



CITY of MEDINA
Board of Zoning Appeals
Regular Meeting Minutes
February 8, 2024

Meeting Date: February 8, 2024

Meeting Time: 7:00 PM

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

Absent: Kyle Funk

Approval of Minutes

Mr. Williams made a motion to approve the minutes from January 11, 2024 as submitted.

The motion was seconded by Mr. Henwood.

Vote:

Henwood	<u>Y</u>	Humpal	<u>Y</u>
Rozsak	<u>Y</u>	Williams	<u>Y</u>
Approved	<u>4-0</u>		

Swearing-In of Board Members

Mr. Humpal led the swearing-in of Alternate Board Member Robert Cureton.

The Court Reporter swore in all attendees.

Applications

1. Z24-01 Greg Alber 433 East Liberty Street VAR

Mr. Dutton stated that the property currently contained a 2,000 sq. ft. home and a 484 sq. ft. single car garage. He added that the application included:

- The demolition of 484 sq. ft. one car garage.
- The construction of a 1,524 sq. ft. three-car garage with a side entry porch and rear storage area.
- The extension of an existing concrete drive area.

Mr. Dutton stated that Section 1113.05(l)(2)(A.)(7) of the Zoning Code, stated that the maximum size of detached accessory buildings was 720 sq. ft. or 10% of the rear yard area, not exceeding 1,032 sq. ft. He noted that the rear yard was large, therefore, the maximum detached accessory building size was 1,032 sq. ft. and the proposed garage was 1,524 sq. ft.

Mr. Dutton stated that Section 1125.05 indicated that the maximum lot coverage in the R-3 zoning district was 60%. He added that lot coverage was the percentage of the lot covered by buildings, parking, drives, and other impervious surfaces. Mr. Dutton stated that the proposed project had resulted in a lot coverage of 65%, which exceeded the maximum by 5%, or approximately 510 sq. ft. He added that, during the Planning Commission meeting, the Commission and the applicant had agreed to reduce the lot coverage to 60% to comply with the code, so the Board did not need to consider a variance to Section 1125.05.

Mr. Dutton stated that the exterior of the proposed garage was complementary to the existing house, existing structure, and incorporated board and batten siding which was present on the house.

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

- The variance was not substantial and would allow for additional parking on the property.
- The essential character of the neighborhood would not be altered as the proposed garage was architecturally compatible with the area.
- The spirit and intent of the requirement would be observed as properties in the area had similar sized accessory buildings, including a neighbor at 425 East Liberty Street with two detached garages totaling 1,468 sq. ft. in area.

Mr. Humpal asked if there had been any comment from neighbors. Mr. Dutton stated that there had not. Mr. Humpal told the Board that Ms. Tome had provided him with a copy of the neighboring property's 2010 application for a variance for an oversized garage.

Present for the case was Judy Beckenbach, 433 East Liberty Street.

Mr. Humpal asked if there was a business use planned for the property. Ms. Breckenbach stated that there was not. Mr. Williams stated that he had been on the Board that had approved the neighbor's variance in 2010. He asked what the applicant's intended use for the garage was. Ms. Breckenbach stated that it would be used for parking cars and for storage.

Mr. Williams stated that he did not have a problem with the building size. He added that he had been more concerned with the lot coverage, which had been withdrawn from the application.

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

Mr. Roszak made a motion to approve Z24-01 as submitted for only Section 1113.05(1)(2)(A.)(7) stating that the variance was not substantial, the essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment. He added that the variance would not adversely affect the delivery of government services.

Mr. Williams seconded the motion.

Vote:

Henwood	<u>Y</u>	Humpal	<u>Y</u>
Roszak	<u>Y</u>	Williams	<u>Y</u>
Cureton	<u>Y</u>		
Approved	<u>5-0</u>		

2. Z21-06 Anthony Cerny 135 West Liberty Street VAR Extension

Mr. Dutton stated that this application had been approved for a variance from Section 1135.06, allowing a building with a footprint larger than 5,000 sq. ft. in April of 2021. He noted that, on March 11, 2022, an extension had been granted by the Board, which required that construction must commence by April 8, 2023 and be completed by April 8, 2024. In addition, Mr. Dutton stated that an additional extension had been granted by the Board on March 9, 2023, requiring that construction commence by April 8, 2024 and be completed by April 8, 2025. He added that the applicant has requested another extension for the project, requiring that construction must commence by April 8, 2025 and be completed by April 8, 2026.

Mr. Humpal stated that he understood the Planning Commission had changed one of the approval dates. Mr. Dutton stated that the Historic Preservation Board had approved the extension as submitted. He continued that the Planning Commission had required that the Site Plan must begin construction by July 8, 2024 and the conditional use must commence by March 9, 2026.

Present for the case was Tony Cerny of Architectural Design Studio, 620 East Smith Road.

Mr. Williams asked if the Planning Commission's start date for the project was realistic. Mr. Cerny stated that they might be able to start before April 8, 2024, but that they wanted the additional time in case there were any issues. He added that they had all of the approvals needed, but that they had been negotiating with the contractor and had been making changes in the construction of the building.

Mr. Humpal inquired about a Port Authority document that had yet to be signed. Mr. Cerny stated that this document was not within his purview and that he had no knowledge of it.

Mr. Henwood asked if there were any changes to the variance, or if it was just an extension. Mr. Dutton stated that only an extension was requested.

Mr. Williams made a motion to approve the extension of Z21-06 as requested, requiring that construction must commence by April 8, 2025 and be completed by April 8, 2026.

Mr. Henwood seconded the motion.

Vote:

Humpal	<u>Y</u>	Roszak	<u>Y</u>
Williams	<u>Y</u>	Cureton	<u>Y</u>
Henwood	<u>Y</u>		
Approved	<u>5-0</u>		

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman