



CITY of MEDINA

Board of Zoning Appeals

Organizational Meeting Minutes

January 9, 2025

Meeting Date: January 9, 2025

Meeting Time: 7:00 PM

Present: Steve Cooper, Kyle Funk, Bert Humpal, Logan Johnson, Paul Roszak, Andrew Dutton (Community Development Director), and Sarah Tome (Administrative Assistant)

Absent: Mark Williams

Swearing In of Board Members

The Board witnessed the swearing in of Steve Cooper and Logan Johnson for new terms starting January 1, 2025.

Election of Chair and Vice-Chair of the Board

Mr. Roszak made a motion to appoint Mr. Humpal as Chair and Mr. Williams as Vice-Chair of the Board of Zoning Appeals.

The motion was seconded by Mr. Funk.

Vote:

Cooper	<u>Y</u>	Funk	<u>Y</u>
Humpal	<u>Y</u>	Johnson	<u>Y</u>
Rozsak	<u>Y</u>		
Approved	<u>5-0</u>		

The Court Reporter swore in all attendees.

Approval of Minutes

Mr. Funk made a motion to approve the minutes from December 12, 2024, as submitted.

The motion was seconded by Mr. Roszak

Vote:

Funk	<u>Y</u>	Humpal	<u>Y</u>
Johnson	<u>Abstain</u>	Rozsak	<u>Y</u>
Cooper	<u>Abstain</u>		
Approved	<u>3-0</u>	with Mr. Cooper and Mr. Johnson abstaining	

Acceptance of 2025 Meeting Dates

Mr. Roszak made a motion to accept the 2025 meeting dates, at 7:00 pm on the second Thursday of every month.

The motion was seconded by Mr. Funk.

Vote:

Humpal	<u>Y</u>	Johnson	<u>Y</u>
Roszak	<u>Y</u>	Cooper	<u>Y</u>
Funk	<u>Y</u>		
Approved	<u>5-0</u>		

1. Z25-01 Dave Sterrett 236 South Court Street VAR

Mr. Dutton stated that the subject site was Hemmingway's Underground located on the east side of South Court Street. He noted that the business previously received Historic Preservation Board approval for wall, projecting, and window signs. He added that the Historic Preservation Board had reviewed sign revisions earlier in the evening and had approved the revisions with the condition that "Hemmingway's" be removed from the window sign.

Mr. Dutton stated that the window sign area originally proposed by the applicant was 25 sq. ft., which totaled approximately 53% of the window's area. He added that the removal of "Hemmingway's" resulted in a window sign coverage of approximately 41%.

Mr. Dutton stated that the application was before the Board of Zoning Appeals because the maximum coverage for a window allowed by the Zoning Code was 25%.

Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- A conforming sign would be blocked from the sight of motorists as trees, traffic, and street parking obstructed the sign.
- The proposed larger sign was more appropriate in scale as the business was on the basement level and the window was the only sidewalk identification.
- The proposed sign would not adversely impact the character or appearance of the building or area as the graphic was appropriate for the size of the window and the business type.

Present for the case was Dave Sterrett from Medina Signs, 411 West Smith Road. Mr. Sterrett stated that the Historic Preservation Board had approved the application with the removal of "Hemmingway's" from the window sign, as it was repeated on the wall sign.

Mr. Humpal opened the public hearing. Lance Traves, 239 South Court Street, stated that he was glad the applicant had agreed to remove "Hemmingway's" from the window sign as it was a duplication from the wall sign directly above. He stated that the applicant was aware of the requirements, had received approval for the original signs, and did not follow the approval. He added that he was in full support of the Historic Preservation Board's approval earlier in the evening and that he hoped the Board of Zoning Appeals would only approve the application with the condition that "Hemmingway's be removed from the window.

Mr. Humpal stated that the Board of Zoning Appeals would only approve what the Historic Preservation Board approved and that they would not be hearing the case had it not been approved by the Historic Preservation Board.

Mr. Roszak stated that the repeat of “Hemmingway’s” had been his only concern with the application and that he was willing to approve what the Historic Preservation Board had approved.

Mr. Funk made a motion to approve case Z25-01 with the condition that the “Hemmingway’s” text be removed from the sign, stating that the sign would not pose a risk to traffic and would fit with the essential character of the Historic District.

Mr. Cooper seconded the motion.

Vote:

Johnson	<u>Y</u>	Roszak	<u>Y</u>
Cooper	<u>Y</u>	Funk	<u>Y</u>
Humpal	<u>Y</u>		
Approved	<u>5-0</u>		

2. Z24-26 Aaron Luther 253 Ryeland Circle VAR

Mr. Dutton noted that this case was a continuation of the previous meeting. He stated that an approximately 42 sq. ft. shed had been installed to the southeast of the home within a fenced area. He noted that the shed had been installed without a permit and that the City Zoning Inspector had noticed its location. Mr. Dutton noted that the subject lot had front yards adjacent to Ryeland Circle and Meadow Gateway. He added that Section 1113.05(1)(2)(A.)(2.) required sheds to be located in the rear yard. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The variance was not substantial and the essential character of the neighborhood would not be altered as the style of the shed would blend in with the home.
- The applicant was unaware of the restrictions and believed the shed to be in the backyard.
- The predicament cannot not be obviated through another method as the location was the only flat portion of the yard.

Present for the case was Aaron Luther, 253 Ryeland Circle. Mr. Luther reiterated that he would prefer not to move the shed. He noted that he understood that he technically had two front yards on his property, but he had been unaware of the requirement when he installed the shed. Mr. Luther asked what his options were if the application was not approved by the Board. Mr. Humpal stated that he could appeal to the Court of Common Pleas or move the shed.

Mr. Luther stated that the shed had been in that location for three years and had not created any issues. He added that his yard was not level, making the shed’s current location the only spot for it. Mr. Luther stated that the shed did not pose an obstruction to traffic. He also noted that none of his neighbors had voiced any objection to the location of the shed.

Mr. Humpal noted that all of the applicant's neighbors had been notified of the application and had voiced no concerns. Additionally, he noted that a previous staff report had stated that there were relatively flat locations in the rear yard where the shed could be placed. There was a discussion as to the makeup of the shed and its foundation.

There were no members of the public present to address the Board.

Mr. Cooper inquired into the previous discussions on mitigation measures. Mr. Luther asked if installing trees for screening was still possible. Mr. Humpal stated that the Board could consider the installation of trees.

Mr. Roszak stated that his opinion had not changed and that he felt it looked like a shed in the front yard on Meadow Gateway.

After further discussion, Mr. Roszak made a motion to approved the application with the stipulation that evergreen trees, such as pine or spruce, be planted along the fence on Ryeland Circle and Meadow Gateway. He stated that the trees should be a minimum 12 ft. on center and 6 ft. in height at the time of planting.

The motion was not seconded and a vote on the motion was not taken.

Mr. Funk made a motion to approve Z24-26 as submitted, stating that the shed did not cause a substantial detriment to the neighborhood as it blended in with the home and the characteristics of the neighborhood.

Mr. Johnson seconded the motion.

Vote:

Roszak	<u>N</u>	Cooper	<u>Y</u>
Funk	<u>Y</u>	Humpal	<u>N</u>
Johnson	<u>Y</u>		
Approved	<u>3-2</u>		

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman