



CITY of MEDINA

Board of Zoning Appeals

Regular Meeting Minutes

April 10, 2025

Meeting Date: April 10, 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)

Approval of Minutes

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

The motion was seconded by Mr. Johnson.

Vote:

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

The Court Reporter swore in all attendees.

Applications

1. Z25-03 Joel Copley 820 Lafayette Road VAR

Mr. Dutton stated that Corpro had recently occupied the building and received approval for an 8 ft. tall chain link fence around an employee vehicle parking area on the east side of the building. He added that, when installed, the chain link fence included barbed wire, which was not indicated on the approved plans. Mr. Dutton noted that Section 1155.01(d)(2) stated that “barbed wire, razor wire, or any other type of anti-climbing wire shall only be permitted in I-1, O-C, and P-F districts”. Mr. Dutton stated that, as the property was zoned C-3, the installed barbed wire fencing was not permitted. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The property cannot yield a reasonable return or conduct a beneficial use as the barbed wire fence was necessary to secure overnight parking for vehicles.
- The variance was not substantial as it was set back away from the street and the barbed wire was not plainly noticeable.
- The predicament cannot be feasibly obviated through another method as the proposed fence was necessary to secure vehicles as numerous incidents occurred at the business’s previous location.

Present for the case was Joel Copley of Janotta & Herner, 309 Monroe Street in Monroeville. Mr. Copley apologized for the oversight in not including the barbed wire on the fence permit application. He noted that the fence had been a main part of Corrpro's acceptance of the property. He noted that Corrpro had previously been located at 1055 West Smith Road, where they had had a similar fenced in area. Mr. Copley stated that Corrpro needed a secure parking lot for their employees, as their personal vehicles were left on site for extended periods of time.

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

Mr. Williams stated that he was not used to seeing barbed wire in that area. He asked if there had been specific incidents leading to the inclusion of barbed wire. Mr. Copley stated that there had previously been instances of trespassing in that section of the parking lot.

Mr. Humpal asked if the barbed wire was electrified. Mr. Copley stated that it was not.

Mr. Williams asked if the Fire and Police Departments had access to the parking lot if they needed it. Mr. Copley responded that they did.

Mr. Williams made a motion to approve the variance to Section 1155.01(d)(2.), stating that the variance would not adversely affect the delivery of government services, and the property owner had purchased the property with knowledge of the restrictions.

Mr. Funk seconded the motion.

Vote:

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

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| 2. | Z25-05 | Tim Pelton | 129 North Broadway Street | VAR |
|----|--------|------------|---------------------------|-----|

Mr. Dutton stated that the applicant had received Historic Preservation Board approval in September of 2024 to demolish the existing building on the site, which had experienced significant fire damage, and return the site to grass. He added that the building had since been demolished and the site was currently vacant. Mr. Dutton stated that the applicant was proposing to construct a four-space parking lot, a pedestrian connection to a larger parking lot to the west, and a lawn area with seating on the site. He noted that the application had been approved by the Historic Preservation Board and Planning Commission earlier that night, contingent on approval of the variances.

Mr. Dutton stated that the site plan included four parking spaces off of a single access drive. He noted that Section 1135.08(a) stated that "No off-street parking or loading space shall be located in any front yard". He added that, though the majority of the proposed parking was in the side and rear yards, the easternmost space was in the front yard by approximately 3 ft.

Additionally, Mr. Dutton stated that Section 1145.08 indicated that the minimum parking space size was 9 ft. in width, 19 ft. in length, and had a minimum aisle width of 24 ft. He noted that the proposed parking spaces were 9 ft. in width and 16 ft. 10 in. in length, with a proposed drive aisle of 21.7 ft.

Mr. Dutton continued that Section 1145.09(b) stated that a 10 ft. wide landscaped strip shall be located between the parking area and the street right-of-way line. He noted that the proposed parking incorporated a 10 ft. wide landscaped strip from the sidewalk. He stated that North Broadway Street had a large right-of-way width of 100 ft. and only 1 ft. of the landscape strip was located on the property.

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

- The variance was necessary for the property to have a beneficial use as a parking lot which eliminated cut through traffic.
- The variance was not substantial as the proposed parking lot with green space was consistent with the area and would not change the character of the neighborhood.
- The predicament cannot be feasibly obviated without a variance as there were no practical alternatives for the site other than leaving the lot vacant or a development with greater disruption.

Present for the case was Tim Pelton, 125 North Broadway Street. Mr. Pelton stated that they had wanted to eliminate the passthrough to the Cups Café parking lot to the west, as the through traffic was dangerous. He noted that Cups Café was aware of their proposal and was supportive of it.

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

Mr. Humpal asked if the City Engineer had reviewed the project. Mr. Dutton stated that he had, and that no concerns had been raised.

Mr. Roszak inquired as to the possibility of moving the parking lot further west on the site. Mr. Pelton stated that their goal was to create some green space away from the road. There was a discussion on the proposed green space and the location of the parking area.

Mr. Funk made a motion to approve the variances to Sections 1135.08(a), 1145.08, and 1145.09(b), stating that granting the variances would not alter the essential character of the area, and that the variances would allow the property owner a return on investment.

Mr. Johnson seconded the motion.

Vote:

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| Johnson | <u>Y</u> | Rozsak | <u>Y</u> |
| Williams | <u>Y</u> | Funk | <u>Y</u> |
| Humpal | <u>Y</u> | | |
| Approved | <u>5-0</u> | | |

Mr. Dutton stated that the building had previously incorporated an uncovered front deck used for outdoor dining located 16 ft. 10.5 in. from the right-of-way. He noted that, recently, the uncovered deck was roofed and enclosed without the necessary permits. Mr. Dutton stated that the minimum front setback required in the I-1 Zoning District was 25 ft. for principal buildings.

Mr. Dutton continued that Section 1113.04(k)(3) provided an exception allowing unenclosed porches to project into the front setback up to 10 ft. and the previously uncovered deck had an effective minimum front setback of 15 ft. from the right-of-way. Mr. Dutton stated that the enclosed deck did not qualify for the exception and had a required 25 ft. front setback. He noted that the enclosed deck included a dark metal roof, unfinished wood siding, and windows on the side facing Lafayette Road.

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

- The property cannot yield a reasonable return without the variance as the dining deck was essential to the business and the enclosure was necessary for year-round dining.
- The variance is not substantial as it was an improvement to a conforming deck.
- The property owner was not aware of the zoning restriction.

Present for the case was Reed Richins of Windfall Architects Ltd., 5189 Park Drive, representing Bill Adams, the owner of 665 Lafayette Road. Mr. Richins stated that the property had previously been a tavern and Mr. Adams had purchased the property in 2017 and opened Diner 42. Mr. Richins stated that Mr. Adams had received approval in 2018 to extend the dining deck to provide an accessible entrance and to allow for outdoor dining. He noted that Mr. Adams had recently enclosed the deck. He added that his client had not gotten approval, and had been unaware that enclosing the deck would change its setback requirement. Mr. Richins stated that Mr. Adams was working with the Building Department and the Fire Marshall to obtain the proper building permits and get the enclosed deck approved. He added that Mr. Adams was seeking approval of the enclosed deck as he felt it was critical to the running of his business.

Mr. Humpal opened the public hearing. Doug Piskac, owner of 667 Lafayette Road, stated that he thought there should be a penalty for not coming before the Board prior to building the enclosure. He claimed that Mr. Adams had encroached on his property, which made it hard to install siding on his building.

Mr. Humpal informed Mr. Piskac that property line disputes were not under the jurisdiction of the Board of Zoning Appeals, and that he would need to take it up with legal counsel. Mr. Roszak noted that the survey included in the packet presented to the Board seemed to indicate that there was an encroachment. He added that the Board was reviewing the front enclosure, which did not encroach on Mr. Piskac's property.

Mr. Humpal asked if the Planning Commission had approved their portion of the application. Mr. Dutton stated that the Planning Commission had approved their application.

There was a discussion as to making the variances contingent on Building Department approval of the project. It was noted that the Planning Commission had included a similar condition.

Mr. Roszak made a motion to approve the variance, stating that the essential character of the neighborhood would not be substantially altered. He added that the variance would not adversely affect the delivery of government services and that the spirit and intent of the zoning requirement would be observed.

Mr. Williams seconded the motion.

Vote:

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| Roszak | <u>Y</u> | Williams | <u>Y</u> |
| Funk | <u>N</u> | Humpal | <u>Y</u> |
| Johnson | <u>N</u> | | |
| Approved | <u>3-2</u> | | |

4. Z25-07 Lisa Reau 028-19A-21-265 VAR

Mr. Dutton stated that the property contained an existing public parking lot with approximately 40 parking spaces. He added that the applicant was proposing to remove the existing lot and construct a parking lot with 81 parking spaces. He noted that the proposed parking lot would include storm water management, landscaping, and hard wired lighting, which the current lot lacked.

Mr. Dutton stated that Section 1130.05 indicated that the maximum lot coverage in the P-F district was 60 percent. He noted that the proposed parking lot and drives had a lot coverage of 73 percent, which exceeded the maximum.

Mr. Dutton continued that Section 1145.09(b) addressed interior parking lot landscaping and stated "For each 100 square feet or fraction thereof of parking area, at least five square feet of landscape area shall be provided". He noted that the subject parking lot was 27,302 sq. ft. in area which required 1,365 sq. ft. on interior landscaping. He added that the proposed parking lot included 3.4 sq. ft. of interior landscaping per 100 sq. ft. of parking area, or 920 sq. ft, which was below the required minimum.

Mr. Dutton stated that Section 1149.05(c)(4) indicated that commercial and institutional land uses must provide screening from single-family or two-family residential zoning districts. He noted that the required method of screening was either a 6 ft. tall wall or fence, or a 10 ft. wide open space area including conifers at least 6 ft. in height. Mr. Dutton stated that the proposal incorporated the following landscaping for screening:

- North Side – Conifers providing screening from an adjacent single-family residence with a minimum open space width of 6 ft.
- South Side – Conifers providing screening from an adjacent single-family residence with a minimum open space width of 8 ft.
- West Side – No screening from an undeveloped portion of a single-family residential with a minimum open space width of 3 ft.

Additionally, he noted that the minimum open space of 10 ft. required by Section 1149.05(c)(4) was not met. Mr. Dutton stated that the Planning Commission had conditionally approved the application earlier in the evening including conditions to add additional low growth landscaping in the northwest corner of the site and that traffic flow on the site shall be one-way counterclockwise. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The variance was not substantial as:
 - The proposed lot coverage was 73% rather than the required 60%. 3.4% of interior landscaping was proposed in addition to substantial perimeter landscaping.
 - The proposed pavement was not closer to the north or south property lines and landscaping had been provided to mitigate impacts.
- The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a detriment as the existing parking lot was disrepair and the proposed new parking lot would be a vast improvement.
- The spirit and intent behind the zoning requirement would be observed as the variance would allow for an enhancement of an existing underutilized parking facility.

Present for the case were Nils Johnson of Cunningham and Associates, 203 West Liberty Street, and Lisa Reau of Autonomy Capital, 3991 North Jefferson Street. Mr. Johnson stated that the goal was to develop the parking lot and make it an asset to the city. He noted that the parking lot was underutilized and in disrepair and the project would add more parking with lighting, screening, and stormwater management. He added that he did not believe the variances were substantial.

Mr. Humpal noted that the property was owned by the Medina City Development Corporation, of which he was a nonvoting member. He added that he had spoken with the City Law Director and would proceed to review and vote on the case.

Kimberly Marshall, representing the Medina City Development Corporation, 132 North Elmwood Avenue, stated that the Corporation had met with the developer in March to review the proposed site plan. She stated that the project needed to be reviewed by the Planning Commission and the Board of Zoning Appeals so that the applicant could bid the project and determine the cost. She added that the proposal doubled the size of the parking lot. Ms. Marshall stated that the goal was to support the hotel project and improve parking for the downtown.

Mr. Humpal opened the public hearing.

Nick Stanton, 239 South Elmwood Avenue, stated that he was planning on putting in a fence that would screen the lot from their property. He noted that he was happy with the proposed water management, as the parking lot currently drained onto his property. Mr. Stanton inquired as to the lighting proposed by the applicant. Mr. Johnson stated that a lighting consultant had designed the proposal with five light poles. He added that the submitted photometric plan met the city's requirements. He noted that all of the fixtures around the perimeter of the lot were equipped with backlight control.

Mr. Roszak suggested a solid row of boxwoods between the parking lot and the right-of-way, the removal of shrubs from the center island, and additional shrubs along the property lines. There was discussion as to the proposed landscaping and the flow of water on the site.

Mr. Williams stated that he felt there should be angled parking around the perimeter of the lot. There was a discussion on parking and traffic flow on the lot.

After further discussion, Mr. Roszak made a motion to approve the variance with the following conditions:

1. The area between the parking lot and South Elmwood Avenue shall contain a continuous boxwood hedgerow approximately 3 ft. to 4 ft. on center.
2. The north and south sides of the property shall incorporate shrubs or evergreen trees that will fill in upon maturation.

Mr. Roszak stated that the essential character would not be substantially altered by the granting of the variance, the variance would not adversely affect the delivery of government services, and that the spirit and intent behind the zoning requirement would be observed.

Mr. Funk seconded the motion.

Vote:

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

5. Z25-08 Joel Copley 1055 West Smith Road VAR

Mr. Dutton stated that the Planning Commission had recently approved an application for exterior improvements to the building, which would be occupied by Sandridge. He noted that the applicant was proposing four wall signs for the building. Mr. Dutton stated that Section 1145.14(d) indicated that each commercial tenant space shall have only one wall sign on the primary building frontage with a maximum size of 1 sq. ft. per 1 ft., and one wall sign on the secondary building frontage with a maximum size of 1 sq. ft. per 4 ft. He noted that, as the site was a corner lot, the primary frontage was permitted one wall sign at 295 sq. ft. and the secondary frontage was permitted one wall sign at 75 sq. ft.

Mr. Dutton stated that the applicant was proposing two wall signs on the primary frontage with a total square footage of 164 sq. ft., and two wall signs on the secondary frontage, with a total square footage of 82 sq. ft. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The signs, which exceeded area standards, were appropriate in scale and proportions of the structure.
- The signs would not adversely impact the building or neighborhood as they did not face residential properties and coincided with main entrances.

- The variance was the minimum necessary to allow reasonable use, visibility, and readability, as the signs were proportionate with the scale of the building.

Present for the case was Joel Copley of Janotta & Herner, 309 Monroe Street in Monroeville. Mr. Copley stated that this building was slated to house their marking and culinary divisions. He noted that, as the building was on a corner, the building needed to be branded on both sides.

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

Mr. Williams stated that, given the location of the property, he felt the proposed signage was appropriate.

Mr. Funk made a motion to approve the variance to Section 1145.14(d), stating that the variance would not adversely affect the character or appearance of the building, lot, or neighborhood. He added that the variance would be consistent with the general spirit and intent of the Zoning Code.

Mr. Williams seconded the motion.

Vote:

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

Adoption of Final Decision and Conclusions of Fact

Mr. Dutton stated that the request was for the adoption of Final Decision and Conclusions of Fact for the Board of Zoning Appeal's review of a gas station with a drive through at 999 Lafayette Road. He noted that the Planning Commission application for the project had been appealed and would be reviewed by the Board of Zoning Appeals at a future meeting. Mr. Dutton stated the document adopted the materials and testimony provided to the Board and the Board's decision. He added that the Law Director had recommended that the member making the motion acknowledge that the document had been received and reviewed.

Mr. Williams stated that, having received and reviewed the documents, he made a motion to accept the Final Decision and Conclusions of Fact as presented and accept it as their final decision.

Mr. Funk seconded the motion.

Vote:

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

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman