



# CITY of MEDINA

## Board of Zoning Appeals

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### Board of Zoning Appeals

Meeting Date: April 9, 2015

Meeting Time: 6:00 pm

Present: Bert Humpal, Jim Bigam, Kris Klink, Mark Williams, Earl Harris (Alternate) Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant)

Absent: Mark Pinsky

Announcements: None

Minutes: Mr. Williams made a motion to approve the March 12, 2015 minutes as submitted. The motion was seconded by Mr. Bigam.

Vote:	
Humpal	<u>Y</u>
Bigam	<u>Y</u>
Klink	<u>abstain</u>
Williams	<u>Y</u>
Harris	<u>abstain</u>
Approved	3-2

Old Business: None

New Business:

1. Z15-05 340 Roshon Dr. Phil & Mary Jane Brewer VAR  
 Justin Benko gave a brief overview of the case. Mr. Benko stated this is a Variance request to Section 1121.05 of the Planning and Zoning Code to allow an addition 30.4 feet from the front property line instead of the minimum allowed 40 feet. Mr. Benko stated the property is located on the northeast corner of the Roshon Drive and the Richard Drive intersection. Mr. Benko stated Weymouth Road is located to the west and Woodland Drive is located to the east. Mr. Benko stated the property is adjacent to residential zoning on all sides.

Mr. Benko stated the applicant has proposed an addition that would construct a laundry room and office into the existing garage to allow for one floor living. Mr. Benko stated an addition to the remaining garage would then be added in order to keep spaces for two vehicles. Mr. Benko stated this addition would encroach into the side yard and, since the house is located on a corner lot, the house is required to meet the minimum front yard setback facing both streets.

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

Mr. Benko stated the house is located on a corner lot. Mr. Benko stated Code Section 1113.05(D) requires properties to meet the minimum front yard setbacks facing both streets. Mr. Benko stated the front yard setback in the side yard for the proposed garage addition is 24% less than what is allowable by code.

Mr. Benko stated the essential character of the neighborhood may not be altered. Mr. Benko stated due to the curvature of the road, the houses most proximate to the proposed addition are at a distance that may avoid substantial detriment.

Mr. Benko stated the variance would not adversely affect the delivery of governmental services.

Mr. Benko stated the owner's predicament could not feasibly be obviated without a variance.

Mr. Benko stated the likely intent of the requirements is to provide a standard and predictable amount of development and site disturbance for a given parcel and to prevent excessive encroachment into front and side yards.

Present for the case was Jim Repas, 3573 S. Weymouth Road, Medina, contractor for the project. Mr. Repas stated the garage is on the right side of the house and the house faces Roshon Drive. Mr. Repas stated they will be taking a small section of the garage on the Roshon side to add a laundry room in the house. Mr. Repas stated the applicant has lived there for 25 years and would like to stay in the house but the laundry room is in the basement. Mr. Repas stated they have already done an addition on the left side of the house. Mr. Repas stated they would like to remain in the house. Mr. Repas stated they need to get everything on the first floor in order to stay in the home. Mr. Repas stated there will be a two car garage that is extended out. Mr. Repas stated by doing this, they will lose the required setback. Mr. Repas stated they cannot expand back because it would block the kitchen windows.

Mr. Williams asked if the driveway will be changed as well. Mr. Repas stated it will be sliding over. Mr. Williams asked if there are any variance issues with doing that. Mr. Benko stated staff will work with the applicant to make sure the drive complies with the code requirements. Also present for the case was homeowner Phil Brewer. Mr. Brewer stated he envisions having the entrance for the driveway remain the same. Also present

was his wife, Mary Jane Brewer. Mr. Brewer stated he has looked at all the other possibilities and this plan maintains the architecture of the home and the neighborhood and does not change any site lines. Mrs. Brewer stated it keeps the same roof line on the house.

Mr. Klink made a motion to approve a variance to Section 1121.05 of the Planning and Zoning Code to allow an addition 30.4 feet from the front property line instead of the minimum allowed 40 feet. Mr. Klink stated the approval is based on the finding that the essential character of the neighborhood may not be altered and there is a uniqueness due to the home being on a curved road. Mr. Williams added to the finding that the property owner's predicament cannot be obviated by other means. The motion was seconded by Mr. Williams.

Vote:

Klink	<u>Y</u>
Williams	<u>Y</u>
Harris	<u>Y</u>
Humpal	<u>Y</u>
Bigam	<u>Y</u>
Approved	5-0

3. Z15-08          306 Brenton Lane          Debra Vekas          VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a Variance request to Section 1155.01(C) of the Planning and Zoning Code to allow a four foot tall fence in the front yard when a three foot tall fence is permitted by code.

Mr. Benko stated the site is located on the southwest corner of the N. Huntington Street and Brenton Lane intersection. Mr. Benko stated Hillview Way is located to the north and Reagan Parkway is located to the south. Mr. Benko stated the site is adjacent to residential zoning on all sides.

Mr. Benko stated the applicant has requested a four foot tall fence in the side yard. 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 fence permit was signed in June of 2013. Mr. Benko stated the approved site plan for the fence indicated the fence would be located ten feet off the front lot line in the side yard which was compliant prior to the zoning code update of 2014; however, due to buried sprinkler lines, the fence was installed five feet from the sidewalk. Mr. Benko stated the applicant could comply with the approved permit or meet the current zoning for the fence. Mr. Benko stated under the current zoning code, the fence would need to be located forty feet off of the side lot line to remain four feet tall or it could be reduced to three feet in the current location.

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 fence is one foot or 33% taller than what is allowed by code.

Mr. Benko stated the essential character of the neighborhood may not be altered. Mr. Benko stated the fence is an open, decorative fence.

Mr. Benko stated the property owner may or may not have been aware of the zoning restrictions. Mr. Benko stated the fence would have been in compliance had the fence been installed in accordance with the approved permit.

Mr. Benko stated the predicament could not feasibly be obviated without a variance because the fence is a metal decorative fence and could not reasonably be cut to size. Mr. Benko stated if the fence were to be moved, the fence would need to meet the 40 foot front yard setback to remain four feet tall.

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 a maximum of 3 foot tall, open designs.

Mr. Humpal asked how the need for the variance was discovered. Mr. Benko stated there was a period of time when the city did not have a Building Official so lower priority inspections were put on hold. Mr. Benko stated in catching up with the inspections, this was discovered to be not in compliance.

Present for the case was Jonathan Klaczik, Fence Contractor from Great Lakes Fence Company, 11111 Broadway Avenue, Cleveland, Ohio. Mr. Klaczik stated the original installation was approved to go 10 feet off the sidewalk. Mr. Klaczik stated when the installers got to the site, they discovered the sprinkler lines were in the middle of the approved fence location. Mr. Klaczik stated the installers made the decision to install the fence under 6 feet off the sidewalk. Mr. Klaczik stated the final inspection was done approximately one year later at which time it was discovered that the fence was installed incorrectly and a variance would be needed.

Mr. Klaczik stated he would like to resolve the issue with a variance in order to keep the fence where it is. Mr. Klaczik stated if a variance is not approved, the fence will need to be moved approximately 20 feet off the sidewalk in order to not affect the sprinkler systems.

Mr. Bigam stated he is surprised it took the city so long to discover the discrepancy. Mr. Bigam stated it is also a learning experience for the sign contractor to check the permit. Mr. Bigam stated he likes the open design of the fencing. Mr. Bigam stated he feels it would be a disservice to the resident to require the fence to be moved at this point.

Mr. Klink asked if any comments were received from adjoining property owners. Mr. Benko stated the city has not received any comments since the fence was installed.

Mr. Klaczik stated shortening the fence would be detrimental to the fencing and would also tear up the yard.

Mr. Bigam made a motion to approve a variance to Section 1155.01 (C) of the Planning and Zoning Code to allow a four foot tall fence in the front yard when a three foot tall fence is permitted by code. Mr. Bigam stated the approval is based on the finding that the variance will not adversely affect the rights of the adjacent property owners and the variance will be consistent with the general spirit and intent of the ordinance, also the variance is the minimum to provide relief to the applicant.

Mr. Williams seconded the motion.

Vote:

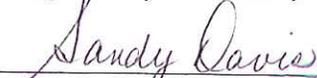
Humpal	<u>Y</u>
Bigam	<u>Y</u>
Pinskey	<u>Y</u>
Williams	<u>Y</u>
Harris	<u>Y</u>
Approved	5-0

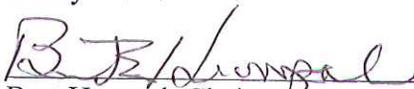
Mr. Mendel stated he has coordinated a training session for the board with Mr. Hunt for the May 14<sup>th</sup> meeting. Mr. Mendel stated he does not think the training will be very long. Mr. Mendel stated the training will take place after the regular meeting. Mr. Mendel stated if there are several cases on the agenda, the training may be postponed. Mr. Mendel stated he will keep the board informed as it gets closer to the meeting date.

Mr. Williams asked if there has been any word on the sign for 427 N. Court, Sunoco Gas Station. Mr. Mendel stated no but he will contact them to try and put it on the May agenda. Mr. Mendel stated the site plan was continued by the Planning Commission also in anticipation of more detailed plans.

Having no further business, the meeting was adjourned.

Respectfully submitted,

  
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Sandy Davis

  
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Bert Humpal, Chairman