



CITY of MEDINA
Planning Commission
June 10, 2021 Meeting


Case No: Z21-13

Address: 696 Lafayette Road

Applicant: Fraternal Order of Eagles #2224

Subject: A variance request from Section 1127.02 of the Planning & Zoning Code to permit a Commercial Entertainment use on a property zoned R-4, Multi-Family Residential for a concert series over 13 days from June 2021 to October 2021.

Zoning: R-4, Multi-Family Residential

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The property is located on the south side of the 600 block of Lafayette Road.

Project Introduction:

The Fraternal Order of Eagles wishes to conduct a concert series on thirteen days from June 2021 to October 2021. This will involve night concerts on specific Saturday nights. Attached is the applicant's description of the schedule and operations. This use, even though not necessarily a permanent land use, is substantive enough to constitute a principal use as Commercial Entertainment. This land use includes property and/or facilities used to house large gatherings of visitors for entertainment purposes. Commercial Entertainment is not a permitted or conditionally permitted use in the underlying R-4. Therefore, the applicant seeks a use variance from Section 1127.02 to allow a Commercial Entertainment use at the subject property where it is not permitted.

Comment from the Fire Department:

Highly recommend the two gates which will cross the driveway be 10 foot wide gates.

Please find attached to this report:

1. Applicant's request submittal dated May 24, 2021
2. Site aerial photographs.

Considerations:

Section 1107.08(b) of the Planning and Zoning Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are 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.

A use variance is subject to determination of unnecessary hardship. There are seven factors that the BZA should consider when evaluating whether or not an unnecessary hardship 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 use variance should be granted:

- 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 is addressed on Lafayette Road, which is also US-42 and a major regional arterial for this part of the City and County.

- B. The hardship condition is not created by actions of the applicant;*

This property has been zoned R-4 multi-family residential for many decades and the existing fraternal lodge was developed at this site between 1994 and 2000.

- C. The granting of the variance will not adversely affect the rights of adjacent owners;*

The proposed Commercial Entertainment use may adversely affect the rights of adjacent residential owners and/or occupants. The outdoor Commercial Entertainment use's concert activities may be considered an excessive imposition on the expected spectrum of use and enjoyment of their properties

- D. The granting of the variance will not adversely affect the public health, safety or general welfare;*

The proposed use is not likely to adversely affect public safety as the applicant intends to manage traffic and waste disposal.

E. The variance will be consistent with the general spirit and intent of this Ordinance;

The proposed use is on a large (34 acre) partially developed property that already has a quasi-commercial assembly land use (fraternal lodge). The specific area of the subject site for the proposed use is approximately 400 feet away from the nearest direct sightline neighboring residential property line to the southeast. Generally, most zoning codes require commercial zoning district provide vertical and/or distance buffers with adjacent residential districts/uses.

F. The variance sought is the minimum which will afford relief to the applicant; and

The use variance requested may not be the minimum to afford relief to the applicant as the activity/use could be relocated to a location on the site oriented to further minimize potential imposition on adjacent sensitive land uses.

G. There is no other economically viable use which is permitted in the zoning district.

A discussion of economically viable uses is somewhat immaterial as the property is already occupied by an active, viable and sizable quasi-commercial assembly use.

The BZA must weigh the above seven factors for the requested use variance and determine if an unnecessary hardship exists that would merit a use variance from Section 1127.02.

If the BZA makes a motion to approve the proposed Commercial Entertainment use variance, the following conditions of approval are recommended to anticipate objective conflicts and/or impacts of the proposed use on the immediate vicinity:

1. This Commercial Entertainment use shall only be permitted for the 2021 calendar year in order to provide the City and the applicant time to evaluate the suitability of the use for future years. Reapproval by the Board of Zoning Appeals shall be required to continue this use beyond 2021.
2. If complaints are made to City staff regarding the use, staff will investigate and if staff finds the complaints represent objective negative impacts on adjacent properties, the City and the applicant shall work together to resolve the problem in a timely manner.



Primary Activity Area

Subject Site

~400 feet

**Z21-13
696 Lafayette Rd (Eagles Lodge)
Use Variance - Commercial Entertainment
June 10, 2021**



1 inch = 250 feet



CITY of MEDINA
Planning and Zoning Department
 Ph(330) 722-0397 Fax (330) 350-1011
 www.medinaoh.org

Board of Zoning Appeals
Use (unnecessary hardships) worksheet

RECEIVED
 MAY 24 2021

Case No.

