



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**Regular Meeting Minutes**  
**July 14, 2022**

Meeting Date: July 14, 2022

Meeting Time: 7:00 PM

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

**Approval of Minutes**

Mr. Williams made a motion to approve the minutes from June 9, 2022 as submitted.

The motion was seconded by Mr. Henwood.

Vote:

Fry	<u>Y</u>
Henwood	<u>Y</u>
Humpal	<u>Y</u>
Rozsak	<u>Abstain</u>
Williams	<u>Y</u>
Approved	<u>4-0</u> with Mr. Roszak abstaining.

The Court Reporter swore in all attendees.

**Applications**

1. Z22-17 Susan Malloy 911 West Abbey Drive VAR

Mr. Dutton stated that the applicant, Susan Malloy, was requesting an area variance to Section 1123.05 to allow a reconstructed home within the front and side yard setbacks. Mr. Dutton stated that a two-story home with a lower-level garage had been previously located on the site. He added that a fire in early 2021 had resulted in the home's demolition.

He continued that the property owner was requesting to rebuild on the site. Mr. Dutton stated that the proposed home was a ranch situated in the central portion of the lot. He noted that the ranch home occupied a larger footprint than the previous structure as it was a single-story and did not have a lower garage level basement. Mr. Dutton stated that the proposed home was within the required setbacks, sitting 25 ft from the Valley Drive right of way and 7 ft. from the northern property line.

Present for the case was Susan Malloy, 911 West Abbey Drive. Ms. Malloy stated that she was hoping the Board would consider granting the variance. She noted that she had waited quite a while to have the house built. Ms. Malloy stated that she had lived in three different places since the fire and that she can't handle a two-story house at her age.

Mr. Williams stated that the proposed house was situated as well as it could be in the footprint that was available. There was a discussion as to the distance from the property line to the north.

Mr. Humpal noted that a neighbor had emailed to give their blessing to the variance. He asked if there had been any other comments from neighbors. Mr. Dutton stated that he had received a few questions from another neighbor, but the neighbor had made no comments.

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 the adjoining properties would not suffer substantial detriment because of the variance.

Mr. Henwood seconded the motion.

Vote:

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

2.      222-21              Peaceworks, Inc.              Bolivar Alley-2819A21140              VAR

Mr. Dutton stated that the applicant, David Clardy, was requesting an area variance to Section 1155.01(c) to allow a fence taller than permitted. He stated that the site had formerly been occupied by a City of Medina water tower and was currently utilized as a community garden. Mr. Dutton noted that there was a 6 ft. chain link fence along the north side of the property. He stated that the applicant was proposing to construct a 6 ft. fence, composed of a wood frame and metal fencing, along the south, east, and west sides of the property. Mr. Dutton added that the fence would be similar to the fencing at the community garden located at the southeast corner of East Liberty Street and South Jefferson Street.

Present for the case was David Clardy, representing Peaceworks Inc. of 689 West Liberty Street, Suite 7. Mr. Clardy stated that Peaceworks currently had used the site since 2018, although they had not had a crop in 2020 or 2021 due to COVID. Mr. Clardy noted that a number of plots

were being used by neighbors. He stated that since the application had been submitted, he had received an email from Laura Ward, the owner of the property to the north. Mr. Clardy added that the email stated Ms. Ward's support of the application and requesting that the proposed fencing be used on the north side as well. Mr. Humpal asked that the aforementioned email be added to the record.

Mr. Roszak asked how far from the street the proposed fence would sit. Mr. Clardy stated that the garden's fence would be in line with the 3 ft. fence on the adjoining property to the west.

Mr. Humpal opened the public hearing. There were no members of the public present to comment.

Mr. Williams made a motion to grant the variance to Section 1155.01(c) to allow a fence taller than normally permitted on the Bolivar Alley lot, Parcel Number 02819A21140. Mr. Williams stated that the variance should be granted because the general spirit and intent of the Zoning Code would be observed, substantial justice would be done by granting the variance and the variance would not adversely affect the delivery of government services.

Mr. Henwood seconded the motion.

Vote:

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

### **Adjournment**

Having no further business, the meeting was adjourned.

Respectfully submitted,

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Sarah Tome

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Bert Humpal, Chairman