



CITY of MEDINA
Board of Zoning Appeals
Regular Meeting Minutes
June 13, 2024

Meeting Date: June 13, 2024

Meeting Time: 7:00 PM

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

Absent: Kyle Funk, Robert Henwood

Approval of Minutes

Mr. Williams made a motion to approve the minutes from May 9, 2024 as submitted.

The motion was seconded by Mr. Roszak.

Vote:

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

The Court Reporter swore in all attendees.

Applications

1. Z24-16 Audrey Allshouse 325 South Elmwood Avenue VAR

Mr. Dutton stated that the applicant was proposing to construct a 4 sq. ft. projecting sign near the northeast corner of the building in addition to a recently approved wall sign. He added that the proposed sign was approximately 6 ft. above the grade of the landscaped area below. He noted that the proposed sign was a part of a significant building façade renovation.

Mr. Dutton stated that Section 1147.14 included regulations in Commercial and Industrial Districts. He noted that the section did not allow projecting signs, which were only permitted in the Historic District per Section 1147.15. Mr. Dutton stated that Section 1147.15 limited projecting signs to 4 sq. ft. and required that they be 8 ft. above grade to provide clearance above public sidewalks. He added that the proposed property was not located in the Historic District and therefore a projecting sign was not permitted. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The sign would not create a visual obstruction and would allow drivers to identify the building.

- The sign would not adversely impact the character or appearance of the building and would be incorporated into the facade renovation.
- The variance would be consistent with the subject ordinance as the sign would add to the beautification, aesthetic, and function of the building and the area.

Present for the case was Justin Dodson of Signs 330, 118 South Main Street in Munroe Falls. Mr. Dodson stated that the client wanted to have a projecting sign to catch the eye of those traveling on South Elmwood. He noted that the building across the street, which had previously held the South Town Creative Shop, had received a variance to allow a projecting sign.

Mr. Roszak stated that he was comfortable with the variance and indicated he would like to include the stipulation that the area below the projecting sign would not be a walkable surface. Mr. Williams agreed with Mr. Roszak, stating that he thought the sign was appropriate for the feel of South Town.

Mr. Humpal opened the public hearing. There were no questions or comments from the public. Mr. Williams made a motion to grant the variance to Section 1147.14, stating that the variance would not substantially alter the characteristics of the neighborhood and substantial justice would be done in granting the variance. Mr. Williams included the condition that the area below the projecting sign shall not be a walkable surface.

Mr. Roszak seconded the motion.

Vote:

Humpal	<u>Y</u>	Rozzak	<u>Y</u>
Williams	<u>Y</u>	Cureton	<u>Y</u>
Approved	<u>4-0</u>		

2. Z24-17 Sean Brown 1080 Southport Drive VAR

Mr. Dutton stated that the applicant was proposing to construct a 352 sq. ft. addition to the rear of the existing home. He added that the project also included an open 91.5 sq. ft. overhang. Mr. Dutton stated that Section 1123.05 required that principal structures in the R-1 zoning district must have a 50 ft. setback from the rear property line. He added that the existing home was permitted nonconforming with a setback of 47.3 ft from the rear property line.

Mr. Dutton stated that the proposed addition would be located 41.3 ft. from the rear property line, which was within the required setback by 8.7 ft. He added that the proposed overhang would be located 39 ft. from the rear property line, which was in the required setback by 11 ft. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The proposed variance would allow a beneficial use of the property and add value.
- The variance was not substantial and only marginally reduced the rear setback.

- The applicant was unaware of the requirement when the home was purchased.
- To allow an improvement to the home by expanding the kitchen and family room, the predicament could not be feasibly obviated through another method.

Mr. Dutton noted that a document from the neighbor to the rear was submitted stating that he had no issues with the proposed addition.

Present for the case was Sean Brown, 1080 Southport Drive. Mr. Brown stated that he had lived in the house for 14 years, but had outgrown the space. He noted that he had considered moving, but with the current state of the housing market, he was looking to expand their current home instead.

Mr. Humpal asked if staff had received any other comments from neighbors. Mr. Dutton stated that notices had gone out to all of the neighboring property owners, but that they had not received any responses.

Mr. Roszak stated that he was comfortable with the variance. Mr. Cureton agreed with Mr. Roszak. Mr. Williams noted that the house had a large side yard. Mr. Brown stated that the side yard sloped down to a creek, and the considerable drop in elevation meant that they could not expand the house to the side.

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

Mr. Roszak made a motion to approve the variance, stating that the variance was not substantial, the essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer substantial detriment as a result of the variance.

Mr. Williams seconded the motion.

