



CITY of MEDINA

Board of Zoning Appeals

Regular Meeting Minutes

March 13, 2025

Meeting Date: March 13, 2025

Meeting Time: 7:00 PM

Present: Kyle Funk, Bert Humpal, Logan Johnson, Paul Roszak, Mark Williams, Andrew Dutton (Community Development Director), and Sarah Tome (Administrative Assistant). As stated below, prior to the review of the Final Decision and Conclusions of Fact, Kyle Funk recused himself from the Board of Zoning Appeals and Steve Cooper joined the Board of Zoning Appeals.

Approval of Minutes

Mr. Williams made a motion to approve the minutes from February 13, 2025, as submitted.

Mr. Roszak seconded the motion.

Vote:

Funk	<u>Abstain</u>	Humpal	<u>Y</u>
Johnson	<u>Y</u>	Roszak	<u>Y</u>
Williams	<u>Y</u>		
Approved	<u>4-0</u> with Mr. Funk abstaining		

The Court Reporter swore in all attendees.

Applications

1.	Z25-04	Steve Berry	999 Lafayette Road	VAR
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Mr. Dutton stated that the applicant was proposing the construction of a 4,177 sq. ft. convenience store with a food service drive through. He added that the proposal included a passenger vehicle refueling on the south side of the site and tractor-trailer fueling on the north side of the site.

Mr. Dutton stated that Section 1153.04(a)(15)(B.) limited sites with fueling stations to two access points and a maximum access driveway width of 30 ft. at the curb. He continued that the submitted plan had three access points including one on Lafayette Road for passenger traffic and two on Lake Road for truck traffic.

Mr. Dutton noted that Section 1145.10(e) limited the maximum access drive width to 24 ft. at the right-of-way and 38 ft. at the curb for all commercial properties. He stated that proposed

drive widths were 44 ft. at the right-of-way and 67 ft. at the curb at the Lafayette Road access drive, 37 ft. at the right-of-way and 43 ft. at the curb at the northern Lake Road access drive, and 65 ft. at the right-of-way and 100 ft. at the curb at the southern Lake Road access drive.

Mr. Dutton stated that the Planning Commission had reviewed the project earlier in the evening and had conditionally approved it. He noted that the Commission's conditions were that the Board of Zoning Appeals approve the variances and that truck traffic could not enter the property from the Lafayette Road access drive.

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

- In order to yield a reasonable return, an additional access point was needed to accommodate tractor-trailer truck traffic.
- The variance was not substantial as the proposed wider fueling station access point would ease traffic flow and the existing access point on Lafayette Road was 51 ft. wide at the curb.
- The essential character of the neighborhood would be improved by the proposed development, which required the proposed variances.

Present for the case was Stephen Berry of Architectural Design Inc., 374 Boardman-Poland Road, Suite 201 in Youngstown, representing Harpreet Singh Aujla and Davinder Paul Singh. Mr. Berry stated that the site was designed to work for traffic flow. He noted that the Lafayette Road access point allowed one lane of traffic into the site and two lanes of traffic out of the site. He added that the lanes were 12 ft. wide, which resulted in a 36 ft. width, not counting the radii.

Mr. Berry stated that the site was designed to segregate automobile traffic from truck traffic. He noted that the two curb cuts on Lake Road were located as far away from the intersection as possible to allow trucks to enter the site at the southern access drive, fuel, and exit the site at the northern access drive.

Mr. Dutton made a correction to his earlier statement indicating that Section 1153.04(a)(15)(B.) required a 30 ft. maximum access drive width at the property line or right-of-way, not at the curb.

Mr. Humpal opened the public hearing.

Majeed Makhoul of Berns, Ockner, and Greenberger, 3201 Enterprise Parkway, Suite 220, in Beachwood, representing Minute Mart LLC and the property owner at 1010 Lafayette Road, stated that the variances were substantial and inappropriate and asked the Board to deny them.

Mr. Makhoul requested to be allowed to question the applicant. Mr. Humpal stated that the Board would allow Mr. Makhoul to question the applicant.

Mr. Makhoulf asked what the basis was for the argument that the property could not have a reasonable return without the variances. Mr. Berry responded that he did not feel comfortable answering questions without representation and his client was trying to get the highest and best use out of the property including service for tractor trailers and automobiles. He added that, without the variances, this serviceability would not be possible. Mr. Berry stated that he felt the real issue was that the property owner across the street was afraid of competition and was therefore attempting to use any argument to deny the variances.

Mr. Makhoulf asked if the applicant would have the same number of curb cuts if they were locating the project somewhere else. Mr. Berry responded that an answer to that question would depend on the potential location. Mr. Makhoulf inquired as to why the applicant needed three curb cuts. Mr. Berry responded that they were needed to separate the truck traffic from the automobile traffic and to allow for smooth traffic flow.

Mr. Makhoulf asked if there was something unique about the site that required three curb cuts, or if it was the operation itself needing to segregate the traffic. Mr. Berry responded that he felt the question had already been asked and answered.

Mr. Makhoulf asked Mr. Berry to clarify that that his clients were not the current owners of the property, but were under contract to purchase the property. Mr. Berry responded that he was correct. Mr. Makhoulf asked Mr. Berry if his clients were aware of all of the zoning restrictions that existed on the property. Mr. Berry responded that they were aware of the restrictions.

Mr. Makhoulf asked what other designs the applicant had considered for the project without having to require the variances. Mr. Berry stated that the plan was proposed to accommodate tractor trailers and automobiles on the site.

Mr. Makhoulf stated that he was sure the Board was aware of the Duncan vs. Middlefield criteria for the granting of a variance and stated that they had just gone through the most essential elements. He stated that there was no evidence that the property would not yield a reasonable return without the granting of the variance. Mr. Makhoulf contended that there could be a reasonable use of the property without requiring the requested variances. Mr. Makhoulf submitted that the Board should deny the variances. He added that he was compelled to state that if the Board were to grant the variances, his client intended to appeal to the Court of Common Pleas.

William Deluca, Regional Manager for Minit Mart, 1010 Lafayette Road, stated that he had been overseeing the Minit Mart on Lafayette Road for seven years. Mr. Deluca indicated that traffic would be created on Lafayette Road if the variances were approved, which would impact surrounding properties. He noted that there was a church down the street that had a police officer direct traffic on Sundays due to the amount of traffic.

Mr. Makhoulf requested the opportunity to cross examine the City Engineer on the record and asked that the Board table the application to allow the Engineer to be present to testify.

Troy Gerspacher of Gerspacher Real Estate, 5734 Trystin Tree Drive, was present representing the seller of the property in question. Mr. Gerspacher asked the Board to approve the variances. He noted that the property was surrounded by industrial users and a truck stop with a gas station would be ideal. He added that a passenger vehicle access drive separate from the truck traffic would improve safety.

Mr. Dutton clarified that the City Engineer had reviewed the application as part of the Site Plan application to the Planning Commission, had not identified any issues with the number of curb cuts, and had not required a traffic impact study.

Mr. Roszak stated that he had no issue with the three curb cuts. He added that he did have an issue with the size of the access drives. Mr. Roszak suggested that the Lafayette Road access drive be reduced in size and truck movements along Lake Road should be studied. Mr. Berry stated that someone in his office had studied the movement of trucks on the site and that truck turning radii were indicated on the plan. There was a discussion as to truck turning radii and traffic flow on the site.

Mr. Williams stated that he was favorable to the concept of the project and public safety was taken into account, though he questioned if three curb cuts were appropriate. Mr. Williams also stated that there may be issues with the width of the Lafayette Road access drive with cars pulling out in both directions. Mr. Berry stated that if the access drive were two lanes, cars would stack up on the property. He added that the access drive was designed with three lanes to prevent the stacking issue.

Mr. Makhlouf asked who in Mr. Berry's office had studied the truck turning radii on the site. Mr. Berry stated that he had, as well as his associate. There was a discussion between Mr. Makhlouf and Mr. Berry as to Mr. Berry's qualifications. Mr. Berry stated that he was not represented by council and was not prepared to answer any further questions.

Mr. Humpal inquired as to Mr. Dutton's earlier statement that the City Engineer had reviewed the project. Mr. Dutton stated that the City Engineer had reviewed the Site Plan application, had not identified any issue with the number of access points, and had not required a traffic study.

Mr. Roszak stated that, after reviewing the truck movements indicated on the plan, he understood why the applicant was requesting the width variances for Lake Road.

Mr. Dutton asked if the applicant wanted to table the application. Mr. Berry stated that they would ask the Board to approve the variance.

Mr. Roszak made a motion to approve application Z25-02, stating that the essential character of the neighborhood would not be substantially altered, the property owner's predicament could not be obviated by some other method, and the spirit and intent behind the zoning code would be observed and substantial justice done by granting the variance.

Mr. Williams seconded the motion.

Vote:

Humpal	<u>Y</u>	Johnson	<u>N</u>
Roszak	<u>Y</u>	Williams	<u>Y</u>
Funk	<u>Y</u>		
Approved	<u>4-1</u>		

Adoption of Final Decision and Conclusions of Fact

Mr. Funk recused himself from the Board of Zoning Appeals and Mr. Cooper joined the Board of Zoning Appeals.

Mr. Dutton stated that the document before the Board for acceptance was for the project at 322 West Smith Road. He added that the Board was considering the Final Decision and Conclusions of Fact based on the continuous hearing from November and February.

Mr. Williams made a motion to accept the Final Decision and Conclusions of Fact as presented.

Mr. Cooper seconded the motion.

After discussion, Mr. Williams amended his motion to include that the Board had received and read the document.

Mr. Cooper seconded the amended motion.

Vote:

Johnson	<u>Y</u>	Roszak	<u>Y</u>
Williams	<u>Y</u>	Cooper	<u>Y</u>
Humpal	<u>Y</u>		
Approved	<u>5-0</u>		

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman