



CITY of MEDINA
Board of Zoning Appeals
March 10, 2022

Meeting Date: March 10, 2022

Meeting Time: 7:00 PM

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

Absent: Paul Roszak

Approval of Minutes

Mr. Williams made a motion to approve the minutes from February 10, 2022 as submitted.

The motion was seconded by Mr. Henwood.

Vote:

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

The Court Reporter swore in all attendees.

Old Business

1. Z21-06 The Rose Company 135 W Liberty St VAR Extension

Mr. Humpal stated that he would abstain from participating in the discussion or vote on the case. He noted that he was on the City's Community Investment Development Board, which had been involved in the project. Mr. Humpal turned the meeting over to Vice-Chair Mark Williams.

Mr. Dutton stated that the Board of Zoning Appeals had approved case Z21-06, a variance from Section 1135.06 allowing a building with a footprint larger than 5,000 sq. ft. at 135 West Liberty Street, on April 8, 2021. He continued that, per Section 1107.08(h), construction must commence within one year of the Variance approval and be completed within two years of the Variance approval. Mr. Dutton stated that a Building Permit application had been submitted for the project and was currently under review by the City of Medina Building Department,

however, permits had not been fully obtained and construction had not commenced. He noted that the Building plans did not include any substantive exterior changes to the building from the Variance approval.

Mr. Dutton noted that processes have been delayed due to matters concerning assembling the property, acquiring easements, and grant processes to assist the reconstruction plan. Mr. Dutton stated that the applicant had requested a one year extension to require that construction must commence within two years of the Site Plan approval (April 8, 2023) and be completed within three years of the Site Plan approval (April 8, 2024).

There was no one present representing the case.

Mr. Henwood made a motion to approve the extension of application Z21-06, as submitted.

Ms. Fry seconded the motion.

Vote:

Fry	<u>Y</u>
Henwood	<u>Y</u>
Humpal	<u>Abstain</u>
Williams	<u>Y</u>
Approved	<u>3-0</u> with Humpal abstaining

Mr. Humpal resumed chairing the meeting.

2. Z22-05 Twin Pines LLC 133 N Court St Appeal

Mr. Dutton stated that the Board had heard the appeal of case H20-06 at a special meeting on February 24th. Mr. Dutton stated that a motion to approve the appeal passed 3-2 with the condition that Conclusion of Facts be drafted for adoption at the next meeting.

Mr. Williams made a motion to approve the Conclusion of Facts, as submitted, stating that they reflected the motion he made at the previous meeting. Ms. Fry seconded the motion.

Vote:

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

New Business

1. Z22-07 Deanna Bowen 728 E Smith Rd VAR

Mr. Dutton stated that the applicant was requesting a use variance to Section 1141.05 to allow a daycare. He noted that the existing site included a building with 22,344 sq. ft. of industrial space and 4,600 sq. ft. of vacant office space, where the daycare was proposed. Mr. Dutton indicated that pickup and drop-off were proposed in existing parking spaces. Mr. Dutton noted that the area was a transition between residential, office, and industrial uses as well as undeveloped land.

Present for the case was Deanna Bowen, 235 Woodland Drive and Stacy Gowe of 620 Corporation, 728 West Smith Road, the owner of the building. Ms. Bowen stated that she had been operating a daycare out of her home for the last 12 years. Ms. Bowen stated that she had met with the City's Fire Marshall and Building Inspector and had been given the go-ahead as long as she received the Variance and made some minor changes to the facility.

Stacy Gowe stated that there were many multiuse buildings in the area, including the SHC.

Nancy Gowe, of 620 Corporation, stated that putting a daycare in an industrial area would help limit tractor trailer traffic. Ms. Gowe also noted that there were no other daycare facilities in the area, making this an excellent addition to the neighborhood.

Mr. Humpal opened the public hearing.

Kris Kungli, 800 East Smith Road, stated that there had been a daycare located in the area before which had run both day and night, creating a lot of noise and traffic. Mr. Kungli inquired as to the hours of operation, traffic, and growth of the proposed daycare.

Ms. Bowen stated that the daycare would be open from 6 am to 6 pm, Monday through Friday, with no night or weekend hours. Ms. Bowen stated that there were 20 children attending her current daycare, with 4 staff members. Ms. Bowen stated that the maximum number of children and staff at the proposed location would be 77. Ms. Bowen noted that the playground facilities for the daycare would be located next to the Children Center playground next door.

Ms. Stacy Gowe stated that St. Francis was located nearby and that children would be at the daycare during the same period as the school.

Mr. Humpal asked if there would be more traffic because of the daycare. Ms. Bowen noted that East Smith Road was already used by people going to work or taking their children to school and many of her customers already used the road.

There was a brief discussion of the location of the proposed playground and the privacy of the Children's Center next door.

Mr. Henwood made a motion to approve the application as submitted. Mr. Roszak stated that the Variance would not alter the essential character of the area and would not adversely affect the delivery of government services.

Mr. Williams amended the motion to be for this specific tenant and use.

Ms. Fry seconded the motion with the amendment.

Vote (Motion as amended):

Fry	<u>Y</u>
Henwood	<u>Y</u>
Humpal	<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