



CITY of MEDINA
Board of Zoning Appeals
Regular Meeting Minutes
October 12, 2023

Meeting Date: October 12, 2023

Meeting Time: 7:00 PM

Present: Kyle Funk, Robert Henwood, Paul Roszak, Mark Williams, Andrew Dutton (Community Development Director), and Sarah Tome (Administrative Assistant)

Absent: Bert Humpal

Approval of Minutes

Mr. Henwood made a motion to approve the minutes from September 14, 2023 as submitted.

The motion was seconded by Mr. Roszak.

Vote:

Funk	<u>Y</u>	Rozak	<u>Y</u>
Henwood	<u>Y</u>	Williams	<u>Y</u>
Approved	<u>4-0</u>		

The Court Reporter swore in all attendees.

Applications

1. Z22-24 James Gerspacher 253 and 257 South Court Street VAR Extension

Mr. Dutton stated that the application was concerning multiple variances for the hotel project located on the west side of South Court Street approved on November 11, 2022. Mr. Dutton stated that the Zoning Code required that if construction had not commenced within one year of the variance being granted, and completed within two years, the variance would become null and void. He added that the applicant was requesting a one year extension of the variance approval. Mr. Dutton stated that, if the extension request was approved, construction must commence by November 11, 2024 and be completed by November 11, 2025.

Present for the case was James Gerspacher, 870 Beechwood Drive.

Mr. Henwood made a motion to approve the extension of Z22-24 as submitted.

Mr. Funk seconded the motion.

Vote:

Henwood	<u>Y</u>	Williams	<u>Y</u>
Roszak	<u>Y</u>	Funk	<u>Y</u>
Approved	<u>4-0</u>		

2. Z23-18 Fred Wolk 410 Sturbridge Drive VAR

Mr. Dutton stated that the subject site was located on the south side of Sturbridge Drive. He indicated that the applicant was proposing to allow a recently constructed 200 sq. ft. shed on the south side of the property to be located at the property line. Mr. Dutton added that the proposal included the removal of an existing shed, which was located on city park property to the south. Mr. Dutton stated that Section 1113.05(l)(2)(A.)(3.) of the Zoning Code stated that detached accessory buildings shall be built no closer than 5 ft. from rear property lines. He added that the proposed accessory building was located adjacent to the rear property line. Mr. Dutton stated that the City Parks Director had requested that if the variance was approved, it be contingent on the applicant removing the shed and all other items from the city park property. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The variance was not substantial as the location of the property line was not perceptible due to the adjacent wooded parkland.
- The essential character of the neighborhood would not be altered and the proposal did not obstruct any neighbor's access or enjoyment of a city park.
- The situation could not be obviated through another method as compliance with the setback requirement would place the structure on a steep slope.
- The spirit and intent of the zoning requirement would be observed as the structure did not encroach on or affect neighboring residential properties.

Present for the case was Fred Wolk, 410 Sturbridge Drive. Mr. Wolk stated that his wife was an avid gardener, so the shed was built partially for storage and partially as a greenhouse. Mr. Wolk stated that he did not realize where the property line was in the rear. He added that the grading of his property made it difficult to comply with the 5' setback requirement. Mr. Wolk stated that he had intended to remove the shed that was located on park property. He asked the Board to approve his variance.

There was a discussion as to the shed located on park property. Mr. Wolk stated that he had built it with a neighbor long before, and he had been unaware that it was partially located on park property.

Mr. Williams opened the public hearing. There were no questions or comments from the public.

Mr. Roszak made a motion to approve the variance, contingent that the applicant remove the existing shed and all other items from City Park property in a timeframe that was acceptable to

the City Parks Director. Mr. Roszak added that the variance was not substantial, would not alter the essential character of the neighborhood, and would not adversely affect the delivery of government services.

Mr. Funk seconded the motion.

Vote:

Roszak	<u>Y</u>	Funk	<u>Y</u>
Williams	<u>Y</u>	Henwood	<u>Y</u>
Approved	<u>4-0</u>		

3. Z23-19 James Duber 210 Northland Drive VAR

Mr. Dutton stated that the subject site was located on the south side of Northland Drive and the north side of Walter Road. He stated that the applicant was proposing the construction of a 2,916 sq. ft. addition to the existing Veterans Services building. Mr. Dutton added that the addition would include a three-car garage, community room, restroom, and service area.

Mr. Dutton noted that Section 1130.05 of the Zoning Code required principal buildings in the P-F zoning district to have a minimum setback of 25 ft. He continued that the proposed addition did not meet side setback requirements with a setback of 14 ft. from the east property line, which was a continuation of the existing building, and 20 ft. from the west property line.

He further stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The addition was necessary to provide services to the community and an addition could not feasibly be built within the current setback requirements.
- The essential character of the neighborhood would not be altered and adjoining properties would not suffer a substantial detriment.
- The variance was not substantial and the addition followed the existing building's east side setback.
- The granting of the variance would facilitate the effective delivery of a governmental service.

Present for the case was James Duber of Envelope Consulting Services LLC, 12060 Clark Road in Chardon. Mr. Duber stated that Mr. Dutton's presentation accurately reflected the proposal. He added that the addition would help serve the veterans in the community.

Mr. Henwood asked if the County property to the west was entirely a parking lot. Mr. Duber stated that the adjoining lot was a parking lot and the following property contained County offices.

Mr. Williams opened the public hearing. There were no questions or comments from the public.

Mr. Henwood made a motion to approve the variance, stating that the essential character of the neighborhood would not be altered and the adjoining properties would not suffer substantial detriment. Mr. Henwood added that the variance would not impact the delivery of government services and it was consistent with the general spirit and intent of the Zoning Code.

Mr. Funk seconded the motion.

Vote:

Williams	<u>Y</u>	Henwood	<u>Y</u>
Funk	<u>Y</u>	Roszak	<u>Y</u>
Approved	<u>4-0</u>		

4. Z23-20 Dave Sterrett 203 South Court Street VAR

Mr. Dutton stated that the subject property was located at the southwest corner of South Court Street and Washington Street. He added that the tenant, Sandbar Architects, was occupying a second floor corner office space above Lemonberry.

Mr. Dutton stated the applicant was proposing to construct a 1.8 sq. ft. projecting sign at the first-floor entrance, which was located on South Court Street. He noted that Section 1147.14(e) allowed projecting signs in the Historic District for ground floor tenants with not less than twelve feet of building frontage. Mr. Dutton stated that, though the projecting sign met area requirements, the office space was not on the ground floor and had an entrance area of approximately 4 ft. in width adjacent to South Court Street.

Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- There were no impacts on driver visibility.
- The sign was of a size that was permitted by the Zoning Code.
- The sign was consistent with the spirit and intent of the ordinance as it would aid in the public identifying the office location.

Present for the case was Dave Sterrett of Medina Signs, 411 West Smith Road. Mr. Sterrett stated that the proposed sign was uniform with adjacent projecting signs.

There was a discussion as to the intent behind Section 1147.14(e) of the Zoning Code.

Mr. Williams opened the public hearing. There were no questions or comments from the public.

Mr. Funk made a motion to approve the variance, stating that granting the variance would not impact the character of the neighborhood and would allow for easy identification of the office's location by the public.

Mr. Roszak seconded the motion.

Vote:

Funk	<u>Y</u>	Rozzak	<u>Y</u>
Henwood	<u>Y</u>	Williams	<u>Y</u>
Approved	<u>4-0</u>		

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman