

STAFF PRESENTATION

**Overlake Golf and Country
Club**

**Non-Administrative Variance,
Permit # P-24-079**

By Steve Wilcox, Development
Services Director



PROPERTY DETAILS

Zoning:

- R-20 (Residential)
- Comp Plan designation “Residential”
- Special Use Permit for operations as a golf course

Critical areas:

- An NWI wetland is located on the property next to driving range. Other delineated wetlands are located elsewhere on the property.

Property Size: 140 Acres

Current developed State:

- 18-hole golf course, including sport courts, swimming pool, club house, driving range, a parking lot, pro-shop, multiple natural features, and both potential and delineated wetlands

Surrounding Zoning:

Direction	Zoning	Present Use
North	R-16	Residential
South	R-16	Residential
East	City of Clyde Hill	Residential
West	R-20	Residential

Access:

Ingress/egress is from NE 16th St. off of Evergreen Point Road



APPLICANT'S PROPOSED VARIANCE

Applicant seeks to obtain relief from the 25-foot height limit for the underlying R-20 zone for the purpose of building a new 50-foot fence surrounding the current driving range.

Fence height proposed: 50 feet

Current driving range fence height: 12 feet

Current Code Height limitation: 25 feet per MMC 16.23.050.

Current total area of driving range fence: ~8,000 square feet in surface area

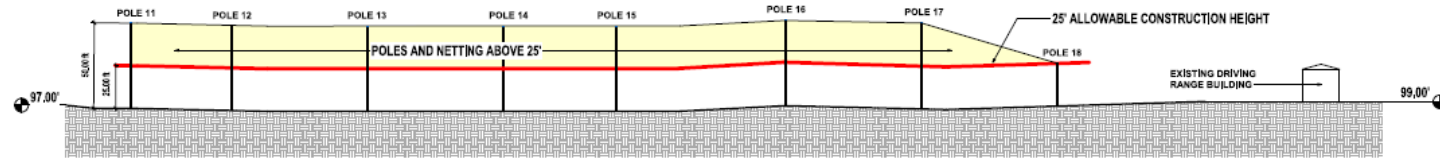
Length of proposed fence: ~1,500 linear feet long

If granted, proposed total fence surface area fence: ~75,000 square feet in surface area

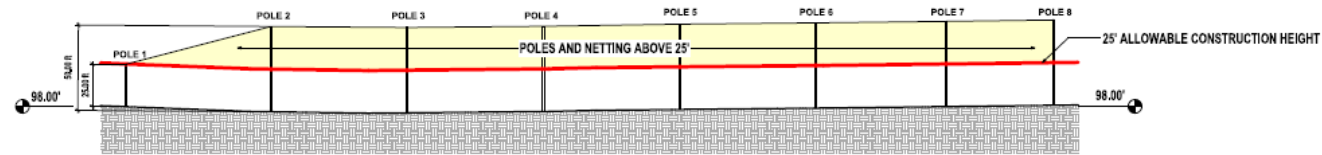
If granted, proposed total fence surface area fence above 25' height limit: ~37,500 square feet in surface area



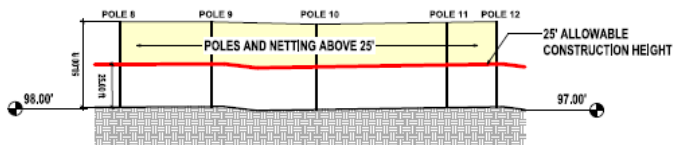
IMAGES OF PROPOSAL (PAGE 34 OF PACKET/EXHIBIT 5)



1
0' 50' 100' 150'



2
0' 50' 100' 150'



3
0' 50' 100' 150'



KEY PLAN



IMAGES OF PROPOSAL

SITE PLAN (PAGE 270 OF PACKET/EXHIBIT 21)



IMAGE OF FENCE TYPE FROM OGCC (EXHIBIT 16; PAGE 189)



RENDERED IMAGE OF FENCE FROM OGCC (EXHIBIT 17; PAGE 192)

EXHIBIT 17
Current and After View from Hole #1 Fairway

Current View



Current View

After View with Planting of New Trees, 5'-20' Tall



Rendered view of project
as proposed



RENDERED IMAGE OF FENCE FROM OGCC (EXHIBIT 17; PAGE 194)

EXHIBIT 17
Current and After View from Hole #2 Tee Box

Current View



Current View

After View with Planting of New Trees, 5'-20' Tall



Rendered view of project
as proposed



PROCEDURES TO DATE

Key Dates:



Application received: November 27, 2024



Determination of Completeness: December 23, 2024



Notice of Application: January 2, 2025



Notice of Hearing: April 15, 2025



Staff Report Issued: April 30, 2025

Materials in the Record:

Exhibit 1 – Staff Report

Exhibit 2 - Application Materials

Exhibit 3 – Determination of Completeness

Exhibit 4 - Notice of Application with Site Plan

Exhibit 5 – Building Plans

Exhibit 6 – Mailing Labels

Exhibit 7 – Mailer Vicinity Map

Exhibit 8 – Owner's declaration of agency



MATERIALS IN THE RECORD (CONTINUED)

Exhibit 9 – Option to purchase agreement

Exhibit 10 – General Tree Evaluation

Exhibit 11 – Landscape Planting Guidance

Exhibit 12 – Driving Range Height Analysis

Exhibit 13 - Addendum to Net Height Analysis

Exhibit 14 – Area Club Range Net
Questionnaire

Exhibit 15 – Rendering of Views

Exhibit 16 – Dyneema Golf Barrier Net Info

Exhibit 17 – Message from Overlake GCC
General Manager

Exhibit 18(a) – (u) – 22 comments from
residents (some contain multiple comments)

Note: all comments are in opposition

Exhibit 19 – Notice of Hearing

Exhibit 20 – Declaration of Posting (NOA)

Exhibit 21 – Declaration of Mailing (NOA)

Exhibit 22 - Declaration of Posting (NOH)

Exhibit 23 - Declaration of Mailing (NOH)



NON-ADMINISTRATIVE VARIANCE STANDARDS – MMC 16.72.030 – KEY PROVISIONS

D. *Applicability.* Circumstances where relief from a dimensional standard is sought subject to the limitation set forth in subsection (E) of this section.

→ Since this is a request for a dimensional variance, subsection “E” applies.

E. *Limitations.*

1. Non administrative variances may be granted where the application of a dimensional standard would result in an **unusual or unreasonable hardship due to the physical characteristics of the site**, such as a substandard or irregularly shaped lot, topography **that significantly constrains development**, or the presence of critical areas and/or buffers on the property **which significantly constrain development**; . . .

→ For a dimensional variance, this requires consideration of whether the physical characteristics of the site (1) significantly constrain the development; and (2) whether such constraint is an unreasonable hardship.



NON-ADMINISTRATIVE VARIANCE STANDARDS – MMC 16.72.030 – KEY PROVISIONS

The criteria for approval are set forth in subsection “F” of MMC 16.72.030.

F. *Criteria for approval.* Unless another section of the MMC provides additional or separate criteria, a variance shall not be granted unless all the following criteria are met:



NON-ADMINISTRATIVE VARIANCE STANDARDS – MMC 16.72.030

Criteria for Approval (MMC 16.72.030.F):

1. The variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the zone in which the subject property is located
2. The variance is necessary to make reasonable use of the property and such necessity is because of special circumstances relating to the size, shape, topography, or other factors on the lot such as the presence of critical areas or buffers that substantially constrain development of the subject property such that the property owner cannot develop the property consistent with allowed uses in the zone in which the subject property is located
3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.
 - Note: *Hardship defined*. It shall not be deemed a hardship if the applicant can develop the property for its allowed use under the zone without the granting of a variance.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.



NON-ADMINISTRATIVE VARIANCE – MMC 16.72.030

Criteria for Approval (MMC 16.72.030.F) (continued):

5. Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provisions is required.
 6. The variance is consistent with the purpose and intent of the relevant city ordinance and comprehensive plan.
 7. The basis for the variance request is not the result of deliberate actions of the application or property owner.
 8. The variance granted is the minimum necessary to provide reasonable use of the property.
- All 8 criteria must be met for the Non-Administrative Variance to be granted**
- And since this is a dimensional variance, the criteria in Subsection “E” must also be met.**



OTHER CODES APPLICABLE TO PROPERTY

MMC 16.12.080 defines a golf course as “Golf course means an area with at least nine holes for playing golf, including improved tees, greens, fairways, hazards, and a driving range. Facility may include a clubhouse with related pro-shop, restaurant/food, and alcohol service.”

MMC 16.21.030: Golf courses are deemed a “Special Use” in the R-20 zone.

MMC 16.32.070 sets forth the development criteria for golf courses, providing “**Underlying zoning and development standards shall apply**, except setback requirements may be waived by the city for property lines located interior to the outer boundaries of the golf course.”

MMC 16.32.070.E lists uses that are typically accessory uses of a golf course. While driving ranges are not included in the list of accessory uses, there is a catch all for “other uses typically associated with a golf course use.” (MMC 16.32.070.E.5.)

MMC 16.23.050 provides the maximum height limits for buildings and structures. **For the R-20 zone, the height limit is 25 feet from the low point of original grade** or 28 feet from the low point of finished grade. Height is measured using the methods set forth in MMC 16.23.060.

MMC 16.30.010.B.3 provides that fences that are not located within setback areas may be constructed to the height limitations of other buildings and structures in the zoning district where the fence is located.



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(1) “The variance does **not** constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the zone in which the subject property is located”

Staff Report Analysis:

Allowing a 50-foot structural height limit would be a special privilege not enjoyed by other properties in the R-20 zone. No property within the city limits of the City of Medina has a structure of this height. This structure would be visible by neighboring property and visible from properties at higher elevations for many miles. It is extremely out of scale with all other structures in the City of Medina.

In addition, having a fence height that meets the code limitations would not result in the property being unable to be used as a golf course. The golf course has been in operation for decades without a 50’ tall fence around the driving range. The existing fence is only 12 feet tall and can be increased to 25 feet under the existing code. If the variance is denied, the property can continue to operate as a golf course, including operating a driving range. **Therefore, this criterion has not been met.**



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(2) - “The variance is necessary to make reasonable use of the property and such necessity is because of special circumstances relating to the size, shape, topography, or other factors on the lot such as the presence of critical areas or buffers that substantially constrain development of the subject property such that the property owner cannot develop the property consistent with allowed uses in the zone in which the subject property is located”

Staff Report Analysis:

There are no special circumstances related to the size, shape, topography or other factors on the property, such as critical areas or buffers, that substantially constrain development of the property or make it undevelopable. The property is 140 acres in size and has been developed and in use for decades as a golf course. Therefore, OGCC currently *has* reasonable use of property under a special use permit. If OGCC would like to modify the driving range for increased safety, the range can be relocated to a different location within these 140 acres. Other options for increasing safety that have been shared by the public in the public comments include restricting use of woods/drivers on the range, requiring low flight balls, installing a golf simulator, or utilizing any number of other strategies to limit balls from escaping the driving range. Furthermore, the property will continue to operate as a golf course even if the driving range is relocated or removed, and therefore reasonable use will exist without the need for a variance. Furthermore, the property is zoned R-20 which allows residential use. The property can be developed with housing under the R-20 zone without the need for the variance. **Therefore, the applicant has reasonable use of the property, and this criterion has not been met.**



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(3) – “The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant”

MMC 16.72.030(G): “*Hardship defined.* For purposes of this section, it shall not be deemed a hardship if the applicant can develop the property for its allowed use under the zone without the granting of a variance. In addition, if the variance is for a residential building and the lot coverage allowed without the variance is equal to 75 percent or more of the maximum structural lot coverage set forth in MMC [16.23.020](#), it shall not be considered a hardship.”

Staff Report Analysis:

Under the definition of “hardship”, if an applicant can develop the property for its allowed use without the variance, there is no hardship. Here, the applicant has developed the property as a special use as a golf course. The fact that the property is currently in use as a golf course means that there is not a hardship which requires the requested variance. In addition, because the property can be developed for residential under the existing zone, there is also not a hardship. Finally, any hardship must relate to the land itself and not problems personal to the applicant. Here, the applicant chose the location of the driving range. The driving range can be moved elsewhere on the 140-acre property if the location creates an issue. Thus, the issue claimed by the applicant is not a problem relating to the land but to the choices made by the applicant. **Therefore, there is no material hardship, and this criterion has not been met.**

EVALUATION OF CRITERIA TO APPLICATION

Criteria:

Because this is for a dimensional variance, MMC 16.72.030(E)(1) applies. See also MMC 16.72.030(D).

E. Limitations.

1. Non administrative variances may be granted where the application of a dimensional standard would result in an **unusual or unreasonable hardship** due to the **physical characteristics of the site**, such as a substandard or irregularly shaped lot, topography **that significantly constrains development**, or the presence of critical areas and/or buffers on the property **which significantly constrain development**; . . .

Staff Report Analysis:

Like the hardship requirement under MMC 16.73.030(F)(3) which requires the hardship to relate to the physical characteristics of the land, MMC 16.73.030(E)(1) provides that in order to obtain a dimensional variance, the characteristics of property itself needs to constrain the development **and** that constraint must create an unreasonable hardship. Here, the land is 140-acres in size and has large areas that are relatively flat or gentle slopes. There is nothing in the record to support the finding that the physical traits of the land create any constraint on development. If there is no constraint on development created by the land, then the hardship issue is not even reached. **But in any case, OGCC has reasonable use of the land, and therefore, this standard for obtaining a dimensional variance has not been met.**



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(4) - “The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated”

Staff Report Analysis:

Granting a variance to install poles twice the maximum permitted height (50 feet instead of 25 feet) and approximately 75,000 square feet of surface area (37,500 square feet of which would be above the height limit and 57,000 square feet of which would be new fence surface area) would be materially detrimental to surrounding property owners by significantly impacting their views and the residential feel of the City. This structure would be far and above the tallest structure in Medina and thus has an impact on the public at large, particularly given how it will be visible from far away, even outside the City limits. Thus, the granting of this variance would be materially detrimental to the public welfare, be injurious to the property in the vicinity, as well be a deviation from the City’s Comprehensive Plan. The record includes substantial information from the public as to the impact this variance would have on the neighboring owners in terms of degrading their views, removal of trees that screen the driving range from neighboring property, and intensifying the golf course use in a way that negatively impacts these properties and the public. (*Continued on next slide.*)



EVALUATION OF CRITERIA TO APPLICATION

Criteria (continued):

MMC 16.72.030(F)(4) - “The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated”

Staff Report Analysis (continued):

It is also contrary to the Comprehensive Plan which provides, “Overlake's golf course is an attractive, open green space located in a shallow valley, which runs through the center of the City. The golf course serves as a visual amenity for surrounding homes, passers-by who view it from city streets, and residents of Clyde Hill.” The view impacts of such a tall and large structure would not be a “visual amenity” in Medina and the structure may be seen from as far away as downtown Bellevue and Clyde Hill. It is wholly out of scale with the rest of the built environment in Medina which is limited to 25 feet above original grade.

The applicant’s Tree Evaluation and Preliminary Tree Preservation Recommendation (Exhibit 10) confirms the negative impact on the nearby residents: “Removing and pruning trees will... disrupt aesthetic characteristics held in high regard by golf course members and residents in the surrounding neighborhood. **Therefore, in addition to being detrimental to nearby properties, this variance would also be detrimental to the general public.**” This criterion has not been met.



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(5) – “Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required”

Staff Report Analysis:

Medina’s municipal code defines hardship in the negative, stating that a hardship does not exist if the applicant can develop the property for its allowed use under the zone. For this property, that means development as either as residential housing or as a golf course with a special use permit. Golf course development exists today. While the applicant asserts that they have consulted “with its experts to evaluate alternative development concept that would be in compliance with the existing code, including a lower net height and an alternative range layout”, such alternative concepts and plans were not submitted with this application. The applicant states that: “The applicant has also considered an alternative range layout, but is confined by its geography. Any alternative layout that would be sufficient to satisfy the safety concerns that presently exist would require a ‘radical redesign’ of the entirety of the course, and is not economically feasible for the Applicant at this time.”

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EVALUATION OF CRITERIA TO APPLICATION

Criteria (continued):

MMC 16.72.030(F)(5) – “Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required”

Staff Report Analysis (continued):

As described, this does not meet the definition of “hardship.”

While the cost of a re-design may not be “economically feasible” for the applicant “at this time”, denying the variance does not amount to a hardship as economic feasibility is not part of the definition of “hardship” since the property can still be developed and used without the variance and is, in fact, currently developed and used as a golf course. Therefore, this criterion has not been met.

In addition, other alternatives exist that would not require the range to be relocated, including, but not limited to: flight restricted balls beyond those addressed by the applicant’s report, use of golf simulators, designating the range as an “irons only” facility, or allowing the harder hitters to only use the range when the adjoining fairways are closed. **The applicant’s submittal does not include this type of alternatives analysis, but in any case, since the property is currently operating as a golf course and can continue to operate as a golf course even if the driving range were removed, there is no hardship demonstrated that meets the criteria in the code.**



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(6) – “The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan”

Staff Report Analysis:

While the Medina Comprehensive Plan supports continuing the golf course use (LU-P5), this variance is inconsistent with several sections of the Medina Comprehensive Plan and its denial would not result in termination of use of the property for a golf course. The City’s 2024 Comp Plan provides: “Existing non-residential uses within a residential zone may be converted to residential use or may be redeveloped with a new non-residential use in a manner compatible with surrounding properties . . .” (LU-P6) This variance is not compatible with surrounding properties and therefore, is not consistent with LU-P6.

The variance would also be contrary to Community Design Element in the 2024 Comp Plan due to the removal of trees and vegetation which would reduce the aesthetic value and degrade the visual and noise protection that trees and landscaping provide between neighboring properties. Maintaining the trees and landscaping are also deemed important to “screen development projects from City streets and from neighboring properties.” (Community Design Chapter, page 46 of Comp Plan.)

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EVALUATION OF CRITERIA TO APPLICATION

Criteria (continued):

MMC 16.72.030(F)(6) – “The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan”

Staff Report Analysis (continued):

The **Community Design element** also recognizes the importance of “historical view corridors” and the City’s “informal, natural appearance.” (Id.) All of these benefits would be damaged by this proposed structure if the variance is granted. This project is also not consistent with the following Comp Plan Goals and Policies **CD-G3, CD-P1, CD-P6, CD-P15, CD-P19, CD-P21, CD-P24, and CD-P27** as set forth below.

CD-G3 The historic landscaping along the perimeter of the golf course is a distinctive part of Medina's character and should be retained and/or replaced in the future with an appropriate selection of trees. Equally as important with this perimeter area is maintaining view corridors into the golf course which contributes a sense of added open space in the heart of the community.

- **The proposed fence would remove significant landscaping and disrupt view corridors into the golf course which is inconsistent with this goal.**

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EVALUATION OF CRITERIA TO APPLICATION

Criteria (continued):

MMC 16.72.030(F)(6) – “The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan”

Staff Report Analysis (continued):

CD-P1 Preserve and enhance trees as a component of Medina’s distinctive sylvan character.

- The proposed fence would remove significant landscaping and disrupt Medina’s sylvan character which is inconsistent with this policy.

CD-P6 Encourage infill and redevelopment in a manner that is compatible with the existing neighborhood scale.

- **This proposed fence and range redevelopment is significantly inconsistent with the policy requiring compatibility with “existing neighborhood scale”.**

CD-P15 Utilize landscape buffers between different uses to provide natural transition, noise reduction, and delineation of space.

- **The proposed project would destroy the natural transition between the neighbors and the driving range, and it would remove the visual and noise screening which facilitates this transition and therefore is inconsistent with this policy.**

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EVALUATION OF CRITERIA TO APPLICATION

Criteria (continued):

MMC 16.72.030(F)(6) – “The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan”

Staff Report Analysis (continued):

CD-P19 Residents should consult with the City and with their neighbors on both removal and replacement of trees and tree groupings to help to protect views and to prevent potential problems (e.g., removal of an important tree or planting a living fence).

- **The proposed fence would remove significant landscaping, and the neighbors have objected to the impacts of the proposed variance. Thus, the variance is inconsistent with this policy.**

CD-P21 Preserve vegetation with special consideration given to the protection of groups of trees and associated undergrowth, specimen trees, and evergreen trees.

- **The proposed fence would remove significant landscaping and mature trees, including 77 trees, 21 of which are significant trees making it inconsistent with this policy.**

CD-P24 Minimize the removal of existing vegetation when improving streets or developing property unless hazardous or arborist recommended.

- **The proposed fence would remove significant landscaping and mature trees, including 77 trees, 21 of which are significant trees making it inconsistent with this policy. (Continued on next slide.)**



EVALUATION OF CRITERIA TO APPLICATION

Criteria (continued):

MMC 16.72.030(F)(6) – “The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan”

Staff Analysis (continued):

As a result of all of the inconsistencies with the Medina Comprehensive Plan, the staff concludes that the application does not meet the criteria requiring consistency in MMC 16.72.030(F)(6).



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(7) – “The basis for the variance request is not the result of deliberate actions of the applicant or property owner”

Staff Report Analysis:

The driving range is of the size and in the location that were choices made by the applicant. So, while the applicant did not create better golfing equipment that may make ball flight go longer than in the past, the applicant *did* make design decisions about the golf course as a whole, including the driving range location and design. The applicant has the option to change operational rules for the current driving range or to move the driving range to a different location on the 140 acres. The applicant could redesign the golf course in a manner consistent with the Medina Municipal Code but currently lacks the funding and/or desire to do so. The applicant also has other options to improve safety at the current location. These include restricting the type of equipment used on the range in response to the changing technology, installing a range simulator, changing operational rules, etc. In short, the applicant can make other choices in how to operate the golf course without this variance. **Therefore, the variance request is the result of decisions by the applicant/owner and this criterion is not met.**



EVALUATION OF CRITERIA TO APPLICATION

Criteria:

MMC 16.72.030(F)(8) – “The variance granted is the minimum necessary to provide reasonable relief use of the property”

Staff Report Analysis:

The applicant already has use of the property for a golf course, including having a driving range. Improving the driving range to remove many trees which screen this use from neighboring properties and installing a 50' tall structure that would install 37,500 square feet of netting above the height limit (spanning roughly 1,500 linear feet) is not necessary to provide reasonable use of the property. The property may continue to operate as a golf course even if the driving range is never improved and even if the driving range were removed. The applicant also could develop the property for residential uses under the R-20 zone. Therefore, applicant currently has reasonable use of the property and will continue to enjoy that use without this variance. **Thus, the variance is not required, and this criterion has not been met.**



**THIS
APPLICATION
DOES NOT
MEET ANY OF
THE CRITERIA
IN MMC
16.72.030(F)**

MMC 16.72.030(F) provides that “a variance shall **not** be granted unless all [of the code] criteria are met”



Here, none of the criteria have been met.



THIS APPLICATION DOES NOT MEET ANY OF THE CRITERIA IN MMC 16.72.030(E)-(F)

- **The variance would amount to a special privilege inconsistent with all other properties in the zone.**
 - No properties in Medina have a height limit of 50 feet and no zone allows it.
- **The variance is not necessary to make reasonable use of the property and there are no special circumstances relating to the size, shape, topography or other factors on the property.**
 - Applicant *has* reasonable use of the property today
 - Applicant can continue to operate as a golf course without the variance
 - The 140-acre property has other locations where the driving range could move if desired
- **This also does not meet the requirement in MMC 16.73.030(E)(1) which requires the site to have physical characteristics that both constrain the development and create a hardship in order to obtain a dimensional variance.**



THIS APPLICATION DOES NOT MEET ANY OF THE CRITERIA IN MMC 16.72.030(F)

- **The variance is not necessary to relieve any material hardship relating to the land itself that can't be relieved by other means.**
 - It shall not be deemed a hardship if the applicant can develop the property for its allowed use under the zone without the granting of a variance.
 - The property can continue to operate as a golf course or be developed for other uses allowed by the zoning.
 - The applicant made choices as to how to develop the golf course and has other options for modifying the operations of the driving range.
 - Even loss of the driving range altogether would not be a hardship because the golf course would still continue to operate as a golf course



THIS APPLICATION DOES NOT MEET ANY OF THE CRITERIA IN MMC 16.72.030(F)

- **If granted, the variance would be materially detrimental to the public welfare and injurious to the property or improvements in the vicinity and zone.**
 - The variance would create an extensive structure that would materially impact neighbors and views from as far away as Clyde Hill and Downtown Bellevue.
 - The variance would be significantly taller and larger than any other structure in Medina and be inconsistent with the sylvan quality of Medina which is inconsistent with the Comp Plan.
 - The variance negatively impact the neighboring owners in terms of degrading their views, removal of trees that screen the driving range from neighboring property, and intensifying the golf course use in a way that negatively impacts these properties and the public.
 - The variance would diminish the golf course as a visual amenity.
 - The variance would negatively impact nearby residents: “Removing and pruning trees will... disrupt aesthetic characteristics held in high regard by golf course members and residents in the surrounding neighborhood.”



THIS APPLICATION DOES NOT MEET ANY OF THE CRITERIA IN MMC 16.72.030(F)

- **The applicant has not appropriately evaluated alternative concepts for development in compliance with existing codes and no undue hardship will result if the variance is denied.**

Alternatives.

- There are no alternatives analysis in the record from the applicant
- The applicant claims that they have considered an alternative layout but that would “require a radical redesign of the entirety of the course, and it not economically feasible for the Applicant at this time.”
- The applicant does not address other operational alternatives for use of the driving range

Hardship.

- The cost of redesign is not within the definition of “hardship” as the property can still be developed and used without the variance and is, in fact, currently developed and used as a golf course.



THIS APPLICATION DOES NOT MEET ANY OF THE CRITERIA IN MMC 16.72.030(F)

- **The variance is not consistent with the purpose and intent of the City's code and comprehensive plan.**
 - Medina is a residential community with large lots, large swaths of open space and almost no commercial property.
 - Disruption of views, reduction of trees which create transition with neighboring properties, and exceeding the height limit by double the zone height with a significant structure that is more 75,000 square feet in size is severely out of step with the intentions and terms of the City code and Comp Plan. The public comments include comments (in their individual capacity) from two council members who adopted the comp plan. These further support the City's finding that this variance is contrary to the Medina Comp Plan.



THIS APPLICATION DOES NOT MEET ANY OF THE CRITERIA IN MMC 16.72.030(F)

- **The basis of the variance is based on deliberate design and development decisions of the owner.**
 - The applicant has a 140-acre property that they have developed over many decades. These include design decisions, including where to locate the driving range.
 - Variances cannot be granted when the request is based on actions of the applicant or owner. Here, all design and development decisions were made by the applicant and thus a variance is not appropriate.
- **The applicant has reasonable use of the property without the variance.**
 - The golf course has operated for more than 50 years, including with the driving range with a 12-foot fence. Even if the driving range were closed, the golf course would continue to operate.
 - Because the property is currently developed and in use, there can be no finding that the variance is needed for reasonable use. The applicant/owner *has* reasonable use (and more) today.



THIS APPLICATION DOES NOT MEET ANY OF THE CRITERIA IN MMC 16.72.030(F)

In order to grant the variance, the Hearing Examiner would need to find that:

1. That the property's physical characteristics constrain development (MMC 16.72.030(E)(1))
2. That the constraint caused by the property's physical characteristics create an undue hardship (MMC 16.72.030(E)(1))
3. That all 8 criteria in MMC 16.72.030(F) have been met

This application does not meet any of these standards and meets none of the 8 criteria in MMC 16.72.030(F) and therefore, **the City recommends that this Non-Administrative Variance be denied.**

