



BOARDS & COMMISSIONS APPLICATION

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

Application Number 224-24

GENERAL	<p>Date of Application <u>10/18/2024</u></p> <p>Property Location <u>322 W Smith Rd</u></p> <p>Description of Project <u>New construction of a 2 story slab on grade duplex.</u></p> <p><u>Zoning code variance requested: Use R2 construction in a C2 zoned property 1135.03</u></p> <p><u>Area/size difficulty: Setback requirements hinder the design of any residential project for this proper property. 1123</u></p>
CONTACT INFORMATION	<p>Applicant Name <u>John Potter</u></p> <p>Address <u>3200 W Market St STE 006</u> City <u>Fairlawn</u> State <u>OH</u> Zip <u>44333</u></p> <p>Phone <u>330-836-2189</u> Email <u>jpotter@thecorniceco.com</u></p> <p>Property Owner Name <u>David Wascak</u></p> <p>Address _____ City _____ State _____ Zip _____</p> <p>Phone <u>216-410-1999</u> Email <u>david.wascak@hotmail.com</u></p>
APPLICATION TYPE	<p> Planning Commission Site Plan <input type="checkbox"/> Conditional Zoning Certificate <input type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> Cert. of Appr. (TCOV) <input checked="" type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> </p>
APPLICANT SIGNATURE	<p><i>By signing this application, I hereby certify that:</i></p> <ol style="list-style-type: none"> 1) <i>The information contained in this application is true and accurate to the best of my knowledge;</i> 2) <i>I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record;</i> 3) <i>I assume sole responsibility for correspondence regarding this application; and</i> 4) <i>I am aware that all application requirements must be submitted prior to the formal acceptance of my application.</i> <p>Signature <u>John Potter</u> Digitally signed by John Potter Date: 2024.10.18 09:57:35 -04'00' Date <u>10/18/2024</u></p>
OFFICIAL USE	<p>Zoning District <u>C-2</u> Fee (See Fee Sheet) \$ <u>200</u></p> <p>Meeting Date <u>11-14-24</u> Check Box when Fee Paid <input checked="" type="checkbox"/></p>

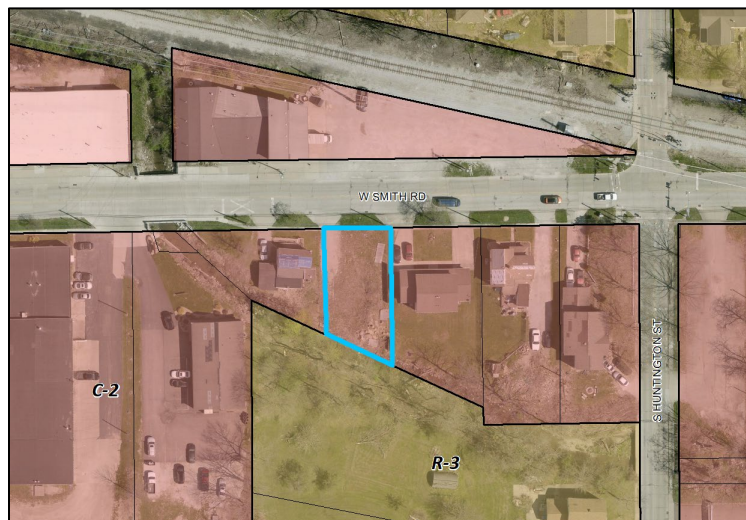
Z24-24 West Smith Road New Home

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

USE VARIANCE – TWO-FAMILY RESIDENTIAL USE (SECTION 1135.03)

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 Applicable to Use Variances (Section 1107.08(i)(1))

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.

AREA OR SIZE TYPE VARIANCES (MULTIPLE 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 requires a minimum rear yard setback of 50 ft. for principal structures. The applicant has proposed a rear yard setback of 14 ft. 5 in. 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 siding.

Factors Applicable to Area or Size Type Variances (Section 1107.08(i)(2))

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.

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 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.

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.

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.

MEDINA DUPLEX

NEW CONSTRUCTION

ZONING 10/16/2024



DRAWING INDEX

TS-100 TITLE SHEET / SITE PLAN

ARCHITECTURAL

A-100 FIRST FLOOR PLAN
 A-200 ELEVATIONS
 A-201 ELEVATIONS

OVERALL SITE PLAN

ZONING INFORMATION

CONTACT INFORMATION:

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

ADDRESS: 322 W SMITH ROAD
 PARCEL NUMBER: 028-19C-05-121
 INTENDED USE: MULTI-FAMILY

ZONING DISTRICT: C-2 CENTRAL BUSINESS
 DISTRICT C-2 REQUIREMENTS:

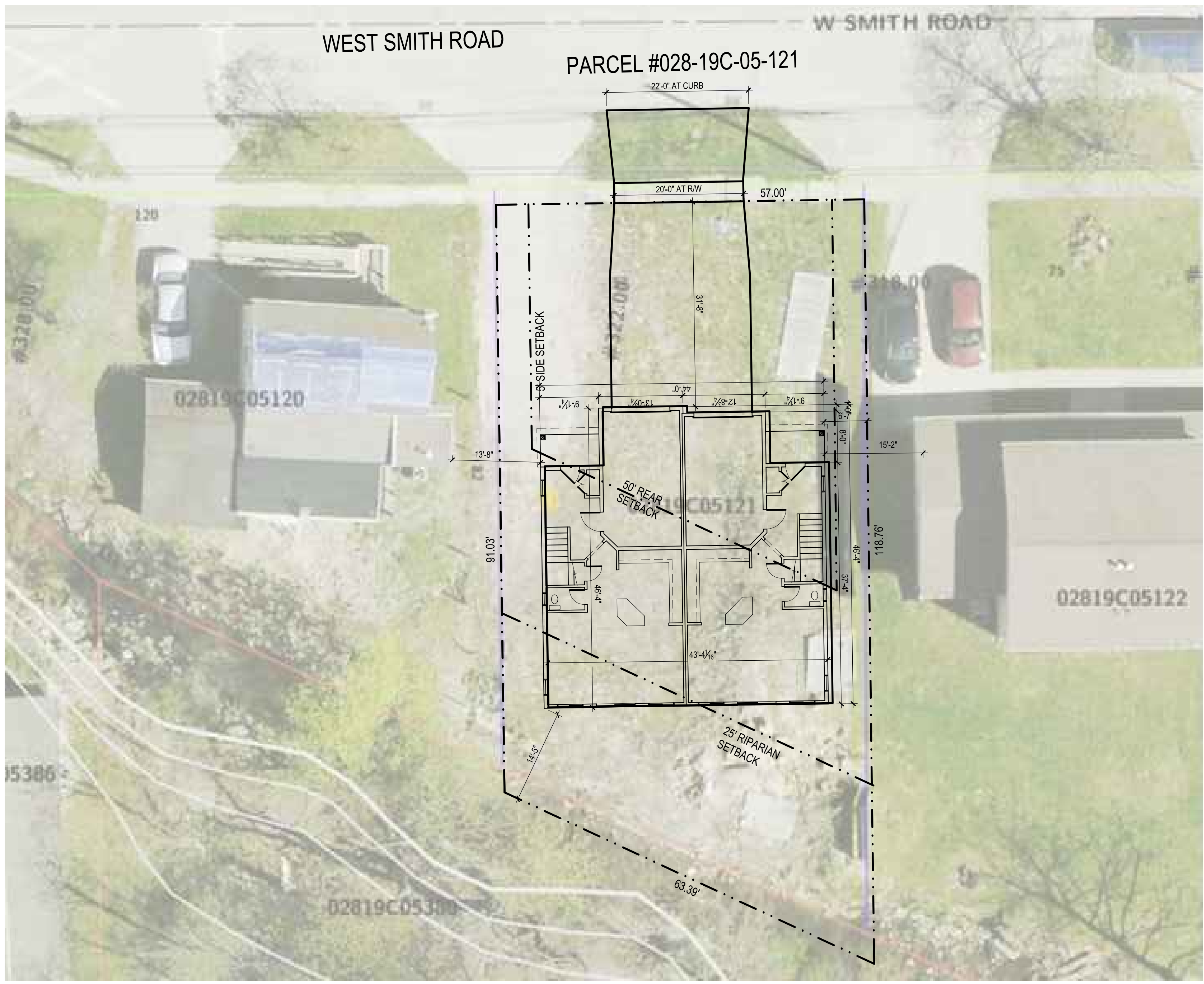
	REQUIRED	PROVIDED
MAX LOT COVERAGE	NONE	-
MIN FRONT YARD	NONE	31'-8"
MIN REAR YARD	50'	14'-7"
MIN SIDE YARD	NONE	6'-7"
MAX HEIGHT	40'	27'-9"

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

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

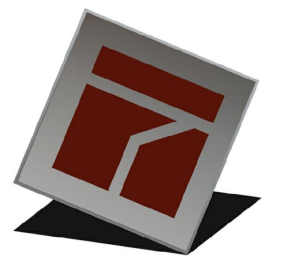
VARIANCE REQUESTED: C2 PARKING TO BE PERMITTED IN FRONT YARD 1135.08

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

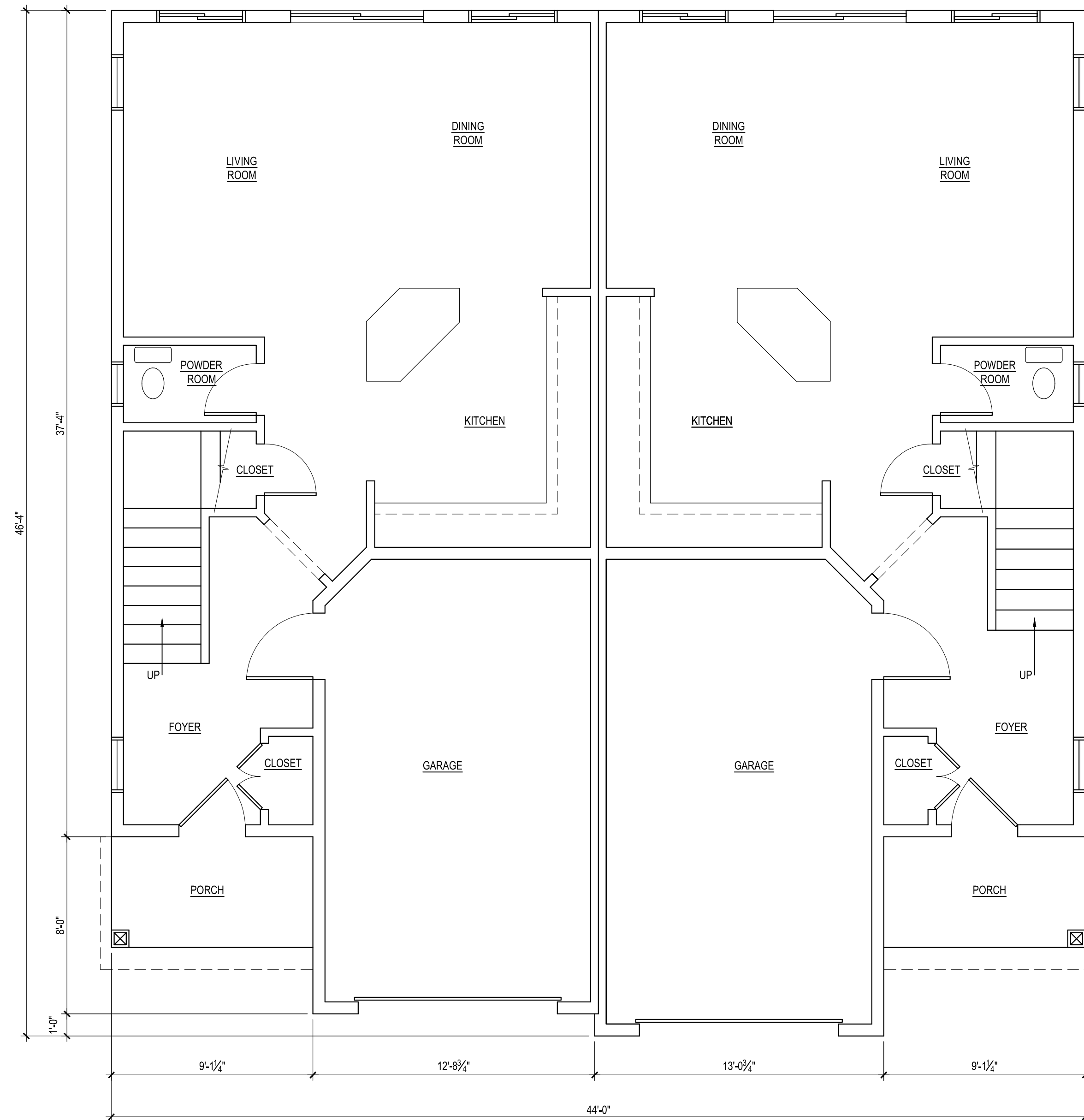


Medina Duplex
 322 W SMITH ROAD
 MEDINA, OH 44256

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



THE CORNICE COMPANY
3200 WEST MARKET, SUITE 6
FAIRLAWN, OH 44133
(330) 856-2189



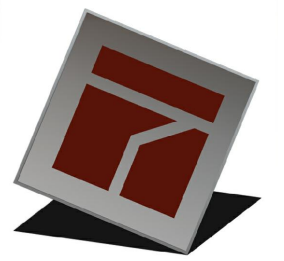
1 FIRST FLOOR PLAN
A-100 1/4" = 1'-0"
PLAN NORTH

Medina Duplex
322 W. SMITH ROAD
MEDINA, OH 44256

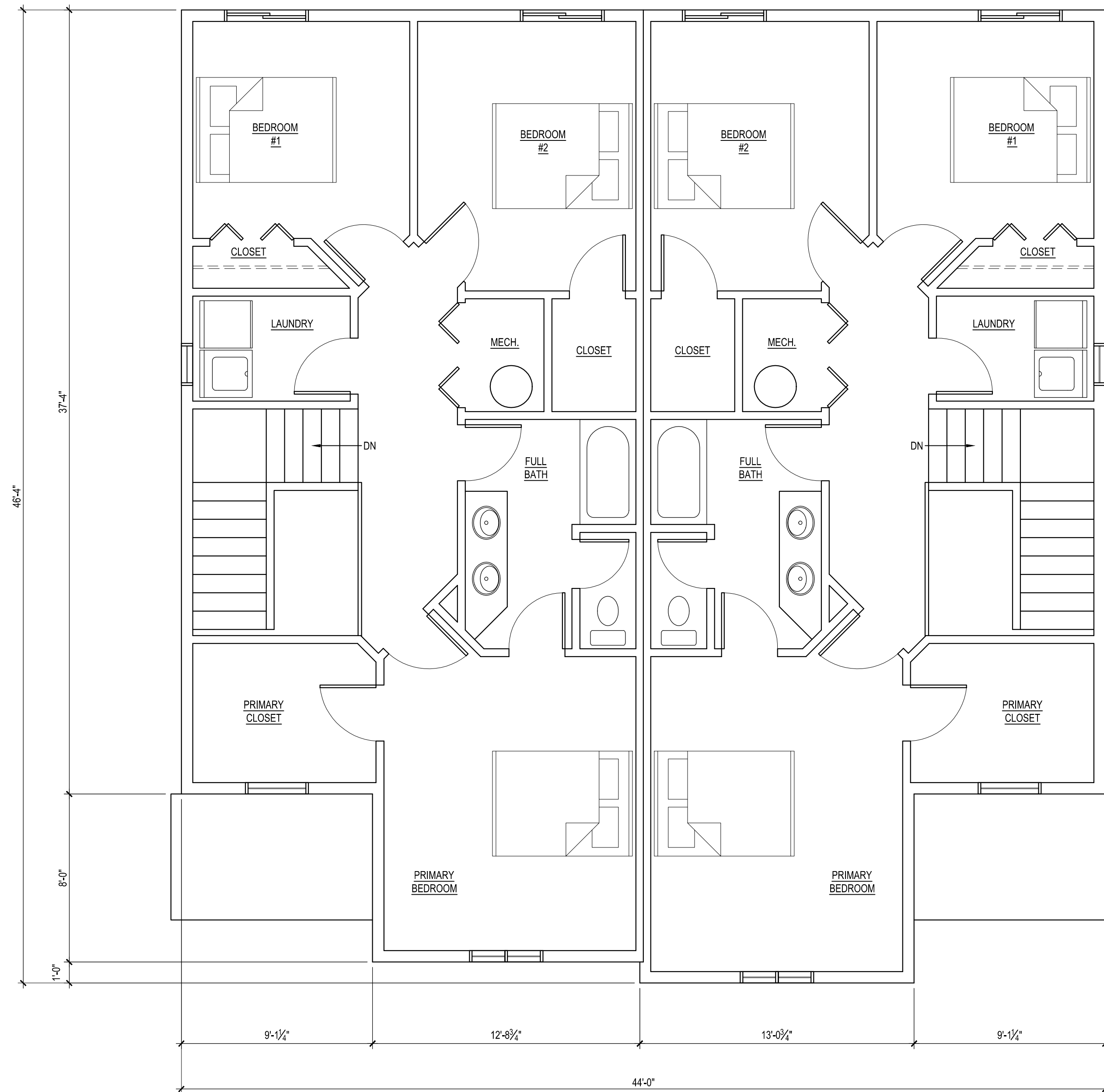
PROJ. NUMBER: 24-0541
OCT 16, 2024 ZONING

FIRST FLOOR PLAN

A-100



THE CORNICE COMPANY
3200 WEST MARKET, SUITE 6
FAIRLAWN, OH 44833
(330) 856-2189



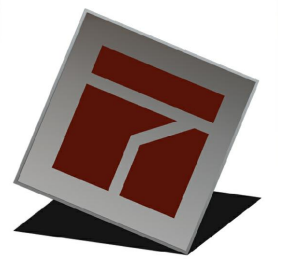
1 SECOND FLOOR PLAN
A-101 1/4" = 1'-0"
PLAN NORTH

Medina Duplex
322 W. SMITH ROAD
MEDINA, OH 44256

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

SECOND FLOOR PLAN

A-101



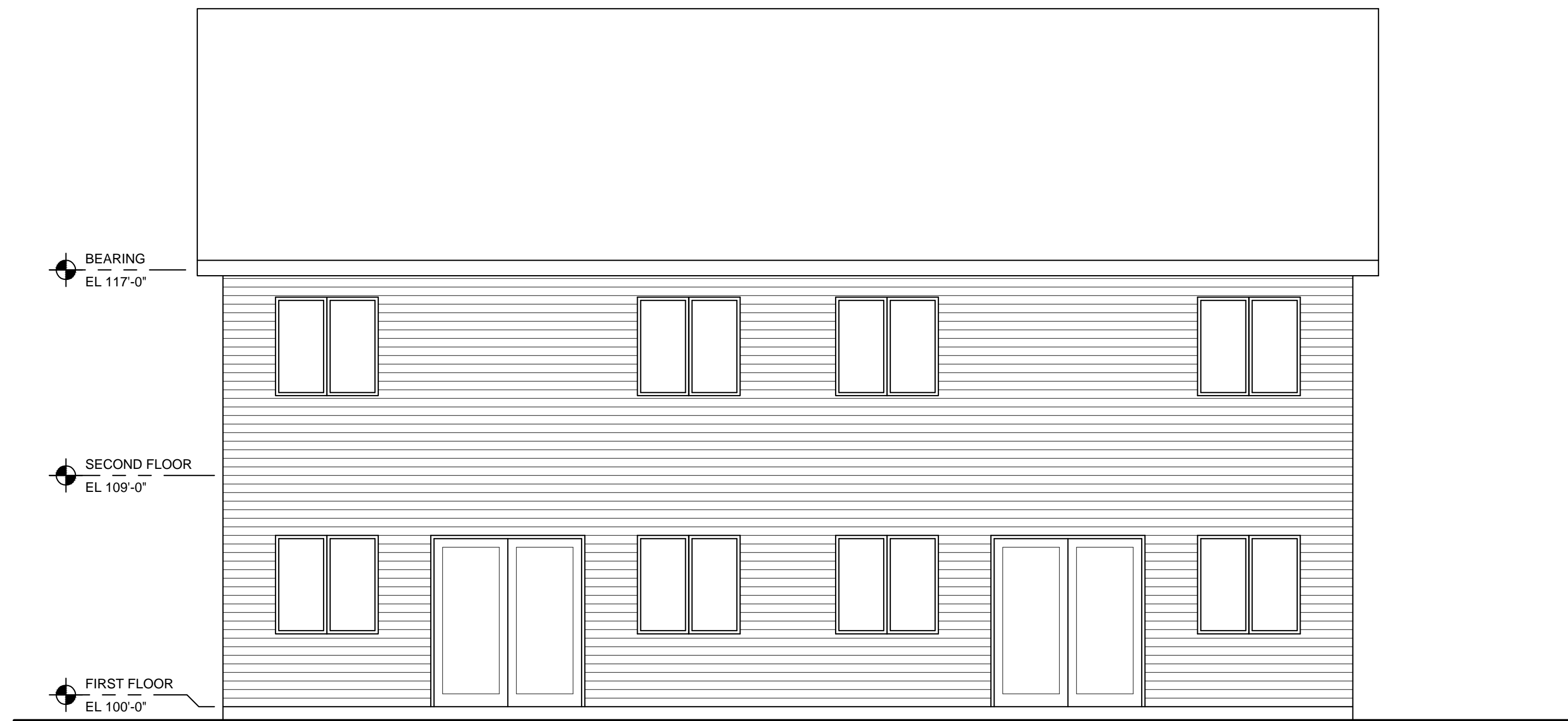
THE CORNICE COMPANY
3200 WEST MARKET, SUITE 6
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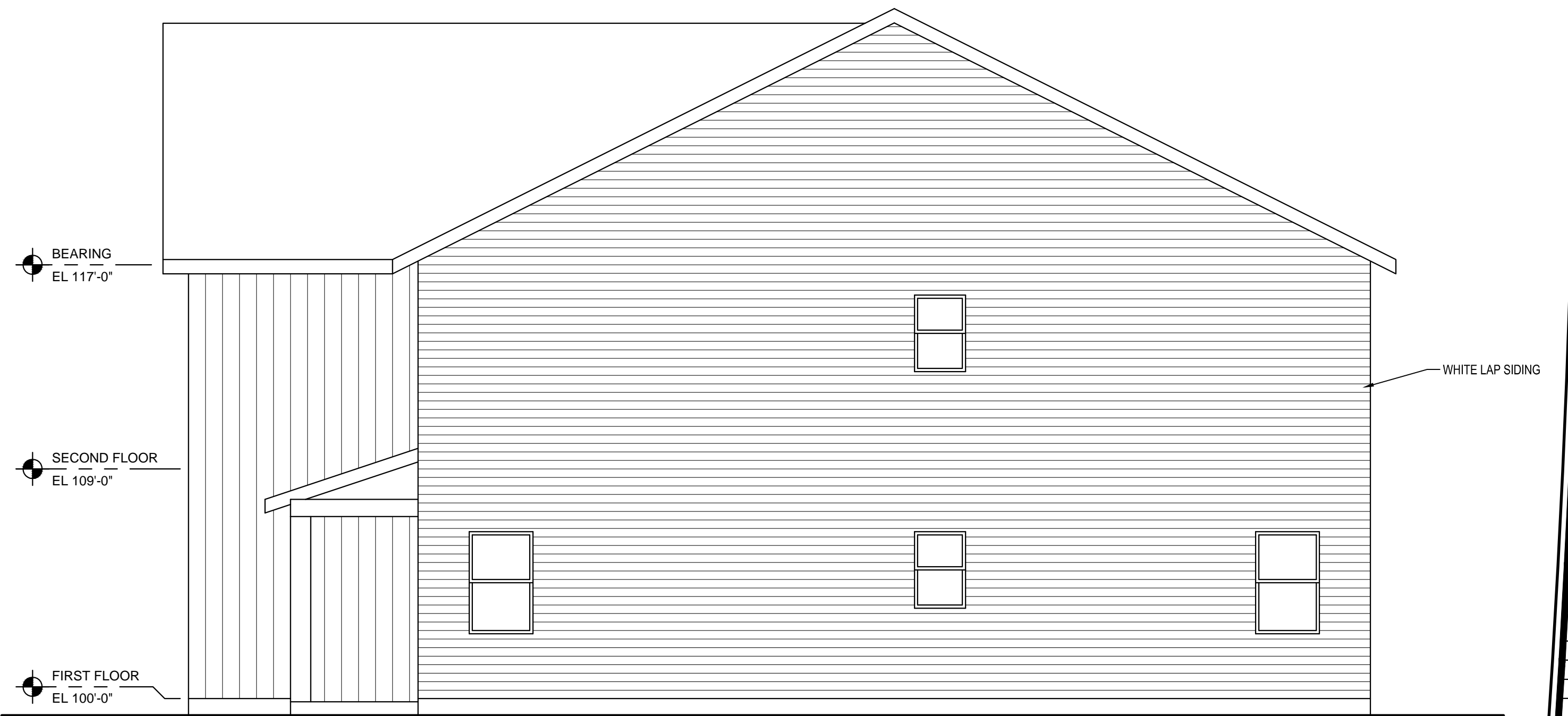
1 NORTH ELEVATION
A-200 1/4" = 1'-0"



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"

Medina Duplex
322 W. SMITH ROAD
MEDINA, OH 44256

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

ELEVATIONS
AND DETAILS

A-201