



# CITY of MEDINA

## Board of Zoning Appeals

### Regular Meeting Minutes

May 8, 2025

Meeting Date: May 8, 2025

Meeting Time: 7:00 PM

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

Absent: Mark Williams

#### Announcement

Mr. Humpal stated that the first case on the agenda, Z25-09, had been postponed and would be rescheduled at the request of outside, third-party counsel. He added that a new date was pending coordination among all the involved parties.

#### Approval of Minutes

Mr. Funk made a motion to approve the minutes from April 10, 2025, as submitted.

The motion was seconded by Mr. Johnson.

Vote:

Funk	<u>Y</u>	Humpal	<u>Y</u>
Johnson	<u>Y</u>	Roszak	<u>Y</u>
Approved	<u>4-0</u>		

The Court Reporter swore in all attendees.

#### Applications

1. Z25-10 Derek McNamara 955 Norwegian Wood Drive VAR

Mr. Dutton stated that the property contained a single-family home on the south side of the property and a detention basin to the north. Mr. Dutton stated the applicant was proposing a 6 ft. tall wood privacy fence along the north, west, and east property lines. He noted that the proposed fence projected in front of the home, approximately 4 ft. from the right-of-way. He added that Section 1151.01(c)(1) limited fences to 3 ft. in a front yard. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The variance was not substantial as a 3 ft. tall fence would be permitted, but would not be insufficient to secure the area from neighboring children.

- The essential character of the neighborhood would not be substantially altered as the fence would not block the view of any home and would not affect the necessary use of the property.
- Government services would not be affected as gates would provide access to the easement area of the property.

Present for the case was Derek McNamara of McNamara's Fence Company, 9591 York Alpha Drive, Unit 1, in North Royalton. Mr. McNamara stated that the main reason the homeowner wanted the fence around the detention basin was for safety as he saw a lot of neighborhood kids playing in the basin. Mr. McNamara stated that the homeowner also wanted to fence the yard so their dogs could make use of it. He noted that the original plan had been to fence in the backyard, but doing so left out a lot of property owned by the homeowner.

Mr. Humpal opened the public hearing. There were no questions or comments from the public. Mr. Roszak stated that he was uncomfortable with a 6 ft. fence in the front yard.

Mr. Funk stated that he had concerns about the stability of the fence around the detention area. Mr. McNamara stated that the actual basin area started further back than the fence's proposed location, so there should be no issues with stability.

Mr. Roszak stated that he believed the Board had reviewed a similar application in the past and had allowed a 4 ft. fence. He added that he would be comfortable with a 4 ft. fence.

Mr. Humpal asked if there had ever been any police reports on issues with the basin. Mr. McNamara stated that his client was new to the property, and did not realize the detention basin was a neighborhood hangout spot until after he had purchased the home. He added that the homeowner was putting in a 6 ft. privacy fence around the rest of the yard, which was why he was proposing a 6 ft. fence across the front.

Mr. Humpal stated that he was also concerned about the 6 ft. fence in the front yard, but would be more comfortable with a 4 ft. fence. There was a discussion as to where the 4 ft. fencing would be located.

After discussion, Mr. Roszak made a motion to approve the variance condition that the fence shall not exceed 4 ft. in height in the front yard and shall transition from 6 ft. in height to 4 ft. in height in the side yards. He stated that the variance was not substantial, the essential character of the neighborhood would not be substantially altered, and adjoining property owners would not suffer substantial detriment as a result of the variance.

Mr. Funk seconded the motion.

Vote:

Humpal	<u>Y</u>	Johnson	<u>Y</u>
Rozsak	<u>Y</u>	Funk	<u>Y</u>
Approved	<u>4-0</u>		

Mr. Dutton stated that the property was part of a multi-tenant commercial building, which was partially one story and partially two stories. Mr. Dutton presented the Board with an overhead view of the property and explained where the seven building tenants were located. He noted that the site had the following existing signs:

- Freestanding Multi-Tenant Signs - One in the northeast corner of the site near South Court Street and one in the south side of the site adjacent to the Mill Street parking entrance.
- Wall Signs - Wall signs for East of Chicago Pizza, Medical Advisors, and Sam Custer State Farm on the north side of the building.
- Awning Sign - A Life's Treasures awning sign on the east side of the building.
- Window Signs - Miscellaneous window signs located on all sides of the building.

Mr. Dutton stated that the applicant was proposing an additional 30 sq. ft. wall sign on the north side of the building. He noted that Section 1145.14(d) required that wall signs were only permitted on building frontages. Additionally, he added that Section 1147.07(c) stated that only a wall facing a street or containing a public entrance was considered building frontage. Mr. Dutton stated that the north side of the building was not considered a frontage as it did not face the street and did not have a public entrance.

Mr. Dutton noted that three wall signs existed on the north side of the building. He added that, though sign permits had been located for two of the wall signs, it was his determination that the signs were permitted in error. Mr. Dutton stated that the proposed wall sign would need to meet the zoning code.

Mr. Dutton noted that if the north side of the building was considered frontage, it would be permitted 146 sq. ft. of total wall sign area as a primary frontage or 37 sq. ft. of total wall sign area as a secondary frontage.

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

- A conforming sign would be blocked from sight as a sign band was not available for second floor tenants on the front building elevation.
- A conforming sign would require severe alterations as there was no location for identification of the second floor tenants on available building frontages.
- The exception would not impact the character of the building or neighborhood as two other signs existed on the wall.

Present for the case were Dave Sterrett of Medina Signs, 411 West Smith Road, and Kristen Key, owner of Empoweriss, 323 South Court Street. Mr. Sterrett stated that he had received approval from the landlord to install the sign. He added that, if the variance was approved, the existing signs would be repositioned so the top of the uppermost sign aligned with the molding on top of the Chicago Pizza storefront and the other two signs would be spaced evenly below.

Ms. Key stated that some of her clients were confused as to where the entrance was and the proposed sign would help them find her.

Mr. Humpal inquired if the existing signs would need to be removed if the variance was denied. Mr. Dutton stated that they would not as the applicants had followed the proper procedure and submitted sign permits. Mr. Funk asked if moving the signs would require a variance. Mr. Dutton stated that it would not.

Mr. Roszak asked if the signage would meet the Zoning Code if placed on a building frontage. Mr. Dutton stated that it would. There was a discussion as to the location of the business and the proposed signage. Ms. Key stated there would be an arrow on the sign pointing her customers toward the door to her office.

Mr. Humpal opened the public hearing. There were no questions or comments from the public. Mr. Funk made a motion to approve the variance, stating that the proposed sign would conform with the preexisting signs on the building, and not adversely affect the character of the building or surrounding neighborhood.

Mr. Roszak seconded the motion.

Vote:

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

3.        Z25-12                      Paul Sinatra                      675 Falling Oaks Drive                      VAR

Mr. Dutton stated that an approximately 120 sq. ft. shed had been installed on the south side of the home within a fenced-in area. He noted that the shed was installed within the past year, without a permit, had been identified by a city inspector, and forwarded for permitting. Mr. Dutton stated that Section 1113.05(I)(2)(A.)(2.)) required that accessory buildings must be located in the rear yard. He noted that the subject corner lot had front yards adjacent to Falling Oaks Drive and Deepwood Drive. He added that the proposed accessory building was located in the front yard between the home and Deepwood Drive, with a setback of 22 ft. 7 in. from the right-of-way.

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 shed was behind a privacy fence and painted to match the home.
- The applicant was unaware of the restrictions and did not know that a permit was required for the prefabricated shed.

- The predicament could not be obviated through another method as other items, such as a patio, pool, and deck, were in the “rear yard”.

Present for the case was Paul Sinatra, 675 Falling Oaks Drive. Mr. Sinatra stated that they had been unaware that a permit was needed for the shed. He added that there was nowhere reasonable to put the shed behind the house. He noted that he had installed a fence approximately 12 years ago and had been allowed to install it 15 ft. from the sidewalk. Mr. Sinatra continued that he assumed that the shed could be placed behind the fence.

Mr. Humpal opened the public hearing. Gregg Moffett, 810 Deepwood Drive, stated that he was okay with the location of the shed, as it was behind the fence. He noted that he also lived on a corner lot and had had trouble finding a location for his shed when it had been installed.

