

**CITY OF MACEDONIA
BOARD OF ZONING AND BUILDING CODE APPEALS
MEETING AGENDA
February 16, 2022**

Location:

Macedonia City Hall Council Chambers, 9691 Valley View Road

Time: 6:30 p.m.

1. Call to Order
2. Roll Call: Mr. Pilato, Mr. Ferraro, Mr. Shellko, Ms. Metzler, Mr. Ioffreda
3. Approval of Minutes
 - a. Case #666

4. OLD BUSINESS:
Case #660-

Jefferey Snell
1011 E. Aurora Road
Macedonia, OH 44056

The Board of Zoning and Building Code Appeals will hear a request for a variance at 1011 E. Aurora Road. The variance is to section 1171.11(e)(2)(A): parking and access drives shall be set back from the street right of way a minimum of 20 feet. The applicant is requesting a variance to reduce the setback from the right of way to ten feet eight inches.

Miscellaneous - Chairman and Vice Chairman election for 2022

If you approve of the above-mentioned use of said property, or, if such use is thought by you to be injurious to your premises or contrary to the public interest, you will have an opportunity to state your viewpoint at the above-specified time and place. You may also file a statement by letter or email stating your viewpoint to the Building Department no later than **two** business days before the meeting. You may also contact the Building Department at 330-468-8364. All public comments received to the City will be discussed during the meeting.

If you know of any affected property owners who may be interested, but who may not have read this notice, please inform them of this meeting.

If you are not interested in this matter, please disregard this notice.

Macedonia Board of Zoning and Building Code Appeals



City of Macedonia

The Crossroads of Northeast Ohio

9691 Valley View Road • Macedonia, Ohio 44056
(330) 468-8360 • FAX (330) 468-8396

Building/Engineering/Zoning/Planning Department

APPLICATION FOR HEARING BEFORE THE MACEDONIA ZONING BOARD OF APPEALS

See instruction page for more information. Appellant is to provide NINE (9) copies of site plans, pictures, etc., and a written statement. (Residential fee: \$100.00; Commercial fee: \$200.00)

Address of Property Involved: 1011 East Aurora Road, Macedonia, OH 44056

Nature of Request: Appeal of setback distance for parking lot/ Hardship

Applicant Name or Agent Therefore: 1011 East Aurora Road, LLC Agent: Jeffrey J. Snell, Attorney

Applicant Address: (Agent) 253 West Auroar Road, Sagamore Hills, OH 44067

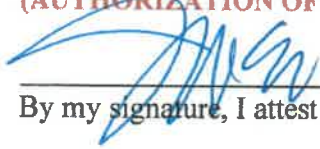
Applicant Phone: 330-467-9600 Applicant Email: JSnell01@gmail.com

Property Owner Name: c/o Dr. Majdi I. Alrabady, DDS. BDS, FAGD
(if different from applicant)

Property Owner Address: _____

Property Owner Phone: 216-502-0373 Property Owner Email: 1011aurorainc@gmail.com

SIGNATURE OF APPELLANT.
(AUTHORIZATION OF PROPERTY OWNER REQUIRED IF DIFFERENT FROM APPLICANT)

 AGENTS FOR APPLICANT Date: 12-30-21
By my signature, I attest to the accuracy of all statement on this form

OFFICIAL USE ONLY

Received Date: _____ Case Number: _____

Variance Requested: _____

The Zoning Board of Appeals meets at 6:30 p.m. on the third Wednesday of each month
in Council Chambers at Macedonia City Hall located at 9691 Valley View Road.

Meeting dates are subject to change.
Contact the Building Department at (330) 468-8364.

JEFFREY J. SNELL

ATTORNEY AT LAW
LICENSED IN OHIO AND FLORIDA

December 6, 2021

City of Macedonia
Board of Zoning Appeals
9691 Valley View Road
Macedonia, OH 44056

RE: 1011 East Aurora Road, Macedonia, Ohio - Appeal No. 660 Application tabled at your August 18, 2021 meeting by Applicant.

Dear Sirs:

I represent 1011 East Aurora Road, LLC, the owner and applicant for the variance previously reviewed at your August 18, 2021 meeting. My client is seeking a variance from the street right-of-way requirement under your Ordinance 1171.11(e)(2)(A) which require a twenty-foot (20') setback that my client is seeking to reduce the street setback to ten-feet eight inches (10' 8").

As you know, this property is a former Huntington Bank that currently meets all other requirements of the City Zoning Ordinances. The Planning Commission approved the plans subject to the approval of the variance application by The Board of Appeals. The existing building was originally constructed as a bank branch and has a four-lane drive through on the west side of the building. A dental practice now occupies most of the existing building. My client is seeking to repurpose a four-lane bank drive through enclosing this thereby constructing additional retail space. This retail space would be accessed by the public from the State Route 82 side of the building. This project would also eliminate the four-lane drive-through.

The existing building is 4,155 sq. ft. and the addition proposed and approved by the Planning Commission would add an additional 4,004 sq. ft. of retail space. The existing building has sufficient parking under your ordinances to accommodate the elimination and enclosure of the four-lane drive through. The existing roofed drive through lanes were counted in the square foot of the building when calculating the parking requirements. However, these parking spaces are placed in locations that make them practically useless for retail traffic because most are more than two hundred feet (200') in walking distance from the State Route 82 entrance side of the proposed building. This is because the existing building was developed for a particular bank user who anticipated mostly drive-in customers and light retail foot traffic.

My client is proposing seventeen (17) additional parking spaces and one (1) handicapped space in the front of the existing building and new addition to accommodate retail traffic and make the new retail space viable. As you know, the City Planner reviewed my client's plans stating that current existing parking spaces exceed the parking requirements and concluding the variance

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should be denied as there is sufficient parking upon the site. The City Planner's assessment however ignores the practical difficulties of the site because these existing parking spaces are far from the new retail space thus severely limiting the viability of the new space for retail use. Multiple prospective tenants have told my client that without front load parking spaces the proposed retail space is not desirable because retail clients will not walk two hundred feet (200') or more to access such retail spaces. Without the proposed variance the project is not viable because retail tenants need to have customer parking close to their front doors.

One option discussed by your Board at the August 18, 2021 meeting was to construct additional parking spaces upon the westside of the proposed building. This option would be difficult because it would also require variance as there needs to remain an accessible lane for emergency vehicles on this west side of the building. Moreover, such parking lanes would likely need to be directional head-in parking that would create a one direction flow for parking around the building. Moreover, these westside parking spaces would also be a significant distance from the front facing retail spaces. My client has discussed this option with prospective tenants that do not find such an option appealing.

Another option that was discussed on August 18, 2021 was the installation of front load head in parking spaces in front of the existing building and new addition. This option would still require a lane for travel around the building that would also require a variance from the front twenty-foot setback. Because the existing building has a round corner in the front that extends toward St. Rt. 82 and to the east, this action would likely require modification to the southeasterly curb cut at Alexandria Trail. This option would involve the need to realign the curb cut from Alexandria Trail to the site because the existing curb cut would be too far north from the new lane of travel around the building.

My client has proposed black fencing and a landscaping plan in the area of the variance. The existing topography would include a thirty inch (30") retaining wall between these parking spaces and State Route 82. This will ensure that headlights will not be visible to State Route 82 traffic. Because State Route 82 is above the site, with the landscaping and black fencing like other area retail spaces, the new parking spaces and the cars in such spaces will also be less visible to State Route 82.

My client needs the nine-foot four-inch (9'4") setback variance because the existing building presents practical difficulties. The essential character of the neighborhood will not be substantially altered nor will adjoin parcels be affected as a result of the variance. Gordon Food Service (PPN 3312797), to the direct west of this parcel has a similar parking variance and obtained a variance prior to construction of their facility in 2013. They used landscaping and a fence similar to the one proposed by my client to screen their additional parking spaces. Given Gordon Food Service's traffic these additional parking spaces provide convenient access to their retail customers.

Attached to this letter is a portion of the Summit County GIS map in the area of the project with the permanent parcel numbers (PPN) of all of the parcels on the map. My client's parcel is PPN 3312584. Many retail spaces in and around Alexandria Square have similar variances or are

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grandfathered in with less than the twenty-foot (20') setback. These are PPN 3303364, 330178 and 3303341 that all are multi-tenant retail users just west of Crow Drive along State Route 82; 3311014 a day care at the southwest corner of State Route 82 and Park and 3312797 Gordon Food Service. This variance of nine-feet four inches (9' 4") is not substantial. The variance is consistent with the spirit and intent of the requirement to shield visibility of parked cars from State Route 82. The installation of additional fencing and landscaping proposed by my client and the lower topography of the proposed parking area from State Route 82 will ensure this is met. Further, this variance cannot be obviated through another method other than the variance as the two-options discussed above are not viable.

We believe that in reviewing this matter you will also conclude that my client has demonstrated practical difficulties worthy of the grant of this area variance. Without such the variance we believe the proposed enclosure of the drive though bank lanes as retail space are simply not viable because customers will not be able to easily access to proposed retail space. Tenants will not rent a space unless their customers have easy access to parking that is in close proximity to their retail space. Without the variance the project cannot proceed because retailers will not rent a space without convenient customer parking.

Should you have any questions about the enclosed papers, feel free to contact my office. We look forward to attending another meeting to discuss the variance application further. We are also willing to walk the site with any members or staff, please just let us know when you would like to do so.

Thank you.

Sincerely,



Jeffrey J. Snell

Enclosures

cc: Mr. Robert Rodic
Dr. Majdi I. Alrabady, 1011 East Aurora Road, LLC

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ArcGIS Web Map



12/2/2021, 4:25:47 PM

Parcels

Road Labels

Summit County Municipal Outlines

