



# CITY of MEDINA

## Board of Zoning Appeals

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### Board of Zoning Appeals

Meeting Date: September 10, 2015

Meeting Time: 6:00 pm

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

Absent: Mark Pinskey, Jim Bigam

Minutes: Mr. Klink made a motion to approve the August 13, 2015 minutes as submitted. The motion was seconded by Mr. Williams.

Vote:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Williams	<u>Y</u>
Approved	3-0

Announcements: None

Old Business: None

New Business:

1. Z15-23 253-B S. Court St. Half Moon Yoga VAR  
Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request from Section 1147.15 (C) of the Planning and Zoning Code allow a second wall sign to be installed on the side of the building.

Mr. Benko stated the storefront is located on the west side of S. Court Street, south of W. Washington Street and north of W. Smith Road.

Mr. Benko stated Half Moon Yoga is located in the basement of 253 S. Court Street. Mr. Benko stated the applicant received conditional sign approval at the August 13, 2015 Historic Preservation Board meeting for a new awning sign fronting S. Court Street and a new wall sign on the south facing wall on the condition of variance approval. Mr. Benko

stated the existing wall sign, which is located below the awning on the front of the building, will be refaced and moved to the side of the building. Mr. Benko stated Planning and Zoning Code Section 1147.15(C) allows for one wall, awning or canopy sign. Mr. Benko stated a second wall sign is permitted on a secondary frontage; however, the south facing wall fronts a driveway and not a street. Mr. Benko stated the applicant is seeking a variance for a second wall sign at the property.

Mr. Benko stated construction of a conforming sign would not obstruct vision of motorists. Mr. Benko stated the Conforming signage would not be blocked from the sight of passing motorists due to existing trees or other obstructions. Mr. Benko stated the wall sign would be visible across an open, private parking lot.

Mr. Benko stated the wall sign was granted a conditional sign approval from the Historic Preservation Board. Mr. Benko stated the Conditional Sign Permit Review guidelines in Code section 1147.16 state that the proposed sign must be compatible with the design and materials of the building on which the sign is to be placed and that the proposed sign must be harmonious and in accordance with the general character of the district. Mr. Benko stated the variance sought is the minimum necessary. Mr. Benko stated the site previously had an awning covering the steps without text with the wall sign underneath. Mr. Benko stated the awning limited the visibility of the wall sign. Mr. Benko stated the business name will be added to the awning which, per code section 1147.15(C), counts as signage. Mr. Benko stated moving the wall sign to the side of the building may increase visibility for the basement level occupant.

Present for the case was Jim Briola from North Coast Sign & Lighting. Mr. Briola stated the old awning cover was removed and a new cover will be made in black with lettering on the valance. Mr. Briola stated the signage on the south side of the building was under the canopy and will be moved over to the south side of the building. Mr. Briola stated customers enter the business in the back of the building. Mr. Briola stated there is an entrance in the front but having the sign in the driveway helps to guide people back to the main entrance to the studio which is in the basement.

Mr. Klink made a motion to approve a variance request to Section 1147.15(C) of the Planning and Zoning Code to allow a second wall sign to be installed on the side of the building at 253-B S. Court Street, Half Moon Yoga, as submitted. The approval is based on the finding that the variance does not adversely impact the character or appearance of the building or neighborhood and the sign was approved by the Historic Preservation Board and the variance sought is the minimum necessary to allow reasonable use.

The motion was seconded by Mr. Williams.

Vote:	
Humpal	<u>Y</u>
Klink	<u>Y</u>
Williams	<u>Y</u>
Approved	3-0

2. Z15-24      915 Lawrence St.      Elizabeth & David Bradley      VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1113.05 (L)(2)(3) of the Planning and Zoning Code to permit an accessory structure that is three feet off of the rear lot line when a five foot setback from the rear lot line is required by code

Mr. Benko stated the site is located on the west side of Lawrence Street, south of W. Park Blvd and north of Countryside Drive.

Mr. Benko stated the applicant is proposing to construct a 196 sq. ft. shed at the site. Mr. Benko stated due to site constraints, the applicant is seeking a variance to place the shed three feet from the rear lot line instead of the five feet required in code section 1113.05(L)(2)(3). Mr. Benko stated the rear yard setback is proposed at three feet in an attempt to preserve a mature blue spruce tree in the existing landscaping. Mr. Benko stated the proposed shed meets the side yard setback.

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 variance may not be substantial. Mr. Benko stated the shed setback is two feet or 40% less than what code requires.

Mr. Benko stated the essential character of the neighborhood may not be altered. Mr. Benko stated the site is adjacent to vacant land owned by the Medina Board of Education in the rear. Mr. Benko stated the proposed shed meets the side yard setback requirement.

