

City of Medina

Planning Commission

Case No. P24-26

Applicant: John Potter

Subject Property: 322 West Smith Road, Medina, Ohio

Final Decision and Conclusions of Fact

The Planning Commission (hereinafter the “Commission”) of the City of Medina, Ohio (hereinafter the “City”), makes the following conclusions of fact in support of its final decision in the above-referenced case.

After the hearing of all evidence and arguments of the interested parties in this matter at a quasi-judicial administrative hearing held at a public meeting of the Commission on February 13, 2025 (hereinafter the "Commission Hearing"), and considering the standards set forth in the City of Medina Codified Ordinances (hereinafter the “Code”), the Commission has granted approval of an application for a two-family home in the Transition Corridor Overlay District (hereinafter the “TC-OV”) at 322 West Smith Road.

The Commission’s conclusions of fact supporting its decision are:

1. The Subject Property is known as 322 West Smith Road in the City of Medina, Ohio, Medina County PID#: 028-19C-05-121, and is comprised of approximately 0.1309 acres (hereinafter the "Property").
2. A single-family residence was previously located on the Property. The structure experienced a fire in 2018 and was demolished in 2019 per City of Medina Building Permit records.
3. The Property is currently owned by Brian and Elizabeth Vanderpool who purchased the Property in 2021, per the Medina County Auditor.
4. The Property is located in the "C-2 Central Business" zoning district as described in the City of Medina Planning and Zoning Code and Zoning Districts Map, adopted pursuant to Chapter 1113 of the Code.
5. Applicant John Potter (hereinafter the "Applicant") requested development of the Property for a two-family dwelling. The Applicant submitted an application to the Commission for a new principal structure in the TC-OV which was approved by the Commission on November 14, 2024.
6. After the November 14, 2024 Commission decision, the Applicant submitted revisions to the TC-OV application including a modified front building elevation, two options for the

placement of the building on the lot, and additional information supporting approval of the application. On February 13, 2025 the Commission reviewed the revised the application.

7. The Applicant submitted a use variance to Code Section 1135.03 to allow a prohibited two-family residential use and an area variance to Code Section 1135.06 to allow a principal structure in the rear yard setback, Code Section 1135.08(a) to allow parking in the front yard, and Code Section 1135.13(c)(1) to allow a vinyl exterior exceeding the maximum permitted to be reviewed by the City of Medina Board of Zoning Appeals.
8. Code Section 1116.10(c) states: “The criteria contained in the Overlay District Development Guidelines shall be used by the Planning Commission to guide their decision”. The TC-OV development guidelines encompass ten pages located in the Appendix of the Part 11 of the Code, Planning and Zoning Code. Applicable sections of the appendix are as follows:

TCOV.2 General Design Regulations.

The Planning Commission will use these regulations in their review of development applications in areas designated as Transitional Corridor Overlay Districts on the official zoning map of the City. Diagrams and photos have been provided to help illustrate the design principles being recommended.

The Planning Commission shall have the authority to interpret and apply these regulations on a case by case basis and have no binding authority to consider a previous decision or case when making decisions on individual cases that may be in front of them for review and approval.

TCOV.3 Site Development.

- (c) The height and scale of each new building shall be compatible with existing surrounding buildings.
- (d) New buildings should have setbacks consistent with surrounding established patterns.

TCOV.6 Location, Orientation, Size, and Shape of Buildings.

- (b) New and remodeled buildings should be compatible with their surroundings. Architectural style, bulk, shape, massing, scale, and form of new and remodeled buildings and the shape between and around buildings should be consistent with the character of the area and be in harmony with neighboring buildings.
- (c) The front of the buildings should not exceed fifty (50) feet in horizontal length. A minimum of sixty percent (60%) of the front building façade shall consist of windows, doorways, awnings, etc., in order to break up the visual mass of the structure.

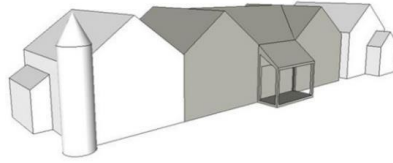
TCOV.8 Building Materials and Appurtenances.

- (a) The architectural character and exterior building materials of new and remodeled buildings should be harmonious with surrounding buildings in color and texture, proportion, scale, patterns and opening sizes and shapes.

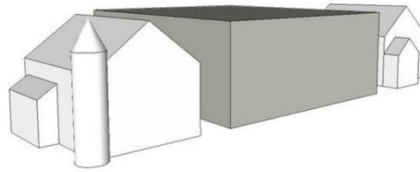
TCOV.9 Building and Lot Aesthetics.

(b) Scale.

- (1) Consider relating the size and proportion of new structures to the scale of adjacent buildings. Although much larger than its neighbors in terms of square footage, the building shown below maintains the same scale and rhythm as the existing buildings.

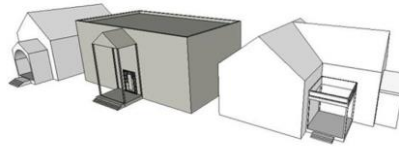


- (2) Avoid buildings that in height, width or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape.

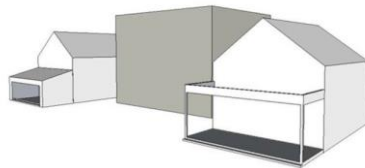


(e) Setback.

- (1) Consider maintaining the architectural façade lines of streetscape by locating front walls of new buildings in the same plane as facades of adjacent buildings. If existing setbacks vary, the new building should conform to historic siting patterns.

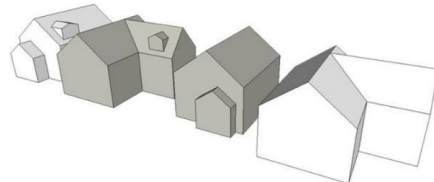


- (2) Avoid violating the existing setback pattern by placing new buildings in front of or behind the historic façade line. Avoid placing buildings at odd angles to the street unless in an area where diverse siting already exists.

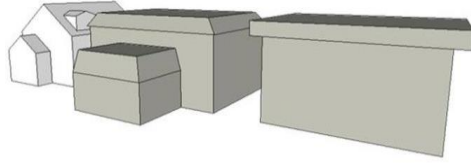


(f) Sense of Entry.

- (1) Consider articulating the main entrances to the building with covered porches, porticos and other pronounced architectural forms.



- (2) Avoid facades with no strong sense of entry. Side entries or entries not defined by a porch or similar transitional element result in an incompatible "flat" first floor façade.



9. Code Section 1113.07, "Infill Development Standards", states the following:
- (a) Compatibility. All new single and two family residential development shall reflect, complement, and preserve the nature and character of existing adjacent residential development.
 - (b) Building Placement and Mass. All new homes shall conform in street orientation and massing to adjacent homes.
 - (c) Harmonious Aesthetics. The following is a list of objectives to achieve infill development that is characteristic of the existing structures:
 - (1) New infill development shall be compatible with the neighboring structures in terms of proportion, size, mass and height.
 - (2) Similar materials, colors, architectural details and roof pitch shall be used on all sides and on all structures on the site and shall be harmonious with adjacent properties.
 - (3) The creation of a vertical canyon effect between structures shall be minimized. For instance, when a one story structure is proposed next to a two story structure, the space between the two buildings shall increase as wall height increases.
 - (d) Any improvement which is determined by the Planning Director to be in conflict with this section shall be forwarded to the Planning Commission for review.
10. The Commission was provided relevant information regarding the request including, but not limited to:
- a. A staff report from the City of Medina Community Development Department.
 - b. Two site plan options with different front and rear yard setbacks submitted by the Applicant.
 - c. Exterior building elevations incorporating shutters and shake siding on the front building elevation submitted by the Applicant.
 - d. Letters of support for the project from an adjacent resident Shannon Rush, adjacent business owner Matt Kiene, and real estate agent Leslie Burns submitted by Nicholas Hanek.
 - e. Documents requesting denial of the request submitted by Gregory Happ representing Christopher Kalina.
 - f. Documents providing information regarding the request submitted by Christopher Kalina.

11. Andrew Dutton, City of Medina Community Development Director, testified under oath at the Commission Hearing that:
- a. The proposed two-family residence included a two-story configuration with 1,635 sq. ft. units, each with a garage.
 - b. Shutters and shake siding were added to the front building elevation at the request of the Planning Commission. With the incorporation of the revision, the proposed use of vinyl siding on the facing the right-of-way would continue to require area variance approval from the Board of Zoning Appeals to Code Section 1135.13(c)(1).
 - c. The Applicant had submitted two site plan options. Option 1 incorporated a front setback of 31 ft. 8 in. and a rear setback of 14 ft. 5 in. Option 2 incorporated a front setback of 19 ft. 11 in. and a rear setback of 25 ft.
 - d. The applicable rear yard setback on the Property had initially been incorrectly referenced as 50 ft. The correct rear yard setback for the Property was 30 ft. A variance from the Board of Zoning Appeals to Code Section 1135.06 was required for the corrected 30 ft. setback for either site plan Option 1 or Option 2.
 - e. The proposed parking in the front yard would require area variance approval from the Board of Zoning Appeals to Code Section 1135.08(a).
 - f. Code Section 1145.10(d) had been identified requiring that two-family dwellings accessing a collector or arterial street must have “forward movement” onto the street. The section applied to the proposal as West Smith Road is designated a Collector Street in the Comprehensive Plan.
 - g. A storm sewer existed on the adjacent property on 328 West Smith Road. The city had acquired an easement on the Property, a minimum of 5 ft. off the property line, which was adequate to access the storm sewer.
 - h. Prior to construction of a two-family residence, a Lot Improvement Plan must be submitted to the City of Medina Engineering Department including information on how stormwater will be managed, elevations, drainage details, and other relevant items. The Lot Improvement Plan is reviewed to ensure stormwater management complies with city regulations and does not result in negative impacts on area properties.
 - i. The City of Medina maintains the creek to the rear of the Property. For maintenance, the city accesses the creek at the South Huntington Street bridge and works westward to the bridge at West Smith Road.
 - j. The Property is designated as “Urban Residential Land Use” on the Comprehensive Plan’s Future Land Use Plan. The designation includes single-family residential, multi-family residential, and community facility uses.
 - k. The Community Development Department recommended approval of application P24-26 as submitted with either plan Option 1 or Option 2 the condition that the project shall receive variance approval from the Board of Zoning Appeals to Section 1135.03 regarding use, Section 1135.06 regarding the rear yard setback, Section 1135.08(a) to allow parking in the front yard, and Section 1135.13(c)(1) regarding the use of vinyl facing the right of way. In addition, he noted that the project would have to comply with

Section 1145.10(d), revising plans to include a method for allowing vehicles to turn around on site, or a variance would need to be granted by the Board of Zoning Appeals.

12. Nicholas Hanek, representing the Applicant, stated at the Commission Hearing:
 - a. The Applicant would revise plans to incorporate a vehicle turnaround in order to comply with Code Section 1145.10(d).
 - b. The proposed structure would not be located on any easements on the Property.
 - c. The Applicant would work with the City to comply with all stormwater requirements.
13. Christopher Kalina testified under oath at the Commission Hearing that:
 - a. His property at 328 West Smith Road had experienced drainage issues in the past and he was concerned the proposed two-family residence would result in future drainage issues.
 - b. The proposed would incorporate the largest two-family residence in the area on the smallest lot in the area and stormwater impacts should be investigated.
 - c. The Applicant incorrectly referenced an easement provided identified as “Exhibit C” as an easement on the west side of the Property and east side of his property at 328 West Smith Road. The easement provided was an unrelated easement located on the west side of his property at 328 West Smith Road.
14. Gregory Happ, representing the owner of an adjacent property at 328 West Smith Road, Christopher Kalina, stated at the Commission Hearing that:
 - a. The proposed three-bedroom, two-family residence did not provide any recreation area for its residents.
 - b. Children living at the two-family residence would not have a place to play as the Property was abutted to the rear by Champion Creek and fronted on West Smith Road, which was a busy road with truck traffic.
15. Based on all of the forgoing Paragraphs 1 through 14, the testimony of the witnesses, and the exhibits submitted and accepted at the Commission Hearing, the Commission found the application complied with the TC-OV Development Guidelines located in the Appendix of the Part 11 of the Code, Planning and Zoning Code, and Code Section 1113.07, “Infill Development Standards”, and approved the application with the following conditions:
 - a. Shutters shall be installed beside windows and shake siding shall be installed in the gabled area on the front building elevation.
 - b. Variances indicated in the staff report shall be approved.
 - c. The City of Medina Engineering Department shall approve a drainage plan for the site.
 - d. Either site plan Option 1 or Option 2 shall be acceptable at the recommendation of the City of Medina Engineering Department.

16. The adoption of these Conclusions of Fact constitutes the final decision of the Commission in this case.

APPROVED BY:

Motion of the City of Medina Planning Commission on March 13, 2025.

Confirmed: _____

Rick Grice,
Chair of the Planning Commission

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

CITY OF MEDINA PLANNING COMMISSION

CASE P24-26

322 WEST SMITH ROAD

- - -

Transcript of Proceedings held on Thursday,
the 13th day of February, 2025, before the
City of Medina Planning Commission, commencing
at approximately 6:00 p.m., as taken by
Makenzie J. Sabo, RPR, Notary Public within and for
the State of Ohio, and held in Medina City Hall,
132 North Elmwood Avenue, Medina, Ohio 44256.

- - -

MEDINA COURT REPORTERS
209 North Broadway Street
Medina, Ohio 44256
(330) 723-2482
office@crmedina.com

1 APPEARANCES:

2 Rick Grice, Chairman,
3 Nathan Case, Member,
4 Bruce Gold, Member,
5 Monica Russell, Member,
6 Jeremy Sack, Member.

7 City of Medina Planning and Community
8 Development Department,
9 Andrew Dutton, Community Development Director,
10 Sarah Tome, Administrative Assistant.

11 Gregory A. Huber, City of Medina Law Director.

12 Applicant:

13 Meyers, Roman, Friedberg & Lewis
14 by Nicholas J. Hanek, Esq.

15 David Wascak, Property Owner.
16 David Leach, The Cornice Company.

17 Also present:

18 Gregory W. Happ, Esq.
19 on behalf of Christopher and Carrie Kalina.

20 - - -
21
22
23
24
25

1 (Whereupon, all persons in attendance
2 were previously placed under oath by the
3 notary.)

4 - - -

5 PROCEEDINGS

6 - - -

7 CHAIRMAN: Okay. We have
8 one application for us this evening. It's
9 Case 24-26 for the property at 322 West Smith
10 Road. This is in the TC-OV district.
11 Andrew.

12 MR. DUTTON: (Displaying case
13 packet.)

14 All right. This is the application which
15 you heard at a previous Planning Commission
16 meeting. The site is .13 acres on the south
17 side of West Smith Road, as you can see on the
18 map here.

19 Adjacent properties have C-2 zoning across
20 the street, which is a brewery and tap room; to
21 the east is a two-family residence zoned C-2;
22 west is a single-family residence zoned C-2;
23 and to the south is a single-family residence
24 zoned R-3.

25 The property previously contained a

1 single-family home which was demolished in
2 2018. The request is for a two-story duplex
3 with 1,635-square-foot units each with a
4 garage.

5 So on November 14th the Planning Commission
6 granted conditional TC-OV approval of the
7 application with two conditions; that shutters
8 shall be installed on the side of the windows
9 on the front building elevation and shake
10 siding shall be installed in gable areas on the
11 front building elevation.

12 In addition, the Board of Zoning Appeals
13 also heard four variances regarding the
14 project. The Board accepted a request to table
15 the application after discussion.

16 So at this time it's before you again as we
17 have some changes and revisions. I'm just
18 going to go over those as briefly as I can.
19 They pertain to elevations incorporating with
20 the Planning Commission's conditions, a
21 correction of the rear setback, two options for
22 the location of the structure, Engineering and
23 Service Department information, documentation
24 of the storm sewer near the property line,
25 information regarding the Comprehensive Plan

1 and Future Land Use Map, letters of support,
2 and a document from the neighboring property
3 owner's attorney.

4 So first we have the Planning Commission's
5 originally approved application. These are the
6 initial building elevations. So as you'll
7 recall, the conditions were to add shutters and
8 shake siding.

9 So the revised elevations here,
10 particularly the front elevation in the
11 upper-left, incorporate shutters, shake siding,
12 and multiple colors. I'll note the exterior
13 will still require a variance as its front face
14 is more than fifteen percent vinyl.

15 Also at the November meeting the rear
16 setback was noted as fifty - five, zero - feet.
17 When a property in the C-2 district abuts a
18 residential district, the C-2 property's rear
19 setback is equal to the rear setback of the
20 residential district.

21 So as shown here, the adjacent residential
22 district is R-3, which actually has a
23 thirty-foot setback; therefore, the rear
24 setback for the subject property is thirty-foot
25 rather than fifty.

1 At the November meeting there was
2 discussion regarding front and rear setbacks.
3 As such, the applicant has provided two options
4 for the setback of the building.

5 So here is option one (indicating). This
6 is the original proposal with a
7 thirty-one-foot, eight-inch front setback and a
8 fourteen-foot, five-inch rear setback.

9 So an additional option two has been
10 provided, which shows the building closer to
11 the street with a nineteen-foot-eleven-inch
12 front setback and a twenty-five-foot rear
13 setback. So both options require variances to
14 allow the structure within the thirty-foot rear
15 yard setback and to allow parking in the front
16 yard.

17 In addition, Section 1145.10(d) has been
18 identified, which requires that two-family
19 dwellings that access a collector or arterial
20 street must have forward movement on the
21 street. Put differently, a car in the driveway
22 must have an option to turn around on-site
23 rather than backing up onto the street in this
24 situation.

25 This section applies to this proposal as

1 West Smith is designated as a collector street
2 in the Comprehensive Plan. As such, a method
3 allowing a vehicle to turn around on the site
4 will need to be incorporated in the site plan
5 or a variance would be needed to
6 Section 1145.10(d).

7 There was also discussion at the November
8 meetings regarding the presence of storm sewer
9 and related structures adjacent to the site.
10 As shown on the plan before you, there is a
11 storm sewer on the adjacent property at
12 328 West Smith Road. The City has easements of
13 at least five feet on both sides of the common
14 property line allowing access, repair, and
15 maintenance to the storm sewer.

16 Drainage was a topic of discussion at the
17 November meeting as well. When plans are
18 submitted to the City's Building Department for
19 a two-family dwelling, a Lot Improvement Plan
20 must also be submitted to the City's
21 Engineering Department. The Lot Improvement
22 Plan must include information on how stormwater
23 will be managed and include elevations,
24 drainage details, and other relevant items.
25 The plan is reviewed to ensure stormwater

1 management complies with City regulations and
2 does not result in negative impacts on area
3 properties.

4 The plan also shows a creek to the rear of
5 the properties at 322 and 328 West Smith Road
6 which has been maintained by the City, and to
7 perform maintenance, the City has accessed the
8 creek at the South Huntington Street bridge and
9 worked westward to the bridge on West Smith
10 Road, so that would be right to left on the map
11 you have before you.

12 The applicant has also provided a reference
13 to the City's Comprehensive Plan regarding
14 future land use. The Future Land Use is -- Map
15 is meant to guide the pattern, the character of
16 future growth in Medina. The subject property
17 is designated as urban residential land use on
18 the Future Land Use Map. This includes
19 single-family residential, multifamily
20 residential, and community facility uses.

21 You've also been provided with letters of
22 support from Shannon Rush, a resident in the
23 adjacent property at 316 West Smith Road;
24 Matt Kiene, a business owner of Lager Heads,
25 which is at 325 West Smith Road across the

1 street; and Leslie Burns from M.C. Real Estate,
2 the listing agent for 322 West Smith Road.

3 In addition, earlier this afternoon a
4 document was submitted by Gregory Happ
5 representing Chris Kalina, owner of
6 328 West Smith Road. It's the property to
7 the west. You have a copy of this document
8 before you for your consideration, but much
9 of it pertains to the variance application.

10 So staff recommends approval of the
11 application P24-26 as submitted with either
12 plan option one or two, with the condition
13 that the project shall receive variance
14 approval from the Board of Zoning Appeals to
15 Section 1135.03 regarding use, Section 1135.06
16 regarding the rear yard setback, Section
17 1135.08(a) to allow parking in the front yard,
18 and Section 1135.13(c)(1) regarding the use of
19 vinyl facing the right-of-way.

20 In addition, the project will need to
21 comply with Section 1145.10(d) regarding
22 forward movement onto a street by revising the
23 plans to include a method allowing vehicles to
24 turn around on the site. One additional
25 variance approval will be needed from the

1 Board of Zoning Appeals.

2 Thank you.

3 CHAIRMAN: Okay. Thank you.

4 And the applicant, who is -- if you'd give
5 us your name and address.

6 MR. HANEK: Thank you.

7 Attorney Nicholas Hanek on behalf of the
8 applicant; 28601 Chagrin Boulevard, Suite 600,
9 Cleveland, Ohio.

10 CHAIRMAN: Good evening.

11 MR. HANEK: Good evening.

12 Thank you.

13 I'm here with myself, the applicant, and
14 the representative from the builder who -- for
15 which John Potter is an employee and private
16 manager. And I'd be happy to also answer any
17 questions. I'm going to do a brief overview
18 sort of where things stand and where we see
19 things going. A lot of today is going to be
20 focused on the BZA.

21 Just to be clear, the applicant is still
22 willing to meet the two conditions that were
23 recommended last time, that there is no issue
24 with meeting those conditions.

25 Also, we believe we are going to be able to

1 handle the issues related to 1145.10(d) in
2 allowing for a turnaround without the necessity
3 of having to redo the variance to the extent
4 that it's applicable to what you're doing.

5 So just to clear up a few things and issues
6 that came up, you know, the water issues we
7 believe at this point have been all but
8 resolved. There is -- there are variance --
9 there are easements on each side. There's five
10 foot into here and there's five foot into the
11 neighboring property. The City paid money to
12 the neighboring property in order to obtain
13 such an easement; they accepted that money.
14 There's no building going to be happening
15 there.

16 Additionally, the applicant is going to
17 have to meet all the standards for the
18 City of Medina and go through the building and
19 engineering process. They're not going to be
20 able to go forward with this project if they do
21 not, and that includes standards related to
22 water flow, that this project will not cause
23 any issue related to water. This is likely --
24 most likely to improve that water flow, and
25 we're happy to work with the City of Medina to

1 ensure that that is going to be the case going
2 forward.

3 And in a larger picture, including the
4 land use map, although that is not binding,
5 just to understand, the urban residential is an
6 area in the future land use policy that goes
7 between sort of a more-dense downtown and sort
8 of a more-sparse area of the city, so this --
9 some of the uses and things here encourages
10 density and encourages this type of project,
11 and as you recall, there is a duplex directly
12 next to this project. So in a lot of -- in
13 many ways this goes along with exactly what the
14 City of Medina is trying to do and it creates
15 what is ultimately similar to a mixed use
16 environment without it actually being attached
17 mixed use.

18 The neighboring business across the street
19 is in close proximity and this allows for
20 housing to be in a greater -- greater density
21 in accordance with the plans, in accordance
22 with the kind of district this is, and in
23 accordance with the future of local Medina.
24 I believe the future land use of Medina is
25 well thought out and reasonable and going

1 | towards this makes sense.

2 So as to any questions from the Commission,
3 you know, we'll -- to the relevance of where a
4 lot of the issues are, I believe are going to
5 be in terms of the use variance and some of the
6 area variances. We believe we're going to be
7 able to handle the other issue raised by
8 Andrew Dutton as far as having cars facing
9 forward, and we do not see that as going to be
10 an issue here.

11 I'm happy to answer or defer to you the
12 builder with any questions you may have.

13 Again, we're willing to comply with the
14 prior -- the prior conditions and intend to
15 work through issues in the build with the
16 City of Medina and follow all applicable laws
17 and ordinances.

18 CHAIRMAN: Okay. Thank you
19 very much.

20 Do members of the Commission have any
21 questions at this time?

22 MR. GOLD: Mr. Chairman.

23 Andrew, when is -- when was the turnaround
24 requirement enacted?

25 | MR. DUTTON: When was the

1 ordinance passed?

2 MR. GOLD: Yeah.

3 MR. DUTTON: I'm not sure
4 offhand.

5 MR. GOLD: Do you know?

6 CHAIRMAN: A long time ago.
7 I don't know exactly, but --

8 MR. HAPP: I have the answer
9 to that. 2014.

10 CHAIRMAN: There you go.

11 MR. GOLD: Okay.

12 The reason I ask, the surrounding
13 properties don't have that. They don't meet
14 that condition of being able to offer a
15 turnaround in the driveway - I don't know -
16 unless you're driving a Smart car maybe, but
17 other than that I don't see that happening.

