



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**Regular Meeting Minutes**  
**March 12, 2024**

Meeting Date: March 12, 2024

Meeting Time: 7:00 PM

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

Absent: Kyle Funk

**Approval of Minutes**

Mr. Henwood made a motion to approve the minutes from February 8, 2024 as submitted.

The motion was seconded by Mr. Roszak.

Vote:

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

The Court Reporter swore in all attendees.

**Applications**

1. Z24-02 Bhupinder Singh 029-19A-14-021 (Branch Road) VAR

Mr. Dutton stated that the subject site was located on the south side of Branch Road, east of Commerce Drive. He indicated that the surrounding industrially zoned properties included single-family residences and undeveloped land. Mr. Dutton stated that the site was previously used for trailer storage and noted that there was a curb cut and remnants of a gravel parking lot on the site.

Mr. Dutton stated that the property had been proposed for the storage and parking of semi-trucks and trailers on a gravel lot and a small office. He noted that Section 1145.09(a)(3)(A.) of the Zoning Code required that parking and drives must be a hard surface between the right-of-way and the rear of the building. Mr. Dutton stated that the future expansion of the building and parking areas were also shown on plans for reference, and would need to be reviewed separately in a future application. Mr. Dutton stated that all parking areas and drives shown on plans were required to be a hard surface. Mr. Dutton outlined the applicant's responses to the Standards for Variances and Appeals.

Present for the case was Norman Saeger, 4456 Eshelman Avenue NE in Louisville. Mr. Saeger stated that their intent for the second phase of the project was to enlarge the parking lot to the south side of the property and to create a two-bay service building for the trucking firm.

Mr. Roszak stated that he had no issue with the gravel parking lot, however, he felt that the driveway between the street and the gate should be concrete. Mr. Henwood and Mr. Cureton agreed with Mr. Roszak.

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

Mr. made a motion to approve application Z24-02 with the condition that the driveway be paved between the street and the fence. He stated that the variance was not substantial and that the essential character of the neighborhood would not be substantially altered by granting the variance.

Mr. Henwood seconded the motion.

Vote:

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

2.        Z24-03                    Michael Gillihan                    1180 Manchester Court                    VAR

Mr. Dutton stated that the subject site was located on the northeast corner of Manchester Court and Foxborough Drive and all adjacent properties were zoned R-1 and contained single-family residences. Mr. Dutton stated that, in 1995, the property owner had received a variance to allow a 3 ½ ft. to 4 ft. tall scalloped fence running from the southeast corner of the home, south along the driveway to the sidewalk, then east along the sidewalk to the southeast corner of the property. He noted that the variance was necessary as the fence was limited to 3 ft. in height.

Mr. Dutton stated that the applicant was proposing an additional 5 ½ ft. to 6 ft. tall scalloped fence along the eastern property line. He noted that Section 1151.01(c)(1) of the Zoning Code limited fences within 15 ft. of a side street right-of-way to 3 ft. in height. He added that the proposed 5 ½ ft. to 6 ft. tall scalloped fence along the eastern property line was predominately located further than 15 ft. of the Foxborough Drive right-of-way. Mr. Dutton outlined the applicant's responses to the Standards for Variances and Appeals.

Present for the case was Michael Gillihan, 1180 Manchester Court. Mr. Gillihan stated he had been a resident of Medina for over 43 years and was the original owner of the property. He noted that his family spent a lot of time in the backyard. Mr. Gillihan stated that he felt the new fence would improve the look of their yard and would not impact the sight lines from any of the surrounding streets or driveways.

Mr. Roszak stated that he felt that having a fence along the property line that was of a continuous height made sense and that he had no issues with the variance.

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

At this point, Mr. Williams joined the Board.

Mr. Henwood made a motion to approve the extension of Z24-03 as submitted, stating that the essential character of the neighborhood would not be altered, adjoining property owners would not suffer substantial detriment, and the variance would not adversely affect the delivery of government services.

Mr. Roszak seconded the motion.

Vote:

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

3. Z24-04 Stefan Mendrea 135 North State Road VAR

Mr. Dutton stated that the subject site was located on the west side of North State Road. He noted that the site was occupied by a structure with the following permitted nonconforming conditions:

- Use of the structure as a single-family home
- A gravel driveway
- Reduced setback of the structure from the York Road right-of-way.

Mr. Dutton stated that the applicant was proposing to construct an attached two car garage with attic storage space on the west side of the existing home. He added that the applicant had received approval to renovate the interior of the home and construct a second story dormer addition.

Mr. Dutton stated that a single-family residence was not a permitted use in the I-1 zoning district and the existing residence was thus a permitted nonconforming use. He noted that Section 1151.02(a)(1) of the Zoning Code stated that a nonconforming use was permitted to be expanded by up to 25%. Mr. Dutton stated that the existing 714 sq. ft. nonconforming residence was proposed to be expanded by a 431 sq. ft. garage, which was a 60% increase of the home.

Mr. Dutton stated that the existing structure was setback 17.5 ft. from the York Road right-of-way, which was within the required 25 ft. setback in the I-1 zoning district. He noted that Section 1151.02(b)(2)(A.) stated that a nonconforming structure was permitted to be expanded

by 50% of the building's footprint if the expansion did not increase the degree of nonconformity. Mr. Dutton stated that 60% increase of the home exceeded the permitted expansion, however, it did not increase the degree of nonconformity as it maintained the existing setback of 17.5 ft.

Mr. Dutton stated that Section 1145.06(c) stated that single-family residences must have driveways of concrete, brick, or asphalt. He noted that an approximate 300 sq. ft. gravel driveway expansion was proposed to connect the proposed garage addition with the existing gravel driveway. Mr. Dutton outlined the applicant's responses to the Standards for Variances and Appeals.

Present for the case was Stefan Mendrea, 2578 Marland Drive in Brunswick. He stated that within the next year or so he was hoping to build flex-units on the east side of the property. Mr. Mendrea added that the wanted to keep the current building as a single family house, add a two car garage, and then add the flex units.

Mr. Humpal asked if the home was a nonconforming use because it was built before the Zoning Code was established. Mr. Dutton stated that it was an older building that appeared to have always been used as a single-family home, so it predated the Zoning Code.

Mr. Henwood stated that he was uncomfortable with expanding a nonconforming use. There was a discussion as to the property's current use and the homeowner's intentions for it in the future.

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

Mr. Roszak stated that he had no major issues with this application, but wondered if the Board should include a stipulation for a time frame to convert the gravel drive to hard surface. Mr. Mendrea stated that he was expecting to put in a concrete drive within the next year.

Mr. Roszak made a motion to approve the variance to Section 1151.02(a)(1) regarding the expansion of a nonconforming use stating that the essential character of the neighborhood would not be substantially altered and the variance would not adversely affect the delivery of government services.

Mr. Williams seconded the motion.

Vote:

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

Mr. Roszak made a motion to approve the variance to Section 1151.02(b)(2)(A.) regarding the expansion of a nonconforming front setback stating that the essential character of the

neighborhood would not be substantially altered, the adjoining properties would not suffer substantial detriment, and the variance would not adversely affect the delivery of government services.

Mr. Williams seconded the motion.

Vote:

Williams           Y           Cureton           Y  
Henwood           Y           Humpal           Y  
Roszak             Y  
Approved           5-0

Mr. Roszak made a motion to approve the variance to Section 1145.06(c) regarding the expansion of a gravel driveway with the condition that the driveway shall be a compliant hard surface, such as asphalt or concrete, within one year. He stated that the variance was not substantial, the essential character of the neighborhood would not be substantially altered, and the variance would not adversely affect the delivery of government services.

Mr. Williams seconded the motion.

Vote:

Henwood           Y           Humpal           Y  
Roszak             Y           Williams           Y  
Cureton            Y  
Approved           5-0

4.           Z24-05           Jeff Oslin                                   950 Damon Drive                                   VAR

Mr. Dutton stated that the subject site was located on the south side of Damon Drive and adjacent properties were zoned R-1. He stated that the applicant was proposing to construct a 228 sq. ft., 14 ft. x 16 ft. rear cover over an existing patio. Mr. Dutton noted that the patio cover did not incorporate walls or screens.

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. He noted that the proposed patio cover had a roof and was attached to the home, was considered part of the principal structure, and was subject to applicable setback requirements. Mr. Dutton stated that the patio cover was setback 38 ft. 3 in. from the rear property line. Mr. Dutton outlined the applicant's responses to the Standards for Variances and Appeals.

Present for the case was Jeff Oslin of Bright Covers, 3453 West 140<sup>th</sup> Street in Cleveland. Mr. Oslin noted that the adjacent property owner to the rear had written a letter expressing her support of the variance. Mr. Humpal stated that the Board had received that letter.

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

Mr. Williams asked if the need for the variance was specifically because it was attached to the home. Mr. Dutton responded that Mr. Williams was correct.

Mr. Williams made a motion to approve the variance to Section 1121.05 as submitted, stating that the essential character of the neighborhood would not be substantially altered and the variance was not substantial.

Mr. Cureton 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>		

5. Z24-07 Kelly Parks 780 West Smith Road VAR

Mr. Dutton stated that the subject site was located on the southwest corner of West Smith Road and Fair Drive and was home to Simmons Brothers Construction, which would be ceasing operations at the site.

Mr. Dutton stated that the applicant was proposing to use the existing 16,124 sq. ft. building for Medina Centre for Dance Art (MCDA). He stated that the building was proposed to be repurposed with dance spaces in the western portion of the building and offices and private music rooms in the eastern portion of the building. Mr. Dutton noted that the application did not incorporate significant changes to the site.

Mr. Dutton stated that Section 1141.02 of the Zoning Code indicated permitted uses in the I-1 zoning district. He noted that the majority of the permitted uses in the zoning district were industrial, storage, auto-related, and general office. Mr. Dutton added that the proposed MCDA use, as described, generally fell into the "Personal and Professional Services" use type, which included such uses as a fitness facility. He stated that the use was not permitted in the I-1 zoning district.

Mr. Dutton noted that "Commercial Recreation" was a use type that was conditionally permitted in the I-1 zoning district, in which there are several in the area. He continued that the use type included athletic fields, golf courses, driving ranges, ice skating rinks, batting cages, and swimming pools, which were not similar to the proposed use. Mr. Dutton outlined the applicant's responses to the Standards for Variances and Appeals.

Present for the case was Kelly Parks, 6745 Maplebrooke Trace. Ms. Parks stated that she was excited about the expansion of MCDA. She noted that she had been in business for 21 years in

Medina, and was rapidly outgrowing the current space. Ms. Parks stated that there were fitness clubs and gymnastic schools in the area and she felt their dance studio would be a good fit.

Mr. Humpal asked if the property had already transferred. Ms. Parks stated that that the purchase was contingent on the approval of the variance. Mr. Humpal suggested that the Board make the variance contingent on the transfer of the property.

Mr. Humpal opened the public hearing. Karen Gillihan, 1180 Manchester Court, stated that she had two granddaughters who attended MCDA. She added that space was tight at their current facility and the proposed location would be fantastic.

Mr. Roszak made a motion to approve application Z24-07 as submitted, stating that the essential character of the neighborhood would not be substantially altered. He added that adjoining properties would not suffer substantial detriment, the variance would not adversely affect the delivery of government services, and that the variance was not substantial.

Mr. Humpal modified the motion to include the condition that the variance was subject to the transfer of the property to the applicant. Mr. Roszak affirmed the modification was included in his motion.

Mr. Williams seconded the motion.

Vote:

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

6. Z24-08 Ian Jones 257 South Court Street & 226 South Elmwood Avenue VAR

Mr. Dutton stated that this site was composed of two properties located between South Court Street and South Elmwood Avenue. He noted that the eastern 0.96 acre property had received conditional approval from the Historic Preservation Board, Planning Commission, and Board of Zoning Appeals for the development of a hotel. He added that the approvals included a variance to the maximum building footprint of 12,784 sq. ft.

Mr. Dutton stated that the current application did not alter or affect previous approvals concerning the hotel. He noted that the current application proposed the construction of a 5,800 sq. ft. event center to the rear of the hotel, the demolition of the NAPA building to the rear of the site, and the construction of a parking lot. He added that the Historic Preservation Board would hear a Certificate of Appropriateness application for demolition of the NAPA building on March 14<sup>th</sup>.

Mr. Dutton stated that the event center included a 2,810 sq. ft. banquet room, restrooms, a warming kitchen, and entrances on the east and west sides of the building. He continued that

Section 1135.06 required a maximum building footprint of 5,000 sq. ft. and the proposed event center had a footprint of 5,800 sq. ft.

Mr. Dutton noted that Section 1145.10(c) stated that parking spaces could not be located along entry drives within 20 ft. of the right-of-way. He stated that parking spaces on the west side of the site were located 10 ft. from the South Elmwood Avenue right-of-way. Mr. Dutton continued that the intent of the regulation is to prohibit vehicles from pulling out of a parking space and obstructing vehicles on the street. He noted that the proposed spaces were located approximately 30 ft. from the South Elmwood Avenue roadway. Mr. Dutton outlined the applicant's responses to the Standards for Variances and Appeals.

Present for the case was Ian Jones of Mann Parsons Gray Architects, 3660 Embassy Parkway in Fairlawn. Mr. Jones stated that he was informed by hotel management that the banquet room should be 2,800 to 3,000 sq. ft. He noted that the rest of the footprint was to meet the building code requirements for restrooms, warming kitchen, and lobbies. Mr. Jones stated that there was always a concern for downtown parking in Medina and spaces within the 20 ft. setback to help minimize congestion.

Mr. Humpal asked how many additional spaces were being added with this new proposal. It was established that the hotel approval had included 43 parking spaces and the current proposal included 61 spaces.

Mr. Humpal opened the public hearing.

Lance Traves, 239 South Court Street, stated that he felt that there were three additional variances the Board should be considering. He added that these included a fence variance, a minimum front yard variance, and a variance to allow off-street parking in a front yard. Mr. Humpal stated that it was not the Board's purview to determine what variances were needed for a project, but rather to consider the ones brought before it by the applicant and City Staff. Mr. Dutton stated that it was an administrative function to determine which variances were required. He added that he believed the appropriate variance applications had been presented to the Board for review.

James Amodio of Brown, Amodio & Chandler, 109 West Liberty Street, stated that his client, MRR Properties LLC, felt that the proposal would change the essential character of the neighborhood and would adversely affect their property located to the north. He stated that he felt that the site could be laid out as to not adversely affect the surrounding properties.

Brendan Rose of MRR Properties, 4015 Medina Road, stated that he felt the proposal changed the essential character of the neighborhood. He reiterated that he felt the layout of the parking lot would adversely affect the neighborhood.

Mr. Williams stated that he was a proponent of the overall scope of the proposal. He asked Mr. Amodio if there was an easement between the hotel property and the property to the north. Mr. Amodio stated that there was no easement on record. Mr. Williams stated that the



variance before the Board only involved the three parking spaces closest to Elmwood Avenue. He added that the overall site would be under the purview of the Planning Commission.

Mr. Henwood asked if the event center was on the same parcel as the hotel. Mr. Dutton stated that it was on the same parcel and the separate western portion contained the proposed parking lot.

Mr. Roszak inquired about the expected capacity of the event center. Joseph Moffa or Riley Hotel Group, 387 Medina Road, stated that the maximum capacity was 200. Mr. Roszak asked about parking for the event center. Mr. Moffa stated that a parking study had been conducted for the original hotel project that had indicated that there was adequate parking in the area. He noted that there were city lots directly to the south on South Court Street and across Elmwood Avenue.

Mr. Roszak and Mr. Henwood both stated that they were comfortable with granting the parking variance. Mr. Williams stated that he was less comfortable with the building footprint variance. There was a discussion as to the building's footprint and the difference between an accessory or secondary structure.

Mr. Williams made a motion to approve the variance to Section 1145.10(c) as submitted, stating that the variance would not affect the essential character of the neighborhood and would not adversely affect the delivery of government services.

Mr. Roszak seconded the motion.

Vote:

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

There was discussion regarding the variance request to exceed the maximum building footprint. Mr. Jones requested that the Board table the application until the requirement could be further studied.

After further discussion, the application to Section 1135.06 regarding maximum building footprint was tabled at the applicant's request.

**Adjournment**

Having no further business, the meeting was adjourned.

Respectfully submitted,

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Sarah Tome

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Bert Humpal, Chairman