Address: 696 Lafayette Road

Applicant: Fraternal Order of Eagles #2224

BY:

A. The variance requested stems from a condition which is [unique/not unique] to the property at issue and [not ordinarily / ordinarily] found in the same zone or district;

As one of the largest undeveloped properties in the city, the property is uniquely situated and configured for commercial entertainment, with minimal to no impact to adjacent owners or the general welfare.

B. The hardship condition [is/is not] created by actions of the applicant;

C. The granting of the variance [will/will not] adversely affect the rights of adjacent owners because

All precautions and proactive measures including compliance with the noise ordinance, traffic control, and event security are in place to ensure no adverse impact to adjacent owners.

D. The granting of the variance [will/will not] adversely affect the public health, safety or general welfare because

Commercial entertainment activities will be conducted in accordance with state, county, health district, and local laws, requirements, and regulations.

E. The variance [will/will not] be consistent with the general spirit and intent of this Ordinance because

Granting of the variance for the subject property will not adversely impact residential development nor will it alter the current transition between residential and non-residential uses.

F. The variance sought [is/is not] the minimum which will afford relief to the applicant because

Currently all commercial entertainment activity is prohibited by R-4 zoning regulations; we are seeking the least onerous solution to the prohibition by seeking a variance versus rezoning.

G. There [is/is no] other economically viable use which is permitted in the zoning district because

Because of the complete prohibition of commercial entertainment in R-4 zoning there is no other economically viable use of a similar nature which would be permissible.

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

Of the two above processes, I assume, given your current internal timeline, a use variance request would be the step you'd attempt first in order to maintain your timeline as you'd have a decision rendered much sooner than a rezoning request.

Please review the above and attached and contact me if you have questions or need further clarification.

Sincerely,

Jonathan Mendel, AICP
Community Development Director
City of Medina
132 North Elmwood Ave.
P.O. Box 703
Medina, OH 44258-0703
Ph: 330-722-9023
jmendel@medinaoh.org



From: Ben Schmid <58@icandigraphics.com>
Sent: Wednesday, May 12, 2021 1:13 PM
To: Jonathan Mendel <jmendel@medinaoh.org>
Cc: 'erica dworznik' <edworznik@outlook.com>; c.89Brooks@gmail.com
Subject: MEDINA EAGLES_SUMMER_EVENT_CALENDER_POSTER

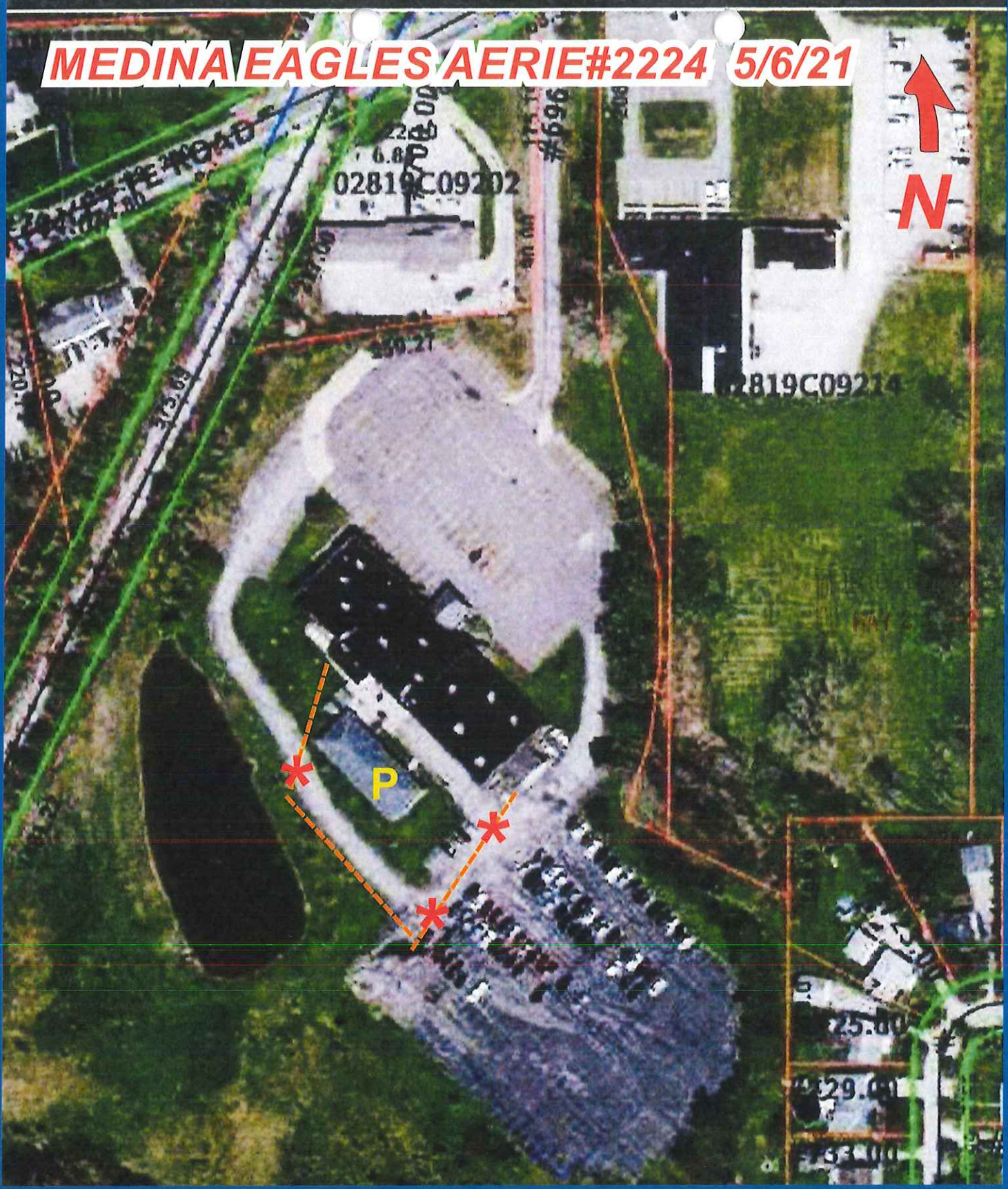
Good Afternoon Jonathan,

Please see our answers in green to your questions below, Thanks!

We will also need the following detailed information regarding the use:

- Estimated or planned ticket sales cap (i.e. max occupancy)? Will this be open to the public and first come, first served? - **We are using Eventbrite to control the ticket sales. We are capping the tickets at 250 tickets and making it available to our members and also the general public.**
- Designated visitor parking area(s)? - **We have over 200 spots in our back parking lot and can have 350 total parking spaces as well as over a dozen ADA parking spaces.**
- Traffic management to/from the site and within the site? - **We have already approached private security and have members that have flags and protective gear that will assist with parking and exiting the premises.**
- Speakers and sound direction/orientation? - **The bands will be playing under our pavilion and will be projecting towards the south east. We are trying to abide by the sound ordinance and will be completed by 10 p.m.**
- Food and alcohol sales? - **The food and alcohol will be under the Eagles State Liquor license and the kitchen's food safety licensing.**
- Sanitation provision (i.e. trash disposal/removal and restrooms) - **We have trash cans around the premises and a dumpster onsite that gets emptied regularly. We also have indoor restrooms available and we are getting pricing from a local potable restroom company.**

MEDINA EAGLES AERIE #2224 5/6/21



P - PAVILION
----- FENCE
*** GATE**

PAVILION 40'x100'
APPROX. 43,000sq ft
Fenced In

2021 SUMMER CONCERT LINE-UP

JUNE 12

**OUT OF EDEN
EAGLES TRIBUTE BAND**

JUNE 19

**LEGENDZ
FORMERLY STYLEE WILD**

JUNE 26

SKINNY MOO

JULY 10

SUEDE CONCEPT

JULY 17

**TARP
WE COVER EVERYTHING**

JULY 24

**CHINA GROVE
DOOBIE BROTHERS TRIBUTE**

AUGUST 7

GUSTARD PIE

AUGUST 14

**RIB COOK-OFF
JERSEY
SPRINGSTEEN TRIBUTE**

AUGUST 28

BRONX COUNTRY

SEPTEMBER 11

**WANTED
BDN JOVI TRIBUTE**

SEPTEMBER 18

**PANAMA
VAN HALEN TRIBUTE**

OCTOBER 16

OKTOBERFEST

OCTOBER 30

HALLOWEEN PARTY



**SATURDAYS AT THE MEDINA EAGLES
DOORS OPEN AT 6
LIVE MUSIC FROM 7 to 10:30**