18 And that portion of the road doesn't get
19 that much traffic. It's not like you're
20 driving on South Court -- yeah, South Court
21 Street, which has a very high volume of
22 traffic, and they don't have that requirement
23 for that part of the city. Most people back
24 out of those driveways onto South Court. So I
25 don't see that really as an issue.

1 CHAIRMAN: Okay.

2 MR. DUTTON: Well, the
3 standard will still apply. So the options are
4 either the variance or construction of a
5 turnaround. It sounds like the applicant is
6 willing to put in a turnaround. And even if
7 it's not required, it's probably a good thing
8 for residents to be able to come out
9 forward-facing rather than backing out.

10 MR. HUBER: I was going to
11 say, Bruce, it's an ordinance and it's
12 mandatory language, you shall comply and follow
13 the law. That's what we're supposed to do. I
14 think these other -- I went out there and
15 looked, and you're absolutely correct, no --
16 this is zoned C-2 and they're all residences.

17 MR. GOLD: Hm-hm.

18 MR. HUBER: So I don't know
19 that maybe we ought to look at rezoning this at
20 some point irrespective of what happens here
21 tonight, but -- because what's there doesn't
22 make sense as what we have it zoned as frankly.

23 And nobody has a turnaround, but it's --
24 those are nonconforming uses. That doesn't
25 mean we can just bypass it at this point. In

1 fact, we're aware of it, and this applicant is
2 indicating a willingness to be able to
3 accommodate that.

4 MR. GOLD: Thank you.

5 CHAIRMAN: Other questions
6 by members of the Commission?

7 (No verbal response.)

8 CHAIRMAN: Okay. Anybody
9 with us this evening have any comments they'd
10 like to make?

11 MR. KALINA: (Indicating.)

12 CHAIRMAN: If you'd find an
13 open mic and limit your comments to
14 approximately five minutes.

15 MR. KALINA: Some of this
16 applies, but most of it are variances.

17 Good evening, everyone. My name is
18 Christopher Kalina. I am the property owner
19 immediately next door at 328 West Smith Road.
20 And the packet that I provided you with, the
21 first couple of pages are truly regarding the
22 variance that's being asked regarding the use.
23 Some of that discussion has taken place
24 regarding the size of the lot, which is where
25 those charts are indicating the size of the

1 neighboring duplexes, the size of their lots.

2 And so if you go to Page 3, I'll just
3 address a little bit of the information,
4 because Mr. Hanek mentioned the drainage and
5 the easement specifically, so -- and I'll just
6 give you a little bit of history of the
7 property.

8 We've owned the property now for twenty
9 years. I will go on record and state that we
10 have greatly, greatly appreciated all of the
11 efforts that the City of Medina has done to
12 address drainage along West Smith Road. They
13 have really stepped up to the plate. They have
14 made all the difference and, quite frankly,
15 Pat Patton is a genius when it comes to
16 figuring out drainage, as he's done a really
17 good job in that area.

18 And just to go over some of our -- there's
19 a spot where it says "Drainage claims," so we
20 can kind of start right there. Just to talk
21 about our collaborative nature with the
22 City of Medina, we spent ten thousand dollars
23 of our own money to shorten the garage at our
24 property on West Smith Road because the City
25 needed to widen the creek. Water backing up on

1 Smith Road has been a continuous issue for many
2 residents. I don't think that's any surprise.
3 The original proposed street drainage system
4 that Pat Patton had designed was supposed to go
5 on the property line, and to the best of my
6 recollection that did not happen.

7 And, in fact, I had a recent
8 conversation with a representative from
9 Cunningham & Associates when I was trying to
10 find the original diagrams for this, and he
11 recalled that that was where it was supposed to
12 go but there was not cooperation from the
13 neighbor - at that point in time it was a
14 different person that owned 322 West Smith
15 Road - so the drainage was then placed solely
16 on our property. The City's contractor who
17 installed that for them actually tore out
18 drainage that we paid to have installed on our
19 property. We had to repair that. That was
20 done at our own expense.

21 The entire house and foundation over at
22 328 West Smith Road, we did a multiyear, we
23 did a three-year renovation on that house
24 back in 2002 to 2005, would be my recollection,
25 and that included our own installation of

1 drainage on the property. The home remained
2 very dry for years up until reconstruction of
3 Smith Road.

4 And in your packet you'll see there's a
5 photograph of me at the meeting during the
6 construction, because my only concern was, was
7 the construction going to impact drainage on
8 the street.

9 The next photograph is a picture of the
10 street flooded. So unfortunately there was
11 some drainage problems that occurred during the
12 construction, and hence I will tell you that my
13 concerns about drainage are warranted from that
14 instance.

15 I'll move on to, I did speak with
16 Jim Smith. He's the district tech for the
17 Medina County Soil & Water Conservation
18 District. He noted that the lot and elevation
19 drop into Champion Creek created some unique
20 issues. The Medina County Soil & Water
21 Conservation District offered to complete a
22 site investigation, soil type review, and
23 provide recommendations for when the permeable
24 surface greatly increases and there's lack of
25 infiltration which would increase flooding

1 potential. The City of Medina code requires
2 that no concentration of water shall flow onto
3 an adjoining property, and where a lot is
4 graded to a higher level than an adjacent
5 property, protection must be provided to
6 preserve the elevation of the adjacent
7 property. Considering that the variance
8 request is to build the largest two-family
9 building on the smallest lot in that area, it
10 would appear to me that long-established
11 permeable surfaces will be impacted and should
12 be investigated by experts before any
13 development, and I consider that to be similar
14 to like a traffic study.

15 Now, Mr. Hanek specifically mentioned the
16 drainage easement. That's the next part of my
17 letter. The application provided to the BZA
18 falsely claims that Exhibit C is an easement
19 of a combined ten-foot-wide that is on both
20 322 West Smith Road and 328 West Smith Road.
21 In fact, the easement that was provided to the
22 Board for Exhibit C is a completely unrelated
23 highway easement located on the opposite side
24 of the property.

25 I have not received any money at all as

1 property owner from the City of Medina for
2 drainage that was installed on my property.
3 That was when the bridge was being replaced,
4 and I actually -- the back story of that is we
5 lost about fifty-foot frontage, so that was
6 compensation from the State of Ohio not -- not
7 related to that.

8 In summary, we are longtime property owners
9 throughout the City of Medina. We have both
10 single- and two-family homes ranging from
11 beautiful restored historic and everything in
12 between. We reside and love the City of
13 Medina. We appreciate that the members of the
14 Board, who we have dealt with in the past, have
15 stood behind the intent of the code. We want
16 to share with the Board the reason that
17 Medina's zoning smartly differentiates between
18 single-family and other uses -- most of this
19 information is really for the appeals board
20 regarding the use on it, but basically
21 multifamily properties bring multiples of
22 everything. This is a very small lot, and that
23 is one of our concerns with that.

24 I would tell you that as a property owner,
25 my wife and I purchased this property because

1 of the C-2 zoning. We had really long-term
2 hopes that Smith Road would become --
3 especially with the updates and especially
4 with the hotel coming, that this would evolve
5 into a lot of these homes turning into
6 commercial uses. That was why we purchased the
7 property. We're surrounded on three sides of
8 our property by commercial uses, and so that
9 was our long-term hope for this.

10 Again, move on to some of my handouts here.

11 The driveway is going to be addressed by
12 the applicant, so I'm very glad to hear that.
13 What this handout, which shows the two
14 different site plan options, shows cars parked
15 in that area and how that would really cause
16 some visibility problems, sight line problems
17 there, and so I'm glad to hear that they're
18 going to address that.

19 I will address the traffic volume.

20 Information was received from Mr. Patton
21 regarding traffic volume on West Smith Road.
22 There's actually 7,614 vehicles and there's
23 been an increase of almost three hundred
24 vehicles daily in the past three years, and
25 that's before the hotel is built, so I would

1 only expect that number to go up. There is
2 quite a bit of traffic that's on there.

3 The next handout that you have is a traffic
4 count. It's the official traffic count that
5 came directly from Mr. Pat Patton. That was
6 sent to Greg Happ, my attorney.

7 The next map is the thoroughfare plan,
8 which everybody is aware of that this is a
9 major -- this is a minor arterial street.

10 The next handout is the advertisement for
11 the property.

12 The next handout is a letter from
13 Mr. Potter to Mr. Dutton, just basically
14 stating that he's aware of the setbacks in the
15 area.

16 And the next two photos, that is me at the
17 meeting, talking about the rebuilding of
18 Smith Road, which we're excited to have that
19 completed. That's been a long process and have
20 that done.

21 And then the last photo there is a picture
22 of some of the drainage problems in the area,
23 and hence my concerns about any changes in the
24 area that could potentially impact us
25 negatively.

1 We have a dry basement in the house, that's
2 been a long time coming, and I would tell you
3 that as owners of property in Medina County,
4 there was a letter that was submitted to the
5 Board for consideration from the REALTOR
6 selling the property, and it basically, in my
7 opinion, alludes that an 1897 home would not
8 necessarily have a dry basement and that the
9 issue would be more related to the home and not
10 related to drainage around the home. We have
11 owned many old homes, as a matter of fact older
12 than that. We just spent the past couple of
13 years rehabbing 402 West Washington Street here
14 in Medina. We turned that house into a
15 beautiful Victorian, and that house was built
16 in 1880. It's got a stone foundation and it is
17 super-dry, so the insinuation that an old home
18 does not necessarily have a dry basement is
19 completely false.

20 There's been digging around that house,
21 that house sits on a bed of shale, and the
22 basement is -- I can tell you is very dry when
23 drainage is working properly around the outside
24 of the property.

25 So that is certainly one of our concerns.

1 CHAIRMAN: Okay. Thank you.

2 You did pretty good, a little over five,
3 but you did good.

4 MR. KALINA: Okay. Thank you.

5 CHAIRMAN: Okay. Questions
6 by any of the Commission members regarding --
7 any comments?

8 (No verbal response.)

9 CHAIRMAN: Anybody else with
10 us this evening have any comments they'd like
11 to make?

12 MR. HAPP: Yes. If I may as
13 counsel for --

14 CHAIRMAN: Mr. Happ, will
15 this be something new?

16 MR. HAPP: I'm sorry?

17 CHAIRMAN: Will this be
18 something new?

19 MR. HAPP: Yes.

20 CHAIRMAN: Okay, go ahead.

21 MR. HAPP: The one area
22 that's not been addressed, and is really a deep
23 concern I think that the Planning Commission
24 has to look at, is where's the recreation for
25 two -- you have two -- he wants two units with

1 three bedrooms which are going to attract
2 families with children. Where on this lot if
3 you -- if it's approved that they have
4 14.5 feet rear setback against Champion Creek,
5 having lived on the area surrounding Champion
6 Creek and the amount of the flow of water that
7 goes through there, anybody that's driven
8 through there during a storm knows how much
9 water goes down that creek. Where does the
10 safety come into this?

11 I understand the economic desire to build
12 these two big units, it's wonderful, but you
13 also got seven thousand cars going out. The
14 only place that you can play is basically in
15 the front yard, which now is going -- they were
16 saying is going to become a turnaround. Where
17 is the concern for -- because I'm speaking on
18 behalf of the future occupants and the children
19 in -- there's no park near there. Where are
20 you going to -- you have an obligation to look
21 at the safety issue as a Planning Commission,
22 and I think that if you're just going through
23 "Oh, well, he wants to build this big unit,"
24 that's wonderful. If it was a single-family
25 residence, that's one thing. It is another

1 thing if you're going to put that kind of
2 occupation next to that street.

3 And anybody that's traveled West Smith Road
4 west will tell you it's heavily traveled by
5 trucks going to the biggest industrial area
6 in Medina, and you're going to allow
7 three-bedroom -- two, three-bedroom homes on
8 that street with no recreational area in the
9 back?

10 Because you have a setback. Setbacks you
11 can't build in, you can't make improvements in.
12 It's all in the code, you can't do it. So what
13 are they going to do? There's nothing there
14 for the residents to have any recreation or
15 leisure activities except adjacent to one of
16 the busiest streets in Medina.

17 And that will be my argument to this
18 Planning Commission. I think you owe an
19 obligation to look at that issue.

20 CHAIRMAN: Okay. Thank you
21 very much.

22 Anybody else with us this evening?

23 (No verbal response.)

24 CHAIRMAN: Okay. Members of
25 the Commission. Questions? Comments?

1 MR. GOLD: Mr. Chairman,
2 I'd like to put forth a motion to approve the
3 application as submitted with the caveats that
4 the BZA approves the variances and the limits
5 for the use of vinyl siding and the batten
6 shakes along the siding be included.

7 CHAIRMAN: Engineering
8 approval.

9 MR. GOLD: Oh, yeah. And
10 engineering approval for the drainage.

11 MR. DUTTON: Would that
12 include either site plan option, or one or the
13 other?

14 MR. GOLD: Either one.
15 Because that's going to be dependent on
16 Patrick's determination of the water drainage.

17 CHAIRMAN: We have a motion.
18 Is there a second?

19 MS. RUSSELL: Second.

20 CHAIRMAN: We have a motion
21 and a second.

22 Any other discussion?

23 (No verbal response.)

24 CHAIRMAN: Roll call.

25 MS. TOME: Gold?

1 MR. GOLD: Yes.

2 MS. TOME: Grice?

3 CHAIRMAN: Yes.

4 MS. TOME: Russell?

5 MS. RUSSELL: Yes.

6 MS. TOME: Sack?

7 MR. SACK: Yes.

8 MS. TOME: Case?

9 MR. CASE: Yes.

10 MS. TOME: Motion carried.

11 CHAIRMAN: Okay. Thank you,

12 everyone. We have nothing else on our agenda.

13 At this point we are adjourned.

14 (Meeting concluded.)

15 - - -

16

17

18

19

20

21

22

23

24

25

1 STATE OF OHIO)
) ss:
2 COUNTY OF MEDINA.)

3 CERTIFICATE

4 I, Makenzie J. Sabo, RPR, Notary Public within
5 and for the State of Ohio, duly commissioned and
6 qualified, hereby certify that before the giving of
7 their testimony, all persons were first duly sworn
8 to testify to the truth, the whole truth, and
9 nothing but the truth in this case aforesaid.

10 I further certify that said hearing was held at
11 the time and place specified in the above case and
12 was concluded on the 13th day of February, 2025.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my seal of office at Medina, Ohio this
15 6th day of March, 2025.

16 *Makenzie J. Sabo*
17 -----

18 Makenzie J. Sabo, RPR
19 and Notary Public within and for
 the State of Ohio.
20 My commission expires 09/19/28.
21
22
23
24
25