



CITY of MEDINA
Board of Zoning Appeals
Regular Meeting Minutes
November 10, 2022

Meeting Date: November 10, 2022

Meeting Time: 7:00 PM

Present: Brandilyn Fry, Robert Henwood, Bert Humpal, Paul Roszak, Mark Williams
Andrew Dutton (Community Development Director), Sarah Tome (Administrative Assistant)

Approval of Minutes

Mr. Roszak made a motion to approve the minutes from October 13, 2022 as submitted.

The motion was seconded by Mr. Henwood.

Vote:

Fry	<u>Y</u>
Henwood	<u>Y</u>
Humpal	<u>Y</u>
Rozsak	<u>Y</u>
Williams	<u>Y</u>
Approved	<u>5-0</u>

The Court Reporter swore in all attendees.

Applications

1.	Z22-30	Mathew & Paula Wendelken	850 Lafayette Road	VAR
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Mr. Dutton stated that the applicants, Mathew and Paula Wendelken, were requesting a variance to allow for an agricultural use to grow flowers for direct sale to businesses. He noted that the applicants had indicated that there would be limited deliveries including topsoil, seeds, fertilizer, and equipment. Additionally, Mr. Dutton stated that the applicants planned on using temporary tunnels in the grow areas to extend the growing season.

Mr. Dutton stated that Section 1125.02 of the Zoning Code included growing crops for personal consumption or ancillary to a residential use as permitted in the R-3 district. He noted that the proposed flower growing use was comparable to a commercial farming operation and was thus considered agriculture, which was not a permitted use in the R-3 district.

Mr. Humpal asked if there had been any feedback from neighbors. Mr. Dutton stated that a neighbor had called with questions, but he had received no emails.

Present for the case were Mathew and Paula Wendelken of 850 Lafayette Road. Mr. Wendelken stated that he had spoken to the neighbor in question and had let him know that the grow tunnels would only be used on the southern portion of the property. Mrs. Wendelken stated that there would be no heavy equipment used on the property.

Mr. Humpal opened the public hearing.

Rory Moon, 880 Lafayette Road, stated that he had been asked by the residents of Strawberry Fields to find out what nonpermitted agriculture was. Mr. Dutton stated that the property was zoned residential which did not allow and agricultural uses. Mr. Moon stated that he had no problems with someone trying to better themselves, but that he was concerned with maintenance and if there would be more wildlife drawn to the flowers.

Cheryl Jones, 854 Yesterday Lane, inquired into the hedges proposed by the applicant. Mr. Wendelken stated that they would be leaving some of the trees and placing arborvitae where the trees are thinner. Ms. Jones asked if the applicants would be allowed to grow marijuana. Mr. Dutton stated that marijuana cultivation was not legal in the City of Medina.

Ms. Fry enquired as to how long the grow tunnels would be in use. Mrs. Wendelken stated that the tunnels would be used in the fall from September to November or December, and possibly in the spring.

Mr. Roszak made a motion to approve the variance with the stipulations that:

1. The grow tunnels be restricted to the southern end of the property, behind the barn.
2. The variance would be granted only for the current owner.

Mr. Roszak added that the variance would not affect the health, safety, or welfare of the adjoining properties.

Mr. Williams seconded the motion.

Vote:

Henwood	<u>N</u>
Humpal	<u>N</u>
Roszak	<u>Y</u>
Williams	<u>Y</u>
Fry	<u>Y</u>
Approved	<u>3-2</u>

2. Z22-31 Raymond & Vicki Sizemore 871 Beechwood Drive VAR

Mr. Dutton stated that the applicant, Ray Sizemore, was requesting an area variance to allow a 6 ft. fence in the front yard. He noted that Section 1155.01(c)(1) stated that, in a residential area, a fence in the front yard could not exceed 3 ft. in height. Mr. Dutton stated that the applicant was proposing 56' of fencing incorporating a wood frame with wire mesh.

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

- The fence was small, simple in design, and thus not substantial.
- The fence would not affect the neighborhood.
- No other method had been successful to keep deer out of the garden and the fence was the only remaining option.
- The garden must be located in the front yard as the rear of the lot was wooded.

Present for the case was Ray Sizemore, of 871 Beechwood Drive. Mr. Sizemore stated that there had originally been a 4 ft fence along the sidewalk, which he had torn out. He added that he wanted the fence to keep the deer out of his garden.

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

Mr. Williams stated that he felt that the city had created the problem.

Ms. Fry stated that she felt the fence was consistent with the character of the neighborhood.

Mr. Roszak asked what type of landscaping the applicant proposed for outside the fence. Mr. Sizemore stated that he would use boxwoods and native plants that the deer would not eat.

Mr. Henwood and Mr. Humpal both expressed concerns with the fence in the front yard.

Mr. Williams made a motion to approve the variance, stating that the variance was not substantial and would not alter the essential character of the area.

Ms. Fry seconded the motion.

Vote:

Humpal	<u>N</u>
Roszak	<u>N</u>
Williams	<u>Y</u>
Fry	<u>Y</u>
Henwood	<u>N</u>
Denied	<u>2-3</u>

3. Z22-24 James Gerspacher 253 & 257 South Court Street VAR

Mr. Dutton stated that the applicant had previously gone before the Historic Preservation Board for Certificate of Appropriateness approval for the demolition of two buildings and the construction of a hotel, and the Planning Commission for Site Plan and Conditional Zoning Certificate approval. He noted that the Historic Preservation Board and Planning Commission applications had been conditionally approved.

Mr. Dutton stated that this application had been originally reviewed by the Board in August. He noted that the applicant had presented a five-story, 99 room hotel. Mr. Dutton stated that, after input from the Boards and Commission, city staff, and the public, the applicant had revised the plans for the hotel to include four stories with hotel rooms and a partial fifth story with a rooftop lounge. He noted that the revised site plan moved the building 18 ft. from the right of way. He added that the building had 75 rooms but maintained the same building footprint of 12,784 sq. ft. Mr. Dutton stated that both the building setback and size still required a variance. Additionally, he added that the drop off lane in the right of way and access to the rear parking lot would require additional city approval.

Mr. Dutton noted that, at the request of the Boards and Commission, the applicant had submitted 3D renderings showing the hotel in context with the surrounding area. He added that, while the building face was not flat, it was not broken up into storefronts, which required a variance to Section 1135.13(b)(4).

Mr. Dutton stated that he was appreciative of the process that this application had gone through over the past few months, including:

- Discussion and feedback from the Board
- Guidance from Staff
- Input from the public and community organizations
- The willingness of the applicant's team to consider comments and adjust plans accordingly

Mr. Dutton indicated that he felt the process had been productive, inclusive, and had resulted in an improved proposal.

Present for the case was James Gerspacher of Gerspacher Real Estate Group, 5164 Normandy Park Drive, and Chip Klinkenburg of Illes Architects, 3697 Forest Ridge Circle.

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

Mr. Roszak stated that he was comfortable with the revised plans. He added that the applicant had addressed all of his concerns during the work session.

Mr. Henwood stated that he was also comfortable with the variances.

Mr. Roszak asked if the materials used required a variance. Mr. Dutton stated that the building was predominantly brick, which met Zoning Code requirements.

Mr. Roszak made a motion to approve the variance to Sections 1135.06 regarding maximum building footprint and setback, 1135.08(a) regarding parking located in the front yard, and 1135.13(b)(4) regarding the division of the building into storefronts, as submitted.

Ms. Fry seconded the motion.

Vote:

Rozzak	<u>Y</u>
Williams	<u>Y</u>
Fry	<u>Y</u>
Henwood	<u>Y</u>

Humpal Y
Approved 5-0

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman