



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**May 12, 2022**

Meeting Date: May 12, 2022

Meeting Time: 7:00 PM

Present: Brandilyn Fry, Robert Henwood, Bert Humpal, Paul Roszak, Mark Williams, Andrew Dutton (Community Development Director), Greg Huber (Law Director), and Sarah Tome (Administrative Assistant)

**Approval of Minutes**

Mr. Roszak made a motion to approve the minutes from April 14, 2022 as submitted.

The motion was seconded by Mr. Henwood.

Vote:

Fry	<u>Y</u>
Henwood	<u>Y</u>
Humpal	<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. Z22-13 Fraternal Order of Eagles 696 Lafayette Road VAR

Mr. Dutton stated that the applicant, Medina Eagles Aerie Number 2224, was requesting a use variance to Section 1141.02 to allow outdoor commercial entertainment in a Multi-Family Residential (R-4) zoning district. Mr. Dutton stated that the site contained the Medina Eagles facility on the north side of the property and an undeveloped area on the south side of the property. Mr. Dutton noted that, in June of 2021, the Medina Eagles submitted a use variance to hold outdoor concerts from June to October of 2021. Mr. Dutton stated the Board of Zoning Appeals approved the application as submitted for the 5-month period. Mr. Dutton stated that the current application was for the Medina Eagles to continue to hold outdoor concerts without a time restriction. He explained that the concerts would continue to be held in the same

manner as previously approved, with entertainment located in the pavilion to the southwest of the building. Mr. Dutton stated that the Medina Eagles indicated they planned to hold approximately 10 events a year from June through October, between the hours of 6 pm and 11 pm, with approximately 100-200 patrons expected to attend each event.

Present for the case were Cornell Carter and Russ Kunkler, trustees for the Medina Eagles, 696 Lafayette Road. Mr. Carter stated that they would continue to do parking enforcement and security for the events. Mr. Kunkler stated that they learned a great deal the previous year and had made adjustments so that this year's events would be better.

There was a discussion as to the length of time the Variance should be granted for. Mr. Carter stated that they were seeking the Variance in perpetuity for the parcel with the building and pavilion.

Mr. Humpal asked if the police were advised as to when the events were being held. Mr. Carter stated that the police were made aware of the events, especially the ones with high ticket sales. Mr. Wood inquired as to whether there had been any issues noted by the Eagles that had not required a police presence. Mr. Carter stated that there had been some administrative issues, but there were no other problems.

Several Board members expressed concern over allowing the Variance in perpetuity. Mr. Carter stated that the Eagles wanted to plan multi-year events. He noted that prices for bands were very fluid and that their goal was to be able to plan two to three years out so as to lock in prices for the entertainment.

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

Mr. Williams made a motion to grant the Variance for a three-year period, appending the other conditions that were given the previous year, on the basis that the Variance request stems from a condition that is unique to the property and not ordinarily found in the district, and that the Variance sought is the minimum that will afford relief to the applicant.

Mr. Roszak seconded the motion.

Vote:

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

The applicant was advised that he could apply for an extension prior to the end of the Variance.

Mr. Dutton stated the applicant, Tony Cerny, was requesting a use variance to Section 1141.02 to allow a banquet facility use in an I-1 zoning district. Mr. Dutton stated that the site contained Foundry Social, MAD Brewing, and High Voltage Karting. He explained that the applicant proposed to establish a new 6,800 sq. ft. banquet hall in a central area of the building which would seat approximately 250 guests. Mr. Dutton stated that, in conjunction with the proposed banquet facility, the applicant had submitted a Site Plan application to the Planning Commission earlier in the evening for parking on the northwest side of the building. Mr. Dutton noted that the owner proposed to improve the parking area by providing a hard surface and other required improvements within five years.

Present for the case was Tony Cerny of Architectural Design Studios, 620 East Smith Road, and Greg Cordray of Foundry Social, 333 Foundry Street. Mr. Cerny stated that the proposed use would serve as an extension of High Voltage Karting and Foundry Social. Mr. Cerny noted that the building had sat empty for many years until the current owners had purchased it. He stated that the proposed use would have no impact on the delivery of City services and would not negatively impact the surrounding area.

Mr. Cordray stated that the new facility would be an exciting space. Mr. Cordray noted that their mission was to make a difference for people and that the banquet hall would be a beautiful extension of the business.

Mr. Humpal asked if the Planning Commission had approved their portion of the project. Mr. Dutton stated that they had approved the parking lot expansion with the condition that the applicant pave the parking lot within five years.

Mr. Williams stated that he felt a banquet facility was most appropriate in an Industrial district and that he was in favor of the application.

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

Mr. Roszak made a motion to approve the application, stating that the Variance stems from condition that is unique to the property and not ordinarily found in same the zone or district. He also stated that a hardship condition would not be created by action of the applicant and granting the Variance would not would not adversely affect the rights of adjacent owners.

Mr. Williams seconded the motion.

Vote:

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

Roszak            Y  
Williams         Y  
Approved        5-0

3.        Z22-12                                  Tony Cerny                                  241 South Court Street                                  Appeal

Mr. Dutton stated that the case was an appeal of Historic Preservation Board application H21-13 at 241 South Court Street. He stated that the history of the application was as follows:

- The applicant made the request in late December of 2021
- The case was considered by the Historic Preservation Board on January 13, 2022. The case was tabled so that the applicant could present information regarding doors, lighting, and to present material samples.
- The applicant provided the requested information and the case was reviewed again on February 10, 2022. The case was tabled again so that the applicant could submit historical research and drawings of the exterior changes to the Board.
- On April 14, 2022 the historic Preservation Board reviewed the application again and it was denied.
- On April 15, 2022 the applicant applied for an appeal.

Mr. Dutton stated that the sleeping porch removal had been administratively approved by Building Official Dan Gladish and was not part of the application or appeal. Mr. Dutton noted that the changes made to the building included the installation of Hardiboard siding, the installation of a sidewalk, and the replacement of doors and light fixtures.

Mr. Humpal asked Greg Huber, the City's Law Director, if there was anything he wanted to add or advise the Board of. Mr. Huber stated that Dan Gladish was confronted with a sleeping porch that was in bad shape and that he had ordered it to be removed. He noted that the Historic Preservation Board considered the sleeping porch to be part of a historic structure and that they felt they had not been given a chance to weigh in on whether it should be put back. Mr. Huber felt that there had been a lack of coordination in this case, but that Mr. Rose has attempted to remedy the situation and had brought the case before the Historic Preservation Board. He stated that he felt the Historic Preservation Board was frustrated with being brought in after the work had been completed.

Present for the case were Michael Laribee of Laribee & Hertrick LLP, 325 North Broadway Street, Tony Cerny of Architectural Design Studios, 620 East Smith Road, and Mike Rose of the Rose Company, 23 Public Square. Mr. Laribee stated that restoration of the sleeping porch had not been economically feasible. He stated that the siding that was put on was appropriate for the rear exterior of the building. Mr. Laribee noted that the vote by the Historic Preservation Board had been 2-2 and that City staff had recommended approval of the application.

Mr. Cerny stated he agreed with Mr. Larabee and added that the property owner had wanted to clean up the back of the building after the removal of the sleeping porch. He noted that the Board leaned towards absolute preservation, which he did not consider to be the intent behind the City's guidelines. Mr. Cerny stated that the sleeping porch was original to the building and did not have value when it was removed. He added that they had tried to create a façade that was consistent with the building's time period and was safer and more accessible. Mr. Cerny stated that the two Historic Preservation Board members who voted against the application were more concerned with not being approached in advance of the working being done rather than the actual quality of the work.

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

Mr. Humpal stated that the application could be approved, denied, or sent back to the Historic Preservation Board. Mr. Roszak expressed concern with the new façade, as he felt the porch was more architecturally interesting and that the Hardiboard was a stark contrast to the brick covering the rest of the building. There was some discussion as to the material and it was established that Hardiboard was allowed within the Historic District. Mr. Roszak asked why the façade changes were not reviewed by the Historic Preservation Board prior to installation. Mr. Rose stated that they had been concerned about the weather because there was so much open space. He described the improvements that had been made, stating that it might have been a little plain but that it was in keeping with the character of the building.

Mr. Dutton noted that at the time when the sleeping porch was removed and the façade changed should have gone before the Historic Preservation Board, the Community Development Director and the assistant to the Community Development Director positions were vacant. He stated that Dan Gladish saw the need for the sleeping porch to be removed, however, he may not have foreseen what would need to be done to replace it.

Mr. Henwood asked Mr. Dutton if the Historic Preservation Board denied the case because they objected to the removal of the sleeping porch or to the façade. Mr. Dutton stated that the Historic Preservation Board did not directly address this prior to voting and that both issues were referenced over the span of the three meetings. Mr. Rose stated that the Historic Preservation Board was more concerned with the construction method of the Haridboard, with specific reference to the Gardener's Cottage. Mr. Rose noted that one of the people who voted against the application stated three times at prior meetings that they would be watching the Rose Company because they believed they were not following the rules.

There was a discussion as to whether the case should be sent back to the Historic Preservation Board with specific guidelines for their consideration of the application. Mr. Humpal noted that the Board of Zoning Appeals had done so with previous cases and had not gotten a response from the Historic Preservation Board.

Ms. Fry made a motion to approve the appeal as submitted and to approve the Certificate of Appropriateness.

Mr. Roszak seconded the motion.

Vote:

Fry	<u>Y</u>
Henwood	<u>Y</u>
Humpal	<u>Y</u>
Roszak	<u>N</u>
Williams	<u>Y</u>
Approved	<u>4-1</u>

4. Z22-10 City of Medina North Huntington Street VAR

Mr. Dutton stated that Z22-10 was withdrawn and would not be reviewed by the Board of Zoning Appeals.

**Adjournment**

Having no further business, the meeting was adjourned.

Respectfully submitted,

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Sarah Tome

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Bert Humpal, Chairman