Mr. Benko stated the proposed shed could be moved to be in compliance with the five foot setback; however, this may impact the viability of the trees on the property. Mr. Benko stated the available rear yard space would be impacted.

Present for the case was Nancy & David Bradley, property owners. Mr. & Mrs. Bradley had no additional comments.

Mr. Williams made a motion to approve a variance to Section 1113.05(L)(2)(3) of the Planning and Zoning Code to permit an accessory structure that is three feet off of the rear lot line at 915 Lawrence Street when a five foot setback from the rear lot line is required by code. The approval is based on the finding that the essential character of the neighborhood would not be altered.

The motion was seconded by Mr. Klink

Vote:	
Williams	<u>Y</u>
Klink	<u>Y</u>
Humpal	<u>Y</u>
Approved	3-0

3. Z15-25      135-145 Lafayette Rd.      Illes Architects      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 6 foot tall fence in the front yard when 3 foot tall fences are permitted by code and also a variance request from section 1113.05(L)(2)(b)(2) of the Planning and Zoning Code to allow an accessory structure to be located in the front yard at 135 & 145 Lafayette Road.

Mr. Benko stated the site is located on the northeast corner of the S. Elmwood Avenue and Lafayette Road intersection.

Mr. Benko stated the applicant has proposed façade renovations to the apartment buildings located at 135-145 Lafayette Road. Mr. Benko stated the site features two six unit apartment buildings constructed in 1960. Mr. Benko stated the applicant proposes the addition of a 12 car carport along Lafayette Road along with the conversion of one space to handicap accessible parking. Mr. Benko stated a 6 ft. vinyl fence is proposed for the property line adjacent to the carport and for the west edge of the parking lot. Mr. Benko stated the applicant is seeking a variance to allow a 6 ft. tall fence in the front yard when 3 ft. tall fences are permitted by code. Mr. Benko stated the applicant is also seeking a variance to allow an accessory structure to be located in the front yard.

The applicant is seeking site plan approval from the September 10, 2015 Planning Commission meeting for the renovations at the site.

Mr. Benko stated the existing site can continue to operate in its current condition without the variances.

Mr. Benko stated the accessory structure variance may be substantial as it constitutes a complete variance from code. Mr. Benko stated the fence height variance may be substantial because it is three feet or 100% taller than code requirements.

Mr. Benko stated the essential character of the neighborhood may not be altered. Mr. Benko stated principal structures in the C-2 District are required to be constructed on the front lot line. Mr. Benko stated although an accessory structure, constructing the carport on the front lot line would appear consistent with the intent of the code. Mr. Benko stated the addition of the carport will not only increase parking at the site, but should mitigate much of the visual impact of having the parking lot in the front of the building. Mr. Benko stated the 6 ft. tall vinyl fence along Lafayette Road will essentially function as the rear wall of the proposed carport. Mr. Benko stated the property was originally constructed in 1960; the site renovations constitute a significant investment to the property.

Mr. Benko stated the variance would not adversely affect the delivery of governmental services. Mr. Benko stated the Medina Police Department and the Medina Fire Department did not have any comments concerning the proposed site plan when contacted as part of the Planning Commission site plan review process.

Mr. Benko stated the property is currently under contract. Mr. Benko stated the buyer and seller are both aware of the zoning restrictions.

Mr. Benko stated the owner's predicament could not be obviated without a variance. Mr. Benko stated accessory structures in the C-2 zoning district do not require a setback from the property line when located in the rear yard. Mr. Benko stated the property does not have sufficient site area to move the parking facilities to the rear of the property.

Mr. Benko stated the fence could be reduced to three feet in height; however, the fence would no longer be sufficient to serve as the rear wall of the proposed carport. Mr. Benko stated although not meeting the intent of the accessory building requirements, the intent of neighborhood character creation is consistent since C-2 zoning requires the principal building be constructed at the front lot line. Mr. Benko stated the intent of zoning is to value, protect, and improve property values which is the applicant's intent.

Present for the case was Jim York from Illes Architects, 5000 Gateway Drive, Medina, Ohio.

Mr. York stated it is the owners and developers intent to significantly improve the existing buildings and try to create a more desirable aesthetic on that entire parcel of property. Mr. York stated in order to attract the type of tenant that they wish, it is necessary to provide some protected parking area. Mr. York stated by alleviating one entrance and making it a pedestrian entrance and creating the carport as the front of the building, it works and meets the requirements. Mr. York stated they are also increasing the parking to 23 from 19 spaces. Mr. York stated they are providing 12 covered spaces. Mr. York stated they will be landscaping along the main road and the entire improvements on the existing buildings will make for a really desirable change to the entire neighborhood.

Mr. Williams stated he thinks the covered parking is a good idea. Mr. Benko stated the fence can be any traditional material so the Planning Commission would not review the fence material as long as it is approved in the code. Mr. Humpal stated he thinks it will be a nice improvement.

Bob Smith, 140 W. Lafayette stated he is the President of the Homeowner's Association where he lives and they are happy with the proposed changes. Mr. Smith stated there have been problems over the years with that property and the changes would be great.

Matt Weiderhold, 202 W. Lafayette, stated he lives across the street and is very pleased with the proposed changes. Mr. Weiderhold stated he began a block club to deal directly with this property because of the issues in the neighborhood. Mr. Weiderhold stated the

Gerspacher's came to the block club meeting with the plans and explained them thoroughly. Mr. Weiderhold stated all members were very happy with the proposal. Mr. Weiderhold stated he feels the carport will make it more like a courtyard.

Kimberly Marshall, Economic Development Director, stated she is in favor of the improvement as it will change the character of the neighborhood and help the surrounding businesses.

Troy Gerspacher, applicant, stated they are proposing the carport in order to attract 55+ clientele and also to drive higher rents. Mr. Gerspacher would also allow for better security for the residents.

Mr. Klink made a motion to approve a variance request to Section 1155.01 (C) of the Planning and Zoning Code to allow a 6 foot tall fence in the front yard when 3 foot tall fences are permitted by code and also a variance request from section 1113.05(L)(2)(b)(2) of the Planning and Zoning Code to allow an accessory structure to be located in the front yard at 135 & 145 Lafayette Road. The approval is based on the finding that the essential character of the neighborhood would not be substantially altered and the proposed structure is closer to the intent of the code.

The motion was seconded by Mr. Williams.

Vote:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Williams	<u>Y</u>
Approved	3-0

4. Z15-26 775 Twin Oaks Blvd. Nathan Brenner VAR  
Justin Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1113.05 (L)(2)(3) of the Planning and Zoning Code to permit an accessory structure that is three feet off of the side lot line when a five foot setback from the side lot line is required by code

Mr. Benko stated the site is located on the north side of Twin Oaks Blvd., Smokerise Drive is located to the north, Sturbridge Drive to the south, Wadsworth Road to the west, and Guilford Blvd east. Mr. Benko stated the site is adjacent to public facilities zoning to the north, and residential zoning to the south, west, and east.

Mr. Benko stated the applicant has installed an 80 sq. ft. shed at the site. Mr. Benko stated the site plan included with the approved permit indicated that the shed would be located 10 ft. off of the side lot line. Mr. Benko stated the shed was installed 4'1" off the side lot line due to underground utilities. Mr. Benko stated Code section 1113.05(L)(2)(3) requires accessory structures to be located 5 ft. off the property line. Mr. Benko stated during the final shed inspection, staff noted that the shed was located 2 ft. off of the side

lot line because of the sheds proximity to the existing fence. Mr. Benko stated the applicant has indicated the fence was installed 2 ft. off of the property line making the variance 11 inches instead of the 3 feet which stated in the notice.

Mr. Benko stated the variance may not be substantial. Mr. Benko stated the shed setback is 11 inches or 18% less than what code requires

Mr. Benko stated the essential character of the neighborhood may not be impacted. Mr. Benko stated the shed is adjacent to the property owner's fence; and the fence was installed two feet off of the property line.

Mr. Benko stated the shed could be reoriented onto another portion of the rear yard

Mr. Benko stated the intent of the requirements is to prevent accessory structures from dominating subject sites and neighboring properties.

Present for the case was the property owner, Nathan Brenner, 775 Twin Oaks Blvd., Medina. Mr. Brenner stated along the northwest property line is a drainage ditch that would need to be filled in in order for the shed to be placed on level ground. Mr. Brenner stated otherwise, it would be moved in to almost the middle of the yard.

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

Mr. Brenner stated the shed is nine feet tall at the peak and the fence is six feet tall.

Mr. Williams made a motion to approve a variance to Section 1113.05(L)(2)(3) of the Planning and Zoning Code to permit an accessory structure that is three feet off of the side lot line at 775 Twin Oaks Blvd. when a five foot setback from the side lot line is required by code. The approval is based on the finding that it will not adversely affect the character of the neighborhood and the variance is not substantial at 18% less than the code.

The motion was seconded by Mr. Klink.

Humpal	<u>Y</u>
Klink	<u>Y</u>
Williams	<u>Y</u>
Approved	3-0

Mr. Mendel stated on Thursday, September 17<sup>th</sup> at 6:00 pm there will be a one hour BZA training session with Todd Hunt from Walter & Haverfield Law Firm.

For those who cannot attend, they may attend the Cleveland Planning and Zoning Workshop when it is available.

Having no further business, the meeting was adjourned.

Respectfully submitted,

*Sandy Davis*

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Sandy Davis

*Bert Humpal*

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Bert Humpal, Chairman