



CITY of MEDINA
Board of Zoning Appeals
Regular Meeting Minutes
July 11, 2024

Meeting Date: July 11, 2024

Meeting Time: 7:00 PM

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

Absent: Robert Henwood

Approval of Minutes

Mr. Roszak made a motion to approve the minutes from June 13, 2024, as submitted.

The motion was seconded by Mr. Williams.

Vote:

Funk	<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. Z24-20 Jay Summers 228 East North Street VAR

Mr. Dutton stated that the subject property at 228 South East Street had a lot width of 100.65 ft. and the adjacent property to the north at 220 South East Street had a lot width of 40 ft. He stated that the applicant was proposing to split the northern 30 ft. of the property at 228 South East Street and combine it with the adjacent property at 220 South East Street. He added that the resulting properties would be 70.65 ft. in width and 70 ft in width, respectively.

Mr. Dutton stated that Section 1125.05 of the Zoning Code included a table with development standards in the R-3 district which indicated a minimum lot width of 75 ft. He added that the proposed lots did not meet the required width, although they would be close to compliance.

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 providing land for the relocation of a driveway and construction of a detached garage.

- The variance was not substantial as it would bring the property at 220 South East Street closer to compliance with the 75 ft. standard lot width.
- The essential character of the neighborhood would be improved as the variance would allow for the construction of a detached garage.
- The spirit and intent of the requirement would be observed by increasing the value of the property, creating a lot closer to conformance, and improving safety.

Present for the case was Jay Summers, 220 South East Street. Mr. Summers stated that he wanted to purchase the 30 ft from James Rickert so that he could relocate his driveway and construct a two-car garage.

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

Mr. Williams stated that he had no issue with the variance, as it brought the lots closer to compliance and made the character of the neighborhood more unified. Mr. Humpal noted that it was an exceptionally small variance.

Mr. Williams made a motion to approve the variance Section 1125.05 regarding lot width, 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.

Mr. Funk seconded the motion.

Vote:

Humpal	<u>Y</u>	Roszak	<u>Y</u>
Williams	<u>Y</u>	Funk	<u>Y</u>
Approved	<u>4-0</u>		

2. Z24-21 Lisa Reau 257 South Court Street VAR

Mr. Dutton stated that the applicant had proposed to place two 32 sq. ft. banner signs on the construction fence facing east towards South Court Street and facing south towards to Feckley Parking Lot. He noted that Section 1147.10 of the Zoning Code prohibited signs to be erected or attached to accessory structures and fences. Additionally, Mr. Dutton stated that Section 1147.15 allowed one temporary freestanding sign to be 6. sq. ft. in area, displayed a maximum of 15 consecutive days, and displayed a maximum of 60 days in a year. He added that the applicant was proposing two temporary signs, each 32 sq. ft. in area, to be displayed for the duration of the project.

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

- The proposed signs, which exceeded the maximum permitted area, were appropriate due to the size of the project and the high volume of vehicles entering the site during

construction. In addition, the temporary signs were flexible and could be adjusted as needed.

- The exception would not adversely impact the character or appearance of the neighborhood as the signs would be installed with minimal aesthetic impact and would not permanently alter the property or the surrounding area.

Present for the case was Lisa Reau of Autonomy Capital Group, 3991 North Jefferson Street.

Mr. Humpal asked if the duration of the project should be defined. Mr. Dutton stated that he was not sure on the time frame for the construction, although they were looking to open in 2025. Ms. Reau stated that the goal was to open in 2025. Mr. Williams stated that he would like to see a timeline on the project, and suggested that the applicant be brought back to give an update in a year. There was a discussion as to the duration of the project and the need for further variances if the fence was moved or removed. Ms. Reau stated that she would be willing to come back in a year or six months and provide an update on the project.

Mr. Williams suggested that the Board word the variance so that after one year, or if the exterior fence came down and the sign needed moved to another location, the applicant would need to come back before the Board. Mr. Dutton stated that they could include allowance for a relocated freestanding sign in this application's motion.

Mr. Humpal opened the public hearing. There were no questions or comments from the public. Mr. Williams made a motion to approve the variances to Sections 1147.10 and 1147.15 to allow the temporary fence sign with the following conditions:

1. The signs shall be installed on fencing as submitted for the duration of the project.
2. The placement of the signs at another location on the site would require approval from the Board.

He added that the variance would not adversely affect the character or appearance of the lot or neighborhood and the signs' size would be appropriately scaled for the project.

Mr. Funk seconded the motion.

Vote:

Roszak	<u>Y</u>	Williams	<u>Y</u>
Funk	<u>Y</u>	Humpal	<u>Y</u>
Approved	<u>4-0</u>		

3. Z24-22 Louis Schubert 248 South Harmony Street VAR

Mr. Dutton stated that the existing site included a two-story 1,982 sq. ft. single-family home and a 2,423 sq. ft. detached garage. He added that the applicant received Planning Commission and variance approval for 1,188 sq. ft. of additions on the north and east sides of the property

and a wrap-around covered porch earlier in 2024. Mr. Dutton indicated that the project included a breezeway connecting the home to the garage.

Mr. Dutton stated that the applicant was currently requesting to install a 168 sq. ft. shed in the southeast portion of the site. He noted that the proposed shed would be located 55 ft. from the East Smith Road right-of-way and 15 ft. from the east property line. Mr. Dutton stated that Section 1113.05(1)(2)(A.)(2.) required accessory buildings to be located in the rear yard. He added that, as the property was a corner lot, there were two options for determining the rear yard: to the east of the principal structure or north of the principal structure. Mr. Dutton stated that the home and garage would be attached, creating one large principal structure, and the rear yard was limited in either option. He added that the corner lot had front yards adjacent to South Harmony Street and East Smith Road. Mr. Dutton noted that the proposed accessory building was located in the front yard between the home and East Smith Road.

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

- The variance was not substantial as the shed had the same aesthetics as the home, the property was large, and the shed would be 55 ft. from the right-of-way.
- The essential character of the neighborhood would not be altered as there would be space from adjacent lots and trees and fencing would provide a visual buffer.
- The predicament could not be obviated through another method as the permitted rear yard was not preferred and was obstructed by trees.

Present for the case was Louis Schubert, 248 South Harmony Street.

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

Mr. Williams inquired if either of the two rear yard options would meet setback requirements. Mr. Dutton stated that he did not believe they would. Mr. Humpal asked if the city had received any comment from neighboring properties. Mr. Dutton stated that they had not.

Mr. Funk inquired as to brickwork visible on either side of the applicant's driveway. Mr. Schubert stated that there were brick columns located on either side of the driveway. Additionally, Mr. Schubert noted that the shed was as close to their garage as possible and that there was fencing and landscaping would help block the view of the shed from the roadways.

Mr. Roszak stated that he was okay with the variance, but wondered if a window should be added to the south side of the shed. Mr. Schubert stated that it was a pre-built shed that had already been delivered to his house. He added that he didn't think they could add a window. Mr. Williams inquired as to the addition of a faux window. There was a discussion as to the shed's design and a faux window on the southern face.

Mr. Roszak made a motion to approve the variance to Section 1113.05(1)(2)(A.)(2.), with the condition that a faux window shall be installed on the south side of the shed. He added 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:

Williams	<u>Y</u>	Funk	<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