Mr. Dutton stated that he had received correspondence from Ashley Ejsmont, 801 Deepwood Drive, regarding the application. He noted that the correspondence had been given to the Board of Zoning Appeals. He added that, once it was made clear that the application was for an existing shed and not a new one, Ms. Ejsmont did not have an issue with the variance.

There was a discussion as to a similar application the Board had recently reviewed.

Mr. Funk stated that he went by the subject site often, and had not noticed the shed, so he did not have any issues with the variance. Mr. Roszak stated that, as with the previous case, he viewed it as a shed in the front yard, which the Zoning Code did not allow.

There was discussion as to fences on corner lots. Mr. Dutton stated that, on a corner lot, 6 ft. fences were allowed if set back 15 ft. from the side street lot line.

Mr. Funk made a motion to approve the variance, stating that the variance would not substantially alter the character of the neighborhood, the shed was located behind a privacy fence, and matched the character of the home.

Mr. Roszak stated that he felt they should limit the variance to the current property owner. There was a discussion as to Mr. Roszak’s stipulation. Mr. Dutton stated that it would be difficult to enforce such a condition.

Mr. Funk made a new motion to approve the variance, stating that the variance would not substantially alter the character of the neighborhood, the shed was located behind a privacy fence, and matched the character of the home.

Mr. Johnson seconded the motion.

Vote:

Rozsak	<u>Y</u>	Funk	<u>Y</u>
Humpal	<u>Y</u>	Johnson	<u>Y</u>
Approved	<u>4-0</u>		

Mr. Dutton stated that the property contained a home, large detached garage, and gazebo. He added that the garage was constructed in 2016 as a residential accessory structure and the gazebo was constructed in 2023. Mr. Dutton stated that the applicant was proposing to maintain a business, Squeegee Clean, out of the home and had indicated the use would include the following characteristics:

- A small office in the southeast corner of the home
- No non-resident employees or customers on the site
- Storage of a work van on the site
- A recently installed freestanding sign near the driveway entrance. A sign permit would be required.
- Business operation until the applicant's retirement

He noted that Section 1125.02 indicated the permitted uses in the R-3 zoning district, which allowed single-family detached dwellings. He added that Section 1125.04 allowed conditionally permitted uses in the district, which were predominantly residential and public/semi-public.

Mr. Dutton stated that Section 1125.03 allowed home occupations as an accessory use in the subject R-3 zoning district. He noted that the proposed commercial use was accessory to the principal single-family residential use on the site. He added that the use could not be considered a home occupation as a sign advertising the commercial use was proposed. Mr. Dutton continued that the sign would be visible evidence of the commercial use, which was not permitted for a home occupation. Mr. Dutton noted that a house directly across the street was occupied by a chiropractic business for an extended period of time.

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

- The variance would not adversely affect the rights of adjacent property owners as the visible evidence of the use has been displayed for years.
- The variance would be consistent with the general spirit of the ordinance as there were other businesses in the area.
- There was no other economically viable use for the property as the area had other businesses and the proposal would not affect neighboring properties.

Present for the case was Frank Gagliardi, 467 Lafayette Road. Mr. Gagliardi provided a detailed history of the property, including the evolution of the business, the installation of various signs over the years, and the context of other businesses in the neighborhood. He indicated the sign and business would remain only until his retirement, which he expected within a few years.

Mr. Humpal asked if the sign was permitted for the property across the street. Mr. Dutton stated that the sign had been there for a long time and was likely permitted nonconforming.

Mr. Humpal opened the public hearing. There were no questions or comments from the public.

Mr. Roszak inquired as to what would happen to the business when Mr. Gagliardi retired. Mr. Gagliardi stated that he would like to sell the business when he retires, but that it would have to move to another site, as he did not intend to sell his house.

After discussion, Mr. Roszak made a motion to approve the variance with the condition that the sign would be allowed until the current property owner was no longer operating the business. He stated that a hardship was not created by granting the variance, and it would not adversely affect the health, safety, or general welfare of the public.

Mr. Funk seconded the motion.

Vote:

Funk	<u>Y</u>	Humpal	<u>Y</u>
Johnson	<u>Y</u>	Williams	<u>Y</u>
Approved	<u>4-0</u>		

### **Adjournment**

Having no further business, the meeting was adjourned.

Respectfully submitted,

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Sarah Tome

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Bert Humpal, Chairman