Vote:

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

3. Z24-18 Garrett Scherba 5 Rolling Meadows Place VAR

Mr. Dutton stated that the applicant was proposing to construct a 4 ft. tall wooden picket fence on the southeast and southwest sides of the home. He noted that the property was a corner lot and a portion of the proposed fence would be located between the home and Rolling Meadows Drive. Mr. Dutton stated that the applicant had provided two options for the fence:

- Option 1 - Extended from near the southeast property line to the southeast corner of the home.
- Option 2 - Extended from near the southeast property line to the northwest corner of the home.

Mr. Dutton stated that Section 1151.01(c)(1) limited fences within 15 ft. of a side street right-of-way to 3 ft. in height. He noted that both options proposed 4 ft. tall picket fence including a portion located within 15 ft. of the Rolling Meadows right-of-way. He added that the portion of the fence that was within 15 ft. of Rolling Meadows Drive was subject to the maximum 3 ft. fence height, which was not met.

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

- The proposed variance would allow a beneficial use of the property by allowing the fenced area to be safely utilized by children.
- The variance was not substantial as only a 1 ft. increase was requested.
- The essential character of the neighborhood would be improved with an aesthetically pleasing fence.
- The need for additional fence height was a safety issue and could not be obviated through some method other than a variance.

Present for the case was Crystal Scherba, 5 Rolling Meadows Place. Ms. Scherba stated that she wanted the fence for the safety of their two-year-old son.

Mr. Roszak stated that he was in favor of "Option 1". He added that "Option 2" ran the fence in front of the house and was not in keeping with the neighbors. Ms. Scherba stated that they preferred "Option 2", but that they would accept "Option 1" if that was what the Board decided on. Mr. Humpal noted that they were not usually given options, however he also preferred "Option 1".

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

Mr. Williams stated that he was comfortable with "Option 1".

Mr. Roszak made a motion to approve the variance with "Option 1", stating that the variance was not substantial, the essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer substantial detriment as a result of the variance.

Mr. Cureton seconded the motion.

Vote:

Rozsak Y Williams Y

Cureton Y Humpal Y

Approved 4-0

4. Z24-19 Jessica Rupnow 381 Arbor Crossing VAR

Mr. Dutton stated that the subject property was adjacent to rights-of-way on the north and south sides, which was considered "double frontage". He added that lots with double frontage

had front yards on both sides adjacent to rights-of-way. Mr. Dutton stated that the subject lot had a solid 6 ft. fence located approximately 18 ft. from the West Reagan Parkway right-of-way. He added that the applicant was proposing to construct a solid 8 ft. fence approximately 12 ft. from the West Reagan Parkway right-of-way.

Mr. Dutton stated that Section 1151(c)(1) limited fence height to 3 ft. in the front yard. He noted that fences in the side and rear yards were permitted to be 6 ft. in height, which could be increased to 8 ft. in height when the top 2 ft. were a least 50% open. Mr. Dutton stated that the proposed solid 8 ft. tall fence was located approximately 12 ft. from West Reagan Parkway within the front yard of a double frontage, and was taller than the 3 ft. maximum allowed.

Mr. Dutton noted that on the north side of Arbor Crossing, numerous homes had a 6 ft. tall fence near the West Reagan Parkway right-of-way. He stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The proposed variance would allow a beneficial use of the property by allowing a fence which provided necessary screening from a highly trafficked street.
- The variance was not substantial as only a portion of the fence was proposed at a greater height.
- The essential character of the neighborhood would be improved as the fence would be in line with neighbors.
- The spirit and intent of the requirement would be observed as the fence would not impact vehicular or pedestrian sightlines.

Present for the case was Jessica Rupnow, 381 Arbor Crossing Drive. Ms. Rupnow stated that the main reason she was looking to increase the height of their fence was because the property sloped down towards Reagan Parkway by about 1 ½ ft. and she wanted to add privacy.

Mr. Humpal stated that there had been a similar case brought to the Board in the past. Mr. Dutton stated that the Board had heard a similar case in July of 2020. He noted that the subject property also backed up to Reagan Parkway and that the applicant had requested an 8 ft. fence in their rear yard. He noted that the application had been approved. Mr. Roszak stated that he had been against the 2020 variance at the time and he felt that the fence stuck out. He added that he understood the concerns of the applicant, but he was against an 8 ft. fence. Mr. Roszak said that he would be in favor of a fence that would match the elevation of that of the neighbors. Ms. Rupnow stated that her house was located the closest to Reagan Parkway, which made privacy an issue.

There was a discussion on fence heights and the grade behind the homes on Reagan Parkway.

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

Mr. Williams made a motion to approve the variance with the condition that the fence shall not have a higher elevation than the adjacent fences at 373 and 387 Arbor Crossing. He added that the variance would not significantly impact adjoining properties or the essential character of the neighborhood, nor would it adversely affect the delivery of government services.

Mr. Cureton seconded the motion.

Vote:

Williams	<u>Y</u>	Cureton	<u>Y</u>
Humpal	<u>Y</u>	Rozak	<u>Y</u>
Approved	<u>4-0</u>		

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman