

MEETING DATE: 10-14-21

BOARD OF ZONING APPEALS

Case No. Z21-16

**237/243 N. Broadway
238/248 N. Court**

City of Medina
Board of Zoning Appeals
Professional Review Report – October 14, 2021



Case No: Z21-16

Address: 237 North Broadway, 243 North Broadway, 238 North Court, and 248 North Court

Applicant: Carmelina Difiore

Zoning: M-U, Multi-Use

Request: Variance request to permit creation of two nonconforming parcels

Reviewer: Arthur Schmidt, Senior Planner, OHM Advisors

Site Location Description:

The subject sites are located at 237 and 243 North Broadway, and 237 and 248 North Court in Medina, Ohio, within the Multi-Use District (M-U). Properties adjacent to the subject sites are within either the Multi-Use District (M-U) or Central Business (C-2).

Project Introduction:

The applicant is seeking a variance to permit the creation of two nonconforming parcels located at 237 and 243 North Broadway. All four properties are owned by the same group/individual. The properties located at the 237 and 248 North Court addresses have been utilizing the existing property for some time, as shown by the supplementary images. This request is to correct the lot lines so that the existing parking lots are part of the North Court parcels. By doing so, this creates a nonconforming parcels on North Broadway.

Considerations:

The following are considerations which the Board of Zoning Appeals should consider when weighting the request for a variance to permit the creation of two nonconforming lots:

- 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.

Additional Comments:

The existing properties have been functioning in this manner and are owned by the same group/individual. The granting of this variance would not adversely affect adjacent properties. The uses on the four parcels in question and surrounding properties would also not be affected by the granting of this variance.

Prepared by:



Arthur Schmidt
Project Manager/Senior Planner
OHM Advisors



CITY OF MEDINA

Planning Department

132 North Elmwood Street
 Medina, Ohio 44256
 PH (330) 722-9023 • FX (330) 722-9045
 www.medinaoh.org

Boards and Commissions Application for Zoning Approval

Project Address: 237 N. Broadway, 243 N Broadway, 238-248 N Court
 Parcel No: 02819B14099, 098, 100, 101 Case No: Z21-16

Project Description: (describe below and check all that apply) Correct lot lines
on properties mentioned superlating lots are part of
commercial building on N. Court.

Planning Commission

- Site plan approval
- Conditional zoning certificate
- Conditional sign approval
- Code or Map Amendment
- Preliminary plan
- Subdivision
- Other:

Historic Preservation Board

- Certificate of Appropriateness
- Conditional sign approval

Board of Zoning Appeals

- Variance
- Appeal

Please note: applications will not be accepted as complete by the City of Medina until the applicant and property owner fulfill the requirements listed within the submittal requirements. Application fees are accepted in cash or by check payable to the City of Medina.

Affidavit of Applicant and Property Owner

The undersigned do hereby certify that the information to the City of Medina in and with this application is true and accurate and consents to employees and/or agents of the City of Medina entering upon the premises of this application for purposes of inspection pertaining to the application. Property Owner also consents to posting of a sign seven days prior to the scheduled meeting for public notice for variance, rezoning, code amendment, conditional use requests, and requests subject to a public hearing.

Applicant: Carmelina DiFiore Property Owner: TD & CD Properties LLC
 Address: 16972 Hunting Meadows Address: 16972 Hunting MEADOWS DR
Strongsville OH 44136 STRONGSVILLE OH 44136
 Email: carmelina@carpartswarehouse.net Email: sonia@carpartswarehouse.net
 Phone: 216-650-0141 Fax: _____ Phone: 440-238-7641 Fax: _____

Carmelina DiFiore _____ 9-16-21
 Applicant (please sign and print) Date

TD & CD Properties LLC
Carmelina DiFiore, principal _____ 9-16-21
 Property Owner (please sign and print) Date

RECEIVED
 Date
SEP 20 '21

**CITY OF MEDINA
 MAYOR'S OFFICE**

Zoning Variance for 238-248 North Court Street and 237 N. Broadway and 243 N. Broadway.

Request for variance on rear set back and lot size for N. Broadway homes in order to reflect current property boundary usage.

The seller acquired properties for the Commercial building (aka Jimmy Johns plaza) and two adjoining houses on N. Broadway. These properties were owned by owner (Hallock Properties) at one time. At some point the past owner expanded the parking lot into the two adjoining homes property boundaries. The rear parking lot is used by the employees and patrons of the Jimmy John Plaza since inception.

Owner seeks to move the lot lines to reflect the actual usage of all properties mentioned and requests a variance to correct the boundary lines as follows:

- The rear commercial building lot line will move 62 1/2 feet to the East reflecting the boundaries of the parking lot.
- The Commercial building will be one parcel versus two
- The two homes on N Broadway rear property lines will terminate right before the parking lot curb.
- There is no impact to existing neighboring properties or utility services.



Front of
Commercial
Building
238-248 North
Court Street





Front view of N. Broadway homes



Rear view of commercial building



Rear view of homes and commercial parking lot looking East



Commercial property line to be moved East to accommodate parking lot into commercial lot.

TD + CD SUBDIVISION

SITUATED IN THE CITY OF MEDINA, COUNTY OF MEDINA AND STATE OF OHIO, FORMERLY KNOWN AS BEING PART OF MEDINA CITY LOTS 124 AND 121 REPARCELING INTO CITY LOTS _____ & _____

OWNERS SIGNATURES:

WE, THE UNDERSIGNED BEING THE OWNER OF THE PROPERTY HERON DESCRIBED,
BY: _____

NOTARY:
STATE OF OHIO)
COUNTY OF _____)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE OWNER OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES EXPRESSED THEREIN.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES _____, 20____. NOTARY

PUBLIC STATE OF OHIO

APPROVALS:

Approved on this _____ day of _____, 20____.

City of Medina

Approved on this _____ day of _____, 20____.

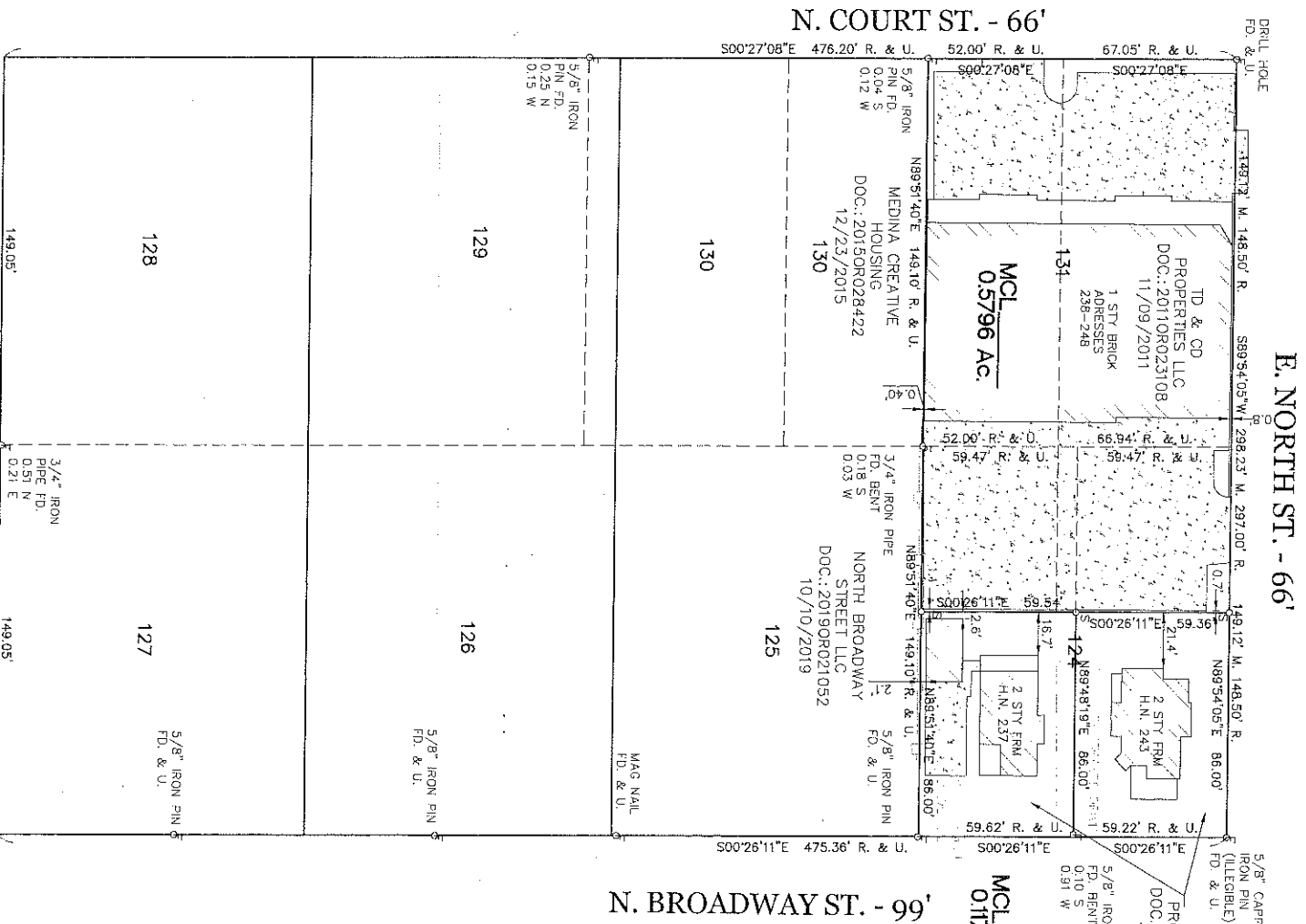
Tax Map Associate

Received for transfer on this _____ day of _____, 20____.

Medina County Auditor

Received and recorded on this _____ day of _____, 20____.
At _____ A.M./ P.M. recorded in Plat Document No. _____

Medina County Recorder



E. FRIENDSHIP ST. - 66'

LEGEND:

o S	SET 5/8" BY 30" STEEL PIN WITH CAP "8452"	V.	VOLUME
o F	FOUND STEEL PIN AS NOTED	(C)	PAGE CALCULATED
o F	FOUND MONUMENT BOX WITH STEEL PIN AS NOTED	(R)	RECORD
o F	CENTERLINE	(U)	OBSERVED
R/W	RIGHT OF WAY	(M)	USED
PN	PARCEL NUMBER	AC.	MEASURED ACRES
INST	INSTRUMENT NUMBER	SQ. FT.	SQUARE FEET
		LAND HOOK	LAND HOOK

SURVEYOR'S CERTIFICATION:
THIS SURVEY MEETS THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO AS SET FORTH IN OHIO ADMINISTRATIVE CODE CHAPTER 4733-37.
DATE: 09/09/2021
DANIEL P. ENGLE, P.S. 8452
ENGLE, KNOTTER & ASSOCIATES, LLC
189 ABBEVILLE RD.
VALENTI CITY, OH 44280 PH: 330.441.2361
EMAIL: W.KNOTTER@ENGLSURVEYING.COM

BASIS OF BEARINGS:
BEARINGS BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM ESTABLISHED FROM GPS OBSERVATIONS ON 08/23/2021.
SURVEY NOTE:
SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT RESEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH AND TITLE EXAMINATION SHOULD REVEAL FOR GRAPHIC REPRESENTATION ONLY.

MEDINA COUNTY RECORDER'S RECORDS:
DEEDS AND PLATS AS SHOWN
MEDINA COUNTY ENGINEER'S RECORDS:
RECORDS BOOK 1 SURVEY 26

DATE: 09/09/2021
REV. 09/23/2021
COUNTY COMMENTS:
REVISIONS:

SCALE: 1" = 40 FEET
JOB NO.: 2021064
DR: MT CH: DPC