



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: August 14, 2014

Meeting Time: 6:00 pm

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

Absent: Mark Pinskey

Minutes: The minutes of the July 10, 2014 meeting were presented for approval. Mr. Bigam made a motion to approve the minutes as submitted. Mr. Klink seconded the motion.

Vote:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Harris	<u>abstain</u>
Bigam	<u>Y</u>
Williams	<u>abstain</u>
Approved	3 yeahs-2 abstentions

New Business:

1. Z14-10 725 Weymouth Rd. Robert Mims VAR
Justin Benko gave a brief overview of the case. Mr. Benko stated this is a request for a variance to Section 1113.05(m) of the Planning and Zoning Code to permit an accessory structure that is 18 ft. in height where 15 ft. tall accessory structures are allowable by code.

Mr. Benko stated the property is bounded by E. Union Street to the north, E. Washington Street to the South, N. Spring Grove Street to the west, and Roshon Drive to the east. Mr. Benko stated the property is adjacent to residential on all sides.

Mr. Benko stated the applicant has proposed the addition of a new detached 2 car garage. Mr. Benko stated the proposed location of the detached garage is consistent with R-22 zoning requirements. Mr. Benko stated the request is subject to determination of a practical difficulty as a garage height variance is requested. 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 proposed height of the detached garage is 20% larger than allowed by code.

Mr. Benko stated the subject parcel is nearly one acre in size and the detached garage will be located in the rear of the property. Mr. Benko stated the essential character of the neighborhood may not be altered as the visual impact would be nominal. Mr. Benko stated there are trees that will buffer the detached garage from the neighboring property.

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

Mr. Benko stated the code requirements have been in effect for a significant time period, and it is not known whether the applicant had knowledge of the restriction.

Mr. Benko stated instead of a variance, the garage could be reduce to a height of 15 ft.

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 excessively high accessory structures.

Mr. Benko stated the Board of Zoning Appeals must weigh the above seven factors for the requested variance and determine if a practical difficult exists that would merit a variance.

Present for the case was property owner Robert Mims. Mr. Mims stated he lost his storage space last year for his old cars which is why he would like to build the garage.

Mr. Williams asked why he needs the 18 foot height. Mr. Mims stated he wants to stack two cars with a lift on one side of the garage and be able to work on his own cars on the other side. Mr. Mims stated that requires an 11 ft. ceiling per his contractor.

Mr. Klink asked the approximate height of the house roof. Mr. Mims stated he guesses 38 feet as it is a very steep one to one pitch roof.

Mr. Benko stated there have been no responses from adjoining property owners.

Mr. Mims stated the closest neighbor is approximately 80 feet from where the garage will be and the foundation of the garage will be about 6 ½ feet below the neighbor's house foundation and blocked by trees.

Mr. Williams made a motion to approve a variance to Section 1113.05(m) of the Planning and Zoning Code to allow an accessory structure that is 18 feet in height based on the finding that the essential character of the neighborhood would not be substantially altered and the adjoining properties would not suffer substantial detriment as a result of the

variance. The approval is also based on the finding that the property owner's predicament feasibly cannot be obviated through some method other than a variance.

The motion was seconded by Mr. Harris.

Vote:

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

2. Z14-11 612 E. Washington St. St. Francis Xavier VAR

Jonathan Mendel gave a brief orientation to the case. Mr. Mendel stated this is a variance required to Section 1123.05 of the Planning and Zoning Code to permit an addition with a front setback of 2 feet when a minimum of 40 feet is required along the Spring Grove Street frontage.

Mr. Mendel stated the applicant proposes a small entry vestibule addition to the west side of the existing church building. Mr. Mendel stated the area is currently occupied by a large handicap accessible ramp to the building entry. Mr. Mendel stated the plan is to completely remove the ramp structure and replace it with a new entry vestibule designed to match the materials and details of the existing church building. Mr. Mendel stated the entry must maintain ADA accessibility so there will be a lift inside the vestibule that is entered in the lobby. Mr. Mendel stated the lift will go up and down as well as stairs to go up and down. Mr. Mendel stated the addition will provide better access to the parking lot.

Mr. Mendel stated the project will be reviewed by the Planning Commission this evening for a Certificate of Appropriateness as it is in the Transitional Corridor Overlay District.

Mr. Mendel stated the board needs to review the proposal for practical difficulties. Mr. Mendel stated the existing site can still be used for the existing church use.

Mr. Mendel stated the proposed setback is 5% of the minimum required (2 feet proposed versus 40 feet minimum required), but the proposed addition will increase the setback by 2 feet since the current ramp structure is at a 0 foot setback.

Mr. Mendel stated there should be no substantial change to the essential character of the neighborhood because the proposed addition will occupy the basic dimensions of the existing ramp structure.

Mr. Mendel stated the variance will not adversely affect the delivery of governmental services.

Mr. Mendel stated the code requirements have been in effect for a significant time and the existing use has long been established at the subject site. Mr. Mendel stated it is not known whether the applicant had knowledge of the restriction when the property was purchased or if the restrictions were in place when the property was purchased.

Mr. Mendel stated due to the location of the church building a variance of some extent would be required regardless to provide the benefits of the proposed addition.

Mr. Mendel stated the spirit and intent behind the setback requirement is essentially met since the proposed addition is not in close proximity to adjacent properties and should not cause external impacts on the surrounding neighborhood.

Present for the case was project architect Robert Zarzycki from Zarzycki/Malik Architects.

Mr. Zarzycki stated they are removing a deteriorating old ramp and replacing it with a new enclosed handicap access. Mr. Zarzycki stated it will include an elevator. Mr. Zarzycki stated the architecture is in keeping with the surrounding area and the rest of the building with the same window sizes and matching trim. Mr. Zarzycki stated it improves the aesthetics and the practicality of the handicap and pedestrian access. Mr. Zarzycki stated it also provides the opportunity to enter the hall facility in the lower level.

Father Sejba from St. Francis Church stated the biggest concern is safety. Fr. Sejba stated the ramp has been hit by a U-Haul truck about three years ago and other vehicles during the Spring Grove reconstruction. Fr. Sejba stated he feels the enclosure is the best option for safety purposes.

Mr. Harris asked if the new structure would be closer to code compliance than the existing structure. Mr. Zarzycki stated yes.

Mr. Mendel stated there were no comments from adjoining property owners.

Mr. Williams asked if the two feet of grass that will be gained from the new structure will be kept as grass or landscaped. Fr. Sejba stated he will do whatever the Planning Commission requests.

Fr. Sejba stated the biggest issue is where to put the snow that is shoveled. Fr. Sejba stated it may be a great place to pile snow when it gets shoveled.

Mr. Klink made a motion to approve a variance to Section 1123.05 of the Planning and Zoning Code to allow an addition with a front setback of 2 feet when a minimum of 40 feet is required along the Spring Grove Street Frontage. Mr. Klink stated the approval is based on the finding that the property owner's predicament cannot feasibly be obviated through some method other than a variance and the essential character of the neighborhood would not be substantially altered.

The motion was seconded by Mr. Williams.

Vote:

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

Mr. Mendel stated he received a letter from the Shelley Company stating they are officially withdrawing the Conditional Use application from the Planning Commission. Mr. Mendel stated technically the Board of Zoning Appeals approved the variance and they have the variance until it expires in twelve months.

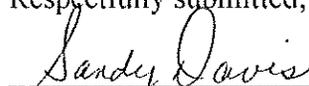
Mr. Mendel stated the Kokosing site will remain where it is now located.

Mr. Mendel stated he will work on scheduling a training session for all board members since there are several new members.

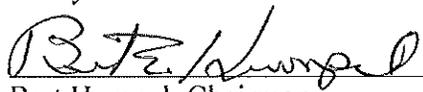
Mr. Mendel announced the APA Cleveland Chapter is offering their zoning workshop in October in Cleveland. Mr. Mendel stated if the board is interested, the city may be able to cover the cost.

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman