



CITY of MEDINA
Board of Zoning Appeals
Regular Meeting Minutes
March 9, 2023

Meeting Date: March 9, 2023

Meeting Time: 7:00 PM

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

Absent: Robert Henwood, Paul Roszak

Approval of Minutes

Mr. Williams made a motion to approve the minutes from January 12, 2023 as submitted.

The motion was seconded by Ms. Fry.

Vote:

Fry	<u>Y</u>
Humpal	<u>Y</u>
Williams	<u>Y</u>
Approved	<u>3-0</u>

The Court Reporter swore in all attendees.

Applications

1. Z21-06 The Rose Company 135 West Liberty Street VAR Extension

Mr. Dutton stated that the variance application allow a building with a footprint larger than 5,000 sq. ft. at 135 West Liberty Street had been originally approved on April 8, 2021. He noted 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 added that on March 11, 2022, an extension had been granted by the Board requiring that permits be obtained and construction commence before April 8, 2023 and be completed by April 8, 2024.

Mr. Dutton stated that construction had commenced with the demolition on the Porter's Shoe building. However, he added that building permits had not been issued. Mr. Dutton stated that the project had been delayed due to matters concerning the demolition, asbestos abatement, assembly of the property, acquiring easements, and other items. He continued that the applicant was requesting a further extension of Variance requiring that permits be obtained and construction commence by April 8, 2024 and be completed by April 8, 2025.

Present for the case was Brendan Rose of the Rose Company, 4015 Medina Road. Mr. Rose respectfully asked that the Board grant the extension.

Mr. Williams made a motion to approve the extension of application Z21-06.

Ms. Fry seconded the motion.

Vote:

Humpal	<u>Y</u>
Williams	<u>Y</u>
Fry	<u>Y</u>
Approved	<u>3-0</u>

2. Z23-01 Matt Strehle 378 Lafayette Road VAR

Mr. Dutton stated that the applicant was requesting a Use Variance to Section 1125.02 to allow a nonpermitted meeting hall use in an R-3 zoning district. He noted that the building was non-residential, and had been occupied by a church, a fitness center, and other commercial uses over the years. Mr. Dutton stated that the applicant was proposing to use the site for a Medina Freemasons' meeting hall. He added that the applicant had stated that there would be no significant changes to the exterior or parking lot. Mr. Dutton stated that the applicant was proposing to hold approximately eight meetings a month, and would not be using the site for conferences or banquets. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The existing non-residential building was an existing condition that was unique to the area.
- Area property owners would not be affected as the site would only be used approximately 8 times a month for meetings, which would not produce negative externalities.
- Use of the building and site for a permitted use in the R-3 district was not economically viable.

Present for the case was Matt Strehle, 5669 Lance Road.

Mr. Williams inquired as to the time of meetings. Mr. Strehle stated that meetings would typically go from 7:00 pm or 7:30 pm to 9:00 pm.

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

Ms. Fry made a motion to approve the variance to Section 1125.02 to allow the nonpermitted meeting hall use, due to the existing use of the building as a nonconforming use in the R-3 district.

Mr. Williams seconded the motion.

Vote:

Williams Y
Fry Y
Humpal Y
Approved 3-0

3. Z23-02 Jason Karkoff 325 East Homestead Street VAR

Mr. Dutton stated that the applicant was requesting an Area Variance to Section 1125.05 to allow an addition in the required front yard setback. He noted that the proposed addition included a 192 sq. ft. covered front porch and a 165 sq. ft. uncovered deck. Mr. Dutton stated that the plans indicated that the covered porch would be located 34 ft. from the front property line, which was closer than the 40 ft. setback required by Section 1125.05. He stated that a variance was required for the covered porch section. Mr. Dutton added that the uncovered deck did not require a variance as it was permitted per 1113.05(k)(3). Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The project would add value to the home and was not substantial as the request was to extend a small area 6 ft. into the front setback.
- The essential character of the neighborhood would not be altered as homes in the area had similar setbacks to the proposal.
- No other options or methods other than the variance as conforming to the setbacks would substantially impact the proposed addition.

Present for the case was Jason Karkoff, 7023 Mackenzie Road in Olmstead Township.

Mr. Williams asked if the homeowner had any plans to enclose the porch in the future. Mr. Karkoff stated that they did not.

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

Mr. Williams made a motion to approve the 6 ft. front yard setback variance to Section 1125.05, stating that the essential character of the neighborhood would not be substantially altered and that the variance was not substantial.

Ms. Fry seconded the motion.

Vote:

Fry Y
Humpal Y
Williams Y
Approved 3-0

Mr. Dutton stated that the Board had reviewed a similar variance application for the site on February 10, 2022. He stated that applicant had also received approval for a variance to allow buildings within the front yard setback and a fence taller than 6 ft. within the front setback.

Mr. Dutton stated that the applicant had submitted revised plans including the development of 105 storage units and a 200 sq. ft. office. He noted that Section 1141.05 required a 100 ft. setback from the east property line due to the residential zoning district across the street. Mr. Dutton stated that the eight-foot fencing in the front yard of the proposed site plan was taller than the 6 feet allowed by Section 1155.01(c)(1). Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The property could not yield a reasonable return or contain a beneficial use as the site was wide and narrow. This configuration could not be effectively utilized for a permitted industrial use without a variance to the 100 ft. front yard setback.
- The applicant had indicated that the fence height variance was not substantial, provided a uniform appearance, and was necessary for safety concerns.
- Essential character of the neighborhood would not be altered as the use was low impact and the streetscape would be enhanced due to landscaping proposed in the front yard.
- There were no alternatives to the proposed variance due to the site's configuration and security needs for fencing.

Present for the case were Nils Johnson of Cunningham and Associates, 203 West Liberty Street, and Kevin McNulty, 1620 Stony Hill Road in Hinckley. Mr. Johnson stated that they had run into issues with wetlands on the property. Mr. Johnson stated that they had weighed their options and decided not to impact the wetlands. He noted that the overall plan was essentially the same as the original proposal with some minor reconfiguration. Mr. Johnson added that the assisted living facility across the street was set back significantly from the street, so they did not believe the variance would have a negative impact on the surrounding neighborhood.

Mr. McNulty stated that the proposed self-storage facility was similar to their facility on 450 North State Road. He noted that they had received a similar variance for an 8 ft. fence at the North State Road facility. Mr. McNulty stated that there would be no safety or noise issues for the neighborhood.

There was a discussion as to the fence height and area variance requested in the original application. It was established that the original proposal had included an 8 ft. fence height and a 36 ft. setback, as opposed to the 8 ft. fence height and 25 ft. setback currently requested.

Mr. Williams asked if a sidewalk was being put in. Mr. McNulty stated that they had already invested in a sidewalk on the property several years prior.

Mr. Humpal opened the public hearing. Rick Kirby, 246 West Friendship Street, stated that he supported the project.

Mr. Williams made a motion to approve the variances for the front yard setback and fence height of 8 ft., stating that the variance was not substantial and the essential character of the neighborhood would not be substantially altered.

Ms. Fry seconded the motion.

Vote:

Humpal	<u>Y</u>
Williams	<u>Y</u>
Fry	<u>Y</u>
Approved	<u>3-0</u>

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman