



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**Regular Meeting Minutes**  
**April 11, 2024**

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Meeting Date: April 11, 2024

Meeting Time: 7:00 PM

Present: Kyle Funk, Robert Henwood, Bert Humpal, Andrew Dutton (Community Development Director), Sarah Tome (Administrative Assistant)

Absent: Paul Roszak, Mark Williams

**Approval of Minutes**

Mr. Henwood made a motion to approve the minutes from the March 6, 2024 and March 12, 2024 Board of Zoning Appeals meetings, as submitted.

The motion was seconded by Mr. Funk.

Vote:

Funk                    Y                    Henwood                    Y

Humpal                    Y

Approved                    3-0

The Court Reporter swore in all attendees.

**Applications**

1.            Z24-10                    Mark Van Peurse                    735 Shaker Drive                    VAR

Mr. Dutton stated that the subject site was an oddly shaped lot, with the rear property line jutting inwards toward the home. Mr. Dutton stated that the applicant was proposing to construct a 210 sq. ft. deck on the rear of the home. He added that the deck did not incorporate walls or a roof.

Mr. Dutton stated that Section 1121.05 of the Zoning Code required that principal structures in the R-1 zoning district must have a 50 ft. rear setback. Mr. Dutton stated that the proposed deck was set back 14.25 ft. from the rear property line, which was within the effective 40 ft. minimum setback. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The variance was not substantial as it was not visible to neighbors or the public.

- The essential character of the neighborhood would not be altered as the deck was located to the rear of the home and the property owner to the west had supported the application.
- A variance was the only option as the rear property line was irregular.

Present for the case was Mark Van Peurse, 735 Shaker Drive. Mr. Van Peurse stated that he had also received a note from the property owner to the north stating that they had no objections to the deck. He submitted the note to the Board.

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

Mr. Henwood made a motion to approve application Z24-10 as submitted, stating that the variance was not substantial. He added that the essential character of the neighborhood would not be substantially altered by granting the variance, the adjoining properties would not suffer substantial detriment, and the variance would be consistent with the general spirit and intent of the zoning code.

Mr. Funk seconded the motion.

Vote:

Henwood	<u>Y</u>	Humpal	<u>Y</u>
Funk	<u>Y</u>		
Approved	<u>3-0</u>		

2. Z24-08 Ian Jones 257 South Court Street and 226 South Elmwood Avenue VAR

Mr. Dutton stated that the subject event center application had been reviewed at the previous meeting for two variances. He noted that the variance to Section 1145.10(c) to allow parking on an entry drive within the required distance from a right-of-way had been approved by the Board, while the variance to Section 1135.06 to allow a larger building footprint than permitted had been tabled for further consideration and so the Board could receive background on the regulation.

Mr. Dutton stated that Section 1135.06 was originally passed in 1999 and was amended in 2014, changing the regulation from 5,000 sq. ft. for the entire building to 5,000 for the building's footprint. He added that both of these changes had been part of a larger group of code amendments, so he did not have any additional information as to the intent.

Mr. Dutton stated that the applicant had provided additional information regarding the site, including an updated rendering of the south face of the building, a landscaping plan, and 3D views of the property from different angles. Mr. Dutton noted that there were 17 buildings in the Public Square area of the C-2 zoning district that had a footprint over 5,000 sq. ft. Additionally, he added that, though not subject to Section 1135.06, there were also 9 buildings in the P-F zoning district in area that had footprints far exceeded 5,000 sq. ft.

Mr. Dutton stated that the Historic Preservation Board had conditionally approved the event center application at their March 2024 meeting, and had given a full approval earlier in the evening of April 11. He added that the Planning Commission had also approved their portion of the event center application in March.

Present for the case were Jason Stevenson, 3990 North Jefferson Street, and Ian Jones, of Mann Parsons Gray Architects, 3660 Embassy Parkway in Fairlawn.

Mr. Humpal asked if the Inter-Urban ticket booth located next to the hotel would remain. Mr. Stevenson stated that it would remain on site and that they hoped to use it for their valet parking stand.

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

Mr. Henwood made a motion to approve application Z24-08 as submitted, stating that the variance would preserve the essential character of the neighborhood, adjoining property owners would not suffer substantial detriment, and the variance would not adversely affect the delivery of government services.

Mr. Funk seconded the motion.

Vote:

Humpal	<u>Y</u>	Funk	<u>Y</u>
Henwood	<u>Y</u>		
Approved	<u>3-0</u>		

### **Adjournment**

Having no further business, the meeting was adjourned.

Respectfully submitted,

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Sarah Tome

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Mark Williams, Vice-Chairman