



CITY of MEDINA

Board of Zoning Appeals

Regular Meeting Minutes

July 10, 2025

Meeting Date: July 10, 2025

Meeting Time: 7:00 PM

Present: Steve Cooper, Kyle Funk, Bert Humpal (Board Chair), Logan Johnson, Paul Roszak, Mark Williams, Todd Hunt (Representing the Board of Zoning Appeals), Andrew Dutton (Community Development Director), Sarah Tome (Administrative Assistant).

Steve Cooper recused himself from the Board of Zoning Appeals after approving the minutes from June 12, 2025 and the Final Decision and Conclusions of Fact for Z25-09, at which point Kyle Funk joined the Board of Zoning Appeals.

Approval of Minutes

Mr. Roszak made a motion to approve the minutes from June 12, 2025, as submitted.

The motion was seconded by Mr. Cooper.

Vote:

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

The Court Reporter swore in all attendees.

Applications

1. Z25-09 Majeed Makhoulf 999 Lafayette Road Appeal

Mr. Dutton stated that the application concerned the adoption of the Board of Zoning Appeals's Final Decision for an Appeal of the Planning Commission's decision regarding 999 Lafayette Road. Mr. Dutton added that the Board had the meeting minutes, which they had just approved, and a transcript of the proceedings.

Mr. Williams made a motion to enter into executive session for the purpose of obtaining legal counsel.

Mr. Cooper seconded the motion.

Vote:

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

The executive session was adjourned and the meeting continued at 7:10 pm.

Mr. Williams made a motion to accept the Final Decision and Findings/Conclusions of Fact as presented in the public record.

Mr. Roszak seconded the motion.

Vote:

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

Mr. Cooper recused himself and Mr. Funk joined the Board of Zoning Appeals.

2. Z25-16 Alfred Smelko 240 West Friendship Street VAR

Mr. Dutton stated that the property contained a single-family home with an existing detached garage. He indicated that the applicant proposed to demolish the existing garage and construct a 768 sq. ft. (24 ft. x 32 ft.) detached garage. Mr. Dutton continued that Section 1113.05(I)(2)(A.) required a maximum size for accessory structures of 744 sq. ft., or 10 % of the rear yard area. He noted that the proposed 744 sq. ft. garage was 24 sq. ft. larger than permitted. Additionally, he noted that the same code section required that accessory structures must be located 5 ft. from the property line. He added that the garage was proposed with a setback of 2 ft.

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

- There cannot be a beneficial use of the property without the variance as the existing garage was almost unusable and constructing a new garage without the proposed variance would be difficult.
- The variance was not substantial as the garage was only 3 ft. within the side setback and only 24 sq. ft. over the maximum square footage.
- The spirit and intent of the zoning requirement would be observed as the property would look more appealing and be easier to use.

Present for the case was Al Smelko, 240 West Friendship Street. Mr. Smelko stated that he wanted to build the garage to replace the one currently on his property, which was beyond its useful life.

Mr. Humpal noted that the Board had received an email from neighbors regarding drainage concerns. Mr. Dutton stated that the Board had received a copy of the email. He noted that the Board had also received an email from Cory Clifford of the City Engineering Department, outlining discussions with the property owner and submitted drainage plans.

Mr. Humpal opened the public hearing.

Rick Kirby, 246 West Friendship Street, stated that the proposal was for a three-bay garage. He noted that one-bay and two-bay garages were common in the neighborhood, though three-bay garages were not. He indicated that there would be a lack of green space, as the proposal called for a large structure on a small lot. Mr. Kirby contended that the proposal included the maximum amount of impervious area and he was concerned about drainage issues. He added that the driveway of the property in question was the highest spot in the yard.

The Board discussed the email from Mr. Clifford. Mr. Dutton stated that Mr. Clifford had indicated that the drainage plan provided showed downspouts on the northeast and southeast corners of the garage that emptied onto the driveway and drained north to the street. He continued that the plan showed surface drainage from adjoining properties flowing west on the south side of the garage, then north to the street.

Mr. Humpal asked if the Board needed to reference the Engineer's requirement in their motion. Mr. Dutton stated that the Board could, but Mr. Clifford would apply the engineering regulations either way. He added that any new structure could not affect existing drainage and couldn't put new drainage where it wasn't already going.

There was a discussion as to the downspouts shown on the plan. Mr. Smelko stated that both the north and south downspouts would join on the east side of the building and drain onto the driveway.

Mr. Williams stated that he understood the need to replace aging buildings. He asked the applicant if there was a reason the garage's size couldn't be closer to the size requirement. Mr. Smelko stated that his contractor had told him that it was beneficial to build in increments of 4 ft. He continued that he was in the process of getting a survey done so he would know exactly where the property line was. Mr. Smelko noted that the further the garage was from the property line, the more difficult it would be to get a car inside.

Mr. Roszak inquired as to the need for a garage with three bays. Mr. Smelko stated that he owned 4 cars, and that his son, who was handicapped, also had a car. He noted that he currently paid rent to store two of his cars, so he was looking for a way to have all of his vehicles at his home.

Mr. Roszak stated that he was comfortable with the proposal, but he speculated whether the size was in keeping with the neighborhood.

Tammy Kirby, 246 West Friendship Street, inquired if an existing grandfathered parking spot located in the front yard of the property would continue to be used. Mr. Smelko stated that he would continue to use the parking space.

Mr. Roszak made a motion to approve the variance, stating that the essential character of the neighborhood would not be substantially altered and would not adversely affect the delivery of government services. He added that the spirit and intent behind the zoning code would be observed and substantial justice done by granting the variance.

Mr. Funk seconded the motion.

Vote:

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

3. Z25-17 Ross Romine 823 North Broadway Street VAR

Mr. Dutton stated that the subject property contained a single-family home situated in the rear of the property. He added that adjacent homes were located closer to the street and properties to the rear contained commercial uses. Mr. Dutton stated that the applicant was proposing to remove the existing deck and construct a 280 sq. ft. three-season room and a 140 sq. ft. deck on the rear of the home.

Mr. Dutton stated that Section 1121.05 required a minimum rear yard setback of 30 ft. for principal structures. He added that there was an exception for unenclosed structures, such as decks, which allowed them to project 10 feet into the rear yard setback. Mr. Dutton indicated that both the proposed three-season room and deck were located at a 25 ft. rear yard setback. He noted that the deck had an effective rear setback of 20 ft. and thus met the applicable rear yard setback requirement.

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

- There cannot be a beneficial use of the property without the variance as the subject regulation limited the ability to fully utilize the rear yard.
- The variance was not substantial and the adjacent building to the rear had no windows or doors facing the subject property.
- The essential character of the neighborhood would not be altered as the three-season room would match the home's aesthetics and neighboring properties would not be affected.

Present for the case was Ross Romine, 823 North Broadway Street. Mr. Romine stated that he wanted to enhance the home and the addition of the three-season room would open up the

space. He added that he didn't think the proposal would affect anyone, as the face of the building to the rear of his home contained a concrete wall. Mr. Romine stated that he had spoken with his neighbors and they were not bothered by his proposed addition.

Mr. Humpal asked if Mr. Dutton had received any comments from neighbors. Mr. Dutton stated that he had not.

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

Mr. Roszak stated that he had no issues with the proposal, as he viewed it as an enhancement to the property.

Mr. Funk asked for clarification on the need for a variance for the proposed deck. Mr. Dutton stated that the deck met the required setback.

Mr. Funk made a motion to approve the variance to allow a three-season room, stating that the variance was not substantial, there was no visibility to the rear due to a commercial structure, the essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer substantial detriment as a result of the variance.

Mr. Williams seconded the motion.

Vote:

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

4. Z25-18 Anthony Mangione 653 Tremain Place VAR

Mr. Dutton stated that the subject property currently contained a single-family home with an attached two-car garage. He added that the applicant was proposing to add a 276 sq. ft. third car garage on the south side of the home. Mr. Dutton stated that Section 1123.05 required principal structures to have a 10 ft. side yard setback. He noted that the proposed third car garage was located 9 ft. 1 in. from the side property line.

Mr. Dutton added that a 10 ft. public water line easement was located along the south property line and the City of Medina Engineering Department had indicated that the proposed garage could extend up to 2 ft. into the easement.

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

- The variance was not substantial as the garage was only 11 in. within the side setback and the water line easement.

- The essential character of the neighborhood would not be altered as the garage would match the existing home's siding and garage door.
- The spirit and intent of the zoning requirement would be observed as only a few square feet of the building would be within the required setback.

Present for the case was Anthony Mangione, 963 East Meadowlawn Boulevard in Seven Hills. Mr. Mangione stated that the homeowner intended to use the proposed garage to house a classic car with extra-large dimensions. He added that he had spoken with the neighbors and that they had not had any issues with the project.

Mr. Humpal opened the public hearing. There were no questions or comments from the public. Mr. Humpal asked Mr. Dutton if any comments had been registered with his department. Mr. Dutton stated that he had not received any comments.

Mr. Roszak stated that he had no issues with the proposal. Mr. Funk agreed, stating that the variance was minor.

Mr. Roszak made a motion to approve the variance, stating that the variance was not substantial and the essential character of the neighborhood would not be substantially altered.

Mr. Funk seconded the motion.

Vote:

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

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| 5. | Z25-19 | Sarah Mheisen | 427 North Court Street | VAR |
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Mr. Dutton stated that the submitted application was to allow wall signs on the canopy of the Sunoco Station. He added that he had spoken to the business owner before the meeting, and the owner intended to request that the application be tabled until the August 14th meeting. He noted that there was a freestanding sign on the property that the business owner was looking to replace, which would likely require another variance.

Present for the case was Sukhjinder Singh, 4737 Lexington Ridge Drive. Mr. Singh stated that he has owned the Sunoco gas station for the last 18 years, and that he had had problems with ongoing damage to a pole sign. He stated that the sign was constantly being hit by vehicles using the gas station, leading to frequent and costly repairs and insurance claims.

The Board of Zoning Appeals accepted the applicant's tabling of application Z25-19. It was determined that the sign company would submit the proposed changes to the pole sign and the Board would review all of the signage at their next meeting.

Mr. Dutton stated that the property was in a transitional area, with commercial recreation to the west and homes and a park to the east. He continued that the Board had previously reviewed and approved a use variance application for the project in 2022, which had expired. Mr. Dutton stated that the proposed application included the establishment of a 6,800 sq. ft. banquet hall and improvement of the parking area on the northwest side of the building. He indicated that the Planning Commission had reviewed and approved a Site Plan application for the parking lot, with the condition that the parking lot be paved within five years.

Mr. Dutton stated that the existing uses on the site included electric karting, games, a restaurant and bar, and a flexible gathering room. He noted that, in the past, these uses had loosely been classified as “Commercial Recreation”, a conditionally permitted use in the I-1 zoning district. Mr. Dutton stated that the proposed use’s function, size, and scale placed it in a separate classification as a “Conference Center, Banquet Facility, or Meeting Hall”.

Mr. Dutton noted that Section 1141.02 indicated permitted uses in the I-1 zoning district. He added that a “Conference Center, Banquet Facility, or Meeting Hall” use was not included in the table and was thus not permitted at the subject site.

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

- The variance stemmed from the uniqueness of the property as the building was in a historical industrial complex.
- The variance would not adversely affect adjacent property owners as activity in the building had enhanced the area and not impacted neighbors.
- The variance would be consistent with the spirit and intent of the ordinance as the proposed use was similar to existing uses in the facility.

Mr. Humpal asked if there had been any conditions applied to the original approval. Mr. Dutton stated that, other than the condition that the parking lot be paved within five years, no conditions had been made with the original approval.

Present for the case was Greg Cordray, 3983 Meadowvale Court in Akron. Mr. Cordray stated that he was working on making great things happen at the Foundry and, consequently, more parking was needed.

Mr. Williams expressed concern over the size of the project and asked if the City Engineer had looked at the traffic flow from the property, as it was in a residential neighborhood. Mr. Dutton stated that the project met minimum parking requirements and that the City Engineer had reviewed the Site Plan application and had not required a traffic study.

Mr. Humpal opened the public hearing. Rick Kirby, 246 West Friendship Street, stated that he did not have a problem with the proposal.

Mr. Funk clarified that the Board was only approving the use and not the parking. Mr. Dutton stated that the parking had been approved by the Planning Commission and that the Board of Zoning Appeals was only approving the use.

Mr. Funk made a motion to approve the variance to allow the Banquet Hall, stating that the variance stemmed from the uniqueness of the project in a historic industrial complex. He added that the variance would not adversely affect the interests of property owners and would be consistent with the spirit and intent of the Zoning Code.

Mr. Roszak seconded the motion.

Vote:

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

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman