



CITY of MEDINA

Board of Zoning Appeals

Organizational Meeting

Board of Zoning Appeals

Meeting Date: February 11, 2016

Meeting Time: 6:00 pm

Election of Officers:

Mr. Humpal swore in new Alternate Brandilyn Maibach,

Present: Bert Humpal, Mark Pinskey, Mark Williams, Paul Roszak (alternate), Rob Henwood, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant)

Absent: Kris Klink

Minutes: Mr. Pinskey made a motion to approve the minutes from the October 2015, meeting as submitted. Mr. Williams seconded the motion.

Vote:

Rozzak	<u>abstain</u>
Pinskey	<u>Y</u>
Williams	<u>Y</u>
Humpal	<u>Y</u>
Henwood	<u>abstain</u>
Approved	3-2

Mr. Williams made a motion to approve the minutes from the January 2016 meeting as submitted. Mr. Roszak seconded the motion.

Vote:

Rozzak	<u>Y</u>
Pinskey	<u>abstain</u>
Williams	<u>Y</u>
Humpal	<u>Y</u>
Henwood	<u>Y</u>
Approved	4-1

Old Business: None

New Business:

1. Z16-02 1199 Brynmar Lane Jack Maiher VAR
Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request from Section 1155.01(C) of the Planning and Zoning Code to allow a 4.5 foot tall fence in the front yard when a 3 feet tall fence is permitted by code.

Mr. Benko stated the property is located on the northwest corner of the Brynmar Lane and Gold Crest Drive intersection.

Mr. Benko stated the applicant has proposed a 4.5 feet tall fence for the rear yard that continues into the side yard and stops 20 feet from the sidewalk. Mr. Benko stated the house is located on a corner lot, and per Code section 1113.05 (D), properties are required to meet the minimum front yard setbacks facing both streets. Mr. Benko stated the applicant has submitted a variance request to section 1155.01 (c) of the Planning and Zoning Code to allow a 4.5 foot tall fence in the front yard.

Mr. Benko stated the existing site can still be utilized as a single family residential dwelling without the granting of a variance.

Mr. Benko stated the variance may not be substantial. The fence is 1.5 feet or 50% taller than what is allowed by code.

Mr. Benko stated the essential character of the neighborhood may not be substantially altered. Mr. Benko stated the fence will be located 20 feet from the sidewalk at the closest point. Mr. Benko stated due to the curvature of the road, the rear of the fence is proposed at 40 feet from the sidewalk.

Mr. Benko stated the fence could be limited to the rear yard or reduced in size to three feet.

Mr. Benko stated the intent is to maintain an open look in front and corner lot side yards throughout the City by limiting fence heights within the front yards to maximum 3 feet tall, open designs.

Present for the case was the property owner Jack Maiher. Mr. Maiher stated the fence will not impede visibility from either direction and contributes to the aesthetic look of the neighborhood. Mr. Maiher stated it is an open style fence and two homes in the area have very similar fences.

Mr. Benko stated the adjoining property owners were notified and there were no responses.

Mr. Humpal asked for clarification on what code would allow. Mr. Benko clarified where the six foot fence would need to be for compliance.

surface area. Mr. Benko stated additionally, the vinyl material proposed by the applicant is a high end vinyl that replicates wood shake siding and wood trim.

Mr. Benko stated the essential character of the neighborhood may not be impacted. Mr. Benko stated the demolition of the attached drive thru (separate parcel) was granted a Certificate of Appropriateness in case H14-12. Mr. Benko stated the demolition of the drive thru, which was completed February 4, 2016, has left exposed concrete block walls. Mr. Benko stated the applicant was granted a Certificate of Appropriateness for the façade renovations at the February 11, 2016 Historic Preservation Board meeting.

Mr. Benko stated the building development standards detailed in code section 1135.13 were in affect at the time of application and have been for a significant period of time.

Mr. Benko stated Code section 1135.13(c) requires building façades to be brick, wood, brick veneer, or natural stone. Mr. Benko stated the owner could brick the entire building; however, considerable costs would be incurred by the applicant. Mr. Benko stated the proposal is consistent with an early 20th century style bungalow building.

Present for the case was property owner Rob Root. Mr. Root stated the vinyl will only be in the peaks on the building and the remainder will be concrete hardi board. Mr. Root stated the vinyl has a lifetime fade guarantee.

Mr. Benko stated the neighbors were notified and there were no comments submitted to the city.

Mr. Humpal asked if the Historic Preservation Board had any reservations. Mr. Benko stated they did not and were very receptive to the proposal.

Mr. Williams made a motion to approve the variance request to Section 1135.13(C) of the Planning and Zoning Code to allow a building to have vinyl siding at 125 N. Broadway Street, an area where vinyl siding is prohibited, as submitted. Mr. Williams stated the approval is based on the finding that the spirit and intent behind the zoning requirement will be observed and substantial justice will be done.

The motion was seconded by Mr. Roszak.

Vote:

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

3. Z16-04 133 Commerce Sandridge Food Corp. VAR

Mr. Benko gave a brief orientation to the case. Mr. Benko stated this is a variance request to Section 1145.09(a)(3)A of the Planning and Zoning Code to permit the expansion of an existing gravel parking area where a hard surface parking area is required.

Mr. Benko stated the subject site is located on the west side of Commerce Drive south of Branch Road and north of W. Smith Road.

Mr. Benko stated the applicant is seeking site plan approval for the formalization and expansion of an existing gravel parking lot at the February 11, 2016 Planning Commission Meeting. Mr. Benko stated a ditch that divides the current gravel parking lot will be regraded to allow for additional parking. Mr. Benko stated new parking lot lights and landscaping are also proposed. Mr. Benko stated the applicant is seeking a variance from section 1145.09(a)(3)A to permit the expansion of the gravel parking lot. Mr. Benko stated gravel parking lots are permitted at I-1 properties to the rear of the building, and the proposed is located to the side of the building.

Mr. Benko stated the site can continue to operate without the granting of a variance. The parking lot could still be formalized with new gravel in the current footprint, just not expanded.

Mr. Benko stated the variance may not be substantial. The existing parking lot is gravel. The expansion constitutes a 28% expansion of the gravel parking area.

Mr. Benko stated the essential character of the neighborhood may not be altered. The parking lot expansion is primarily an infill of the ditch that divides the current parking lot. Additionally, the parking lot will be improved with site lighting and landscaping.

Mr. Benko stated the variance may improve the delivery of governmental services because the project will regrade the ditch dividing the parking lot.

Mr. Benko stated the parking lot requirements were in effect at the time of the application and have been in effect for a significant time period.

Mr. Benko stated due to the regrading of the ditch in the existing parking area, the owner's predicament cannot be obviated without the granting of a variance.

Mr. Benko stated the spirit and intent of the zoning requirement is to provide for a consistent look on any given street and to prevent the expansion of gravel parking within the city.

Present for the case was Rick Sisko, Chief Financial Officer for the Sandridge Food Corporation. Mr. Sisko stated the ditch on the site was purchased by the company approximately 12 years ago and was originally owned by the developer of Commerce Drive. Mr. Sisko stated the previous owner was storing old trailers there and was not

taking care of the ditch. Mr. Sisko stated they purchased the ditch and the old pieces of equipment were moved out and the ditch has been maintained.

Mr. Sisko stated the very top of it is gravel as well as all of the surrounding area. Mr. Sisko stated the primary driver to fill in the ditch is the next building expansion which is proposed for the north side of the building towards the ditch, the soup room.

Mr. Sisko stated they began the process approximately one year ago with plans for the next expansion and contacted the Army Corp of Engineers for approval on the necessary piping for the drainage. Mr. Sisko stated they would like to get it filled with gravel now and once the expansion is done, there will be some additional concrete added.

Mr. Sisko stated they will be adding some concrete to the entrance off of Commerce Drive in a 50 x 40 piece of additional concrete which will be the entrance from the street and some additional concrete which will connect to a southern piece of the property. Mr. Sisko stated the proposal is to gravel the entire area and add lighting and security cameras.

Mr. Benko stated the adjoining property owners have been notified and there have been no comments received.

Mr. Pinsky asked how the drainage is currently being handled. Mr. Mendel stated the applicant is working closely with the City Engineering Department to meet all the drainage requirements.

Mr. Roszak asked how the gravel lot was permitted. Mr. Mendel stated during the last few expansions, the gravel lot was not addressed although the requirement was in existence. Mr. Mendel stated it was in the interpretation of the previous Planning Director that it was compliant at that time.

Mr. Mendel stated there is no way to interpret the code differently in this case and that is why the variance is needed.

Mr. Roszak asked the applicant if there were plans to pave the lot after the building expansion. Mr. Sisko stated there are no plans at this time as there may be more expansions in the future. Mr. Sisko stated he is not sure when the expansions will occur since it depends on the continued growth of the business. Mr. Sisko stated the area being discussed is the soup portion of the building and will be the next expansion area.

Mr. Roszak stated he would like the goal to be that the lot be paved to become compliant once the expansions are completed. Mr. Sisko stated they are willing to do that but do not know when that will be. Mr. Roszak stated he would like to see a timeframe for the lot to be paved. Mr. Sisko stated he is not sure he can give a timeframe.

Mr. Sisko stated there is no Master Plan to show future expansions. Mr. Williams asked when the soup expansion is to be completed. Mr. Sisko stated it will begin in March.

Mr. Humpal stated a timeframe can be put into the variance approval. Mr. Sisko stated he would not know how to commit to anything as there is no definite plan for future expansions. Mr. Roszak asked if it can be put into a resolution that once all future expansions are completed, the remaining gravel area will be paved.

Mr. Humpal stated that can be put into a resolution but he is not sure how it could be enforced through the years. Mr. Mendel stated it is best to make it part of the approval of a project if possible. Mr. Mendel stated it would probably be best to deal with the gravel in future expansion requests.

Kimberly Marshall, Economic Development Director, stated she feels this is prepping the site for a construction project with a short window of time and she would propose that the BZA approve the request with the idea that the expansion will include the hard surface paving.

Mr. Sisko stated he cannot agree to pave the entire area with concrete as it would be extremely expensive.

Mr. Williams suggested that at the completion of the March 2017 project, having the applicant pave the front yard section which would go to the street and be compliant in the front yard. Mr. Williams stated it would not interfere with the filling of the ditch.

Mr. Sisko stated that would be acceptable and makes sense.

Mr. Benko pointed out that the applicant is proposing paving part of the front entry with this application.

Mr. Henwood stated since there is a dramatic improvement being proposed including safety issues with the ditch, this should be considered with this application. Mr. Henwood stated he would be comfortable with the approval including Mr. Williams' suggestion of future paving requirements.

Mr. Williams made a motion to approve a variance to Section 1145.09(a)(3)A of the Planning & Zoning Code to permit the expansion of an existing gravel parking area at 133 Commerce Drive where a hard surface parking area is required. The approval is subject to the following:

1. The applicant shall pave the remainder of the northeast corner of the front yard of the property at 133 Commerce Dr. to coincide with the construction of the next building expansion on the north side of the building. The extent of the paving will be at the discretion of City staff and be east of the east wall of the northeast corner of the building.

Mr. Williams stated the approval is based on the finding that the essential character of the neighborhood will not be altered and the delivery of government services will actually be improved, as will the safety at the site.

The motion was seconded by Mr. Roszak.

Vote:

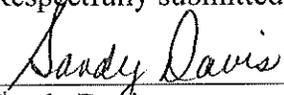
Humpal	<u>Y</u>
Henwood	<u>Y</u>
Roszak	<u>Y</u>
Pinsky	<u>Y</u>
Williams	<u>Y</u>
Approved	5-0

Mr. Mendel announced that the Appeal of the Fechko case in the Common Pleas Court was upheld by the Judge. Mr. Mendel stated this invalidated the decision of the Board of Zoning Appeals case #Z15-18. Mr. Mendel stated this was based on the finding that the word "dust" is not in the definition of Heavy Manufacturing and the word "dust" was not used the original correspondence and is not in the code as an equivalent to smoke. Mr. Mendel stated the City Law Director, Greg Huber, is working through next steps.

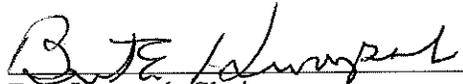
Mr. Lash announced that he will not be attending the March 2016 meeting of the Board of Zoning Appeals as he will be on vacation.

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman