

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
MARCH 21, 2007**

PUBLIC HEARING

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:38 p.m. All Board members were present except for Dave Dufala. Alternate member John Bostwick sat in for a full Board. Alternate member Steve Euse was also in attendance. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

VARIANCE REQUESTS

3057

Rick Roush Motor Sports variance request-3147 Eastpointe Dr.
Chair Morel reviewed the file. Secretary Ferencz read the application. The applicant is Mr. Dave Sterrett from Medina Signs on behalf of the property owner Mr. Rick Roush. The variance is of Section 605 I. 1. Wall Signs. The requested variance is for the placement of a second sign on the side of the building over the portico-2nd Entrance/Exit. The size of the sign is 56.5 sq. ft. The reason for the variance requested stated, "Building is large enough to create confusion to customers as to which entrance to use. The proposed entrance signage cannot be seen unless already on the property. Cannot be seen from S.R. 18. Signage cannot be seen from outside the property."

The applicant, Mr. Dave Sterrett from Medina Signs was sworn in. Mr. Sterrett stated that because of the size of the building, there were two main entrances and because of the way the parking is laid out there could be some confusion as to what door to enter even though it was marked as it was not the only door in and out of the building. Without the marking over the portico to reflect the second entrance/exit, confusion could result. Chair Morel asked how many doors were there. Mr. Sterrett responded that there is a door on the south side and another set of doors on the east side of the building. The existing sign was located on the east side of the building which is 56 sq. ft.

Mr. Rick Roush was sworn in. He stated when people pull into his lot they do not see the sign. The majority of the traffic enters on the south side and there was nothing to mark the building there as an entrance/exit. Mr. Roush stated if had to choose a sign of course he would want the sign which faces the expressway for exposure, but the other sign was needed to direct people when they pull in. He added that when one pulls onto Eastpointe Dr. they cannot see where his building is because the Hampton Inn hides them completely. Mr. Roush stated that the sign is not for exposure but just to give direction to those customers when they first pull into the lot.

Mrs. Strogin, Chairperson of the Zoning Commission was sworn in. She stated that this property is a flag lot. The ground sign is out at the end of Eastpointe Dr. with an arrow for direction to Mr. Roush's facility. A variance was also granted by the BZA last month

for a "mural sign." Mr. West asked if this sign is up. Mr. Roush stated no, that right now he was having a contractor look at removing that wall and putting glass in. If the cost is the same or less than doing the mural then he was going to go with the glass.

Chair Strogan stated that last evening the Zoning Commission mentioned to Mr. Sterrett that a 4 sq. ft. directional sign by the door would serve the same purpose and no variance would be required. Mr. Roush stated that would work but he had a box constructed to accommodate this wall sign and felt a 4 sq. ft. directional sign would look tacky and take away from the aesthetics of the building. Chair Strogan stated that Mr. Roush has exposure on Eastpointe Dr. and from the highway itself. The Board of Appeals also approved a variance for the mural sign so this would be the third sign on the building. There would be no issue to allow a 4 sq. ft. direction sign which Mr. Roush was permitted to have.

Mr. Roush stated he would really like to have a sign in the constructed box as he had a 40,000 sq. ft. facility and felt a 4 sq. ft. directional sign would not add to the aesthetics he was trying to achieve. He added he felt the proposed sign added to the beauty of the building and met the goal he was trying to accomplish with his facility. The proposed mural sign has no color or wording and did not advertise his business. It was just an impression of a motor cross bike/rider. Mrs. Karson stated that if the Board was inclined to grant this sign variance then the variance granted for the mural should be rescinded.

Mr. Sterrett stated that he did not see how the granting of this variance would be a detriment to surrounding properties. The proposed sign could only be seen from within the lot itself.

Mr. Roush stated the other option was to take those windows and have it all done in vinyl which would take away from the aesthetics. Again he stated he did not know if the mural would take place as he would rather put glass in on that side of the building. Mr. Roush asked if there were other situations where a business sits off the expressway that other sign variances were granted. Secretary Ferencz responded that this Board does not set precedent and each application was heard on a case by case basis. Mrs. Karson stated it was an odd lot located in a unique location.

Chair Morel stated he did not know there was sign coming up Eastpointe Dr. for Rick Roush. This location was a destination and not a random drive by. He added he did not see the hardship. Chair Morel stated the detriment is that every business wants more signage. The BZA is to consider the Duncan Factors when looking at variance requests. A variance is to give relief from unique situations. It is not a wish list to grant more signage.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance? Chair Morel stated yes there is already. The Board agreed.
2. Is the variance substantial? Chair Morel stated it was another sign. The Board agreed.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chair Morel stated yes. The Board agreed.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair Morel stated he knew that in terms of aesthetics, a 4 sq. ft. sign was probably not on the wish list of a business owner, but it is a solution.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated this factor is usually the key factor for him. The Board agreed.

Mr. Becker stated there were many signs on the building already and was waiting for another request. He stated he would be more in favor of considering a 4 sq. ft. sign next to the door.

Mr. Roush stated he believed the proposed sign fit the building. He added he could fill up 20% of glass with junky advertising like some other car dealerships do and it is permitted. Mr. Roush stated he had a small grand opening sign that would come down right after the event takes place. He added that with his Honda dealership the Township knows he does not junk up his business with signage. Mr. Roush stated he runs a classy business and felt the proposed sign would look great and finishes the box that was there to accommodate the sign.

Mr. John Bostwick stated he went to the site. He added he did not see the entrance sign on Eastpointe Dr. but rather was looking to find where the drive was located to get to this facility. Mr. Bostwick continued, that when you drive back there, there was nothing on the building to recognize the building except that is a big yellow building. This facility is against 71 on the east and is the end lot. Mr. Bostwick stated he could understand the concern of the Board of more signs being requested but did not feel this request was unreasonable. Mr. Bostwick stated he went through the Duncan Factors and felt that regarding the issue of substantial, he felt it was because only one sign is permitted but again felt that due to the lot configuration he did not feel the request was outrageous.

Mrs. Strogan asked if Mr. Bostwick was aware of the previous variance granted for the mural of 465 sq. ft. Mr. Bostwick stated he was not. Mrs. Strogan stated this mural was on this side of the building that the proposed sign was being requested.

Mrs. Karson stated she felt Mr. Roush ran his businesses in a clean and professional manner. She added however, the variance granted for the mural was not unanimously approved by the Board and that since a box was built to accommodate the proposed sign, it appears Mr. Roush planned on this proposed sign. Mr. Roush responded that was correct. Mrs. Karson stated again that she felt if this variance is granted the other variance should be rescinded. Mr. Roush stated the Honda dealership has been in business for 12 yrs. and he did not request any variances. He stated the mural was to cover up a nasty white wall that should never have been there. The mural was a great expense that he would not get any really benefit from since there was no advertising of his business on the mural. Mr. Roush stated he really felt the mural was not a sign. The reason he came before the BZA was that the Zoning Commission did not want to take on the interpretation that the "mural" was a sign, as then there would be the potential for other businesses applying for various structures under the interpretation of the definition of a "sign" and asking the Commission to do the same. He added that Chair Strogan felt this request should be handled by the Board of Zoning Appeals and the rest of the Commission agreed.

Mrs. Karson then asked what was going to happen to the wall. Mr. Roush stated he truly did not know at this time but hoped to put up glass as the mural was very expensive but felt either choice would add to the building. Mr. Roush stated that he had this 40,000 sq. ft. building and did not feel a 4'x4' sign would do it justice.

Mr. West stated he felt the Duncan Factors were overwhelmingly in favor of denying the variance. He added that as much as he applauded the way Mr. Roush conducted his businesses, he did not see how the Duncan Factors drive the Board in granting the variance when the very provision states only one wall sign is permitted per business. If the Board does not feel that was adequate, then maybe the code needed to be looked at and changed but right now the code states one sign. Again, Mr. West reiterated that he did not feel the granting of the variance was warranted in this situation by the measurement of the Duncan Factors.

Mr. Sterrett interjected that this is a 40,000 sq. ft. building. For the sake of argument, if this was a commercial strip center consisting of 40,000 sq. ft. and had multiple tenants there would many signs that would be permitted. He added he understood that one sign per business was what the code allows, but that was what the variance procedure was for as there are some cases where a variance is applicable. Mr. Sterrett continued that the building does not look finished without a sign above the door nor does it confirm you are at the right place without a sign above the door.

Chair Morel asked when Mr. Roush would know if he would be putting in glass? Mr. Roush stated probably in the next 2 wks. Mr. Becker asked how large the mural would be. Mr. Roush responded 474 sq. ft. Chair Morel stated that it appeared important as to which direction Mr. Roush was going to go i.e. the "sign" or glass. Mr. Roush stated if he had to choose what sign he wanted; it would definitely be the sign facing 71 for the exposure.

Chair Morel stated it would be in the best interest of the applicant and the Board to know what was going to happen with the wall and therefore suggested tabling the variance request. Mr. Roush agreed.

Mrs. Karson made a motion to table the variance request for a third wall sign for Rick Roush Motorsports located at 3147 Eastpointe Dr. until the Board's next hearing date scheduled for April 18, 2007 at 7:30 p.m. It was seconded by Mr. West.

ROLL CALL- Karson-yes West-yes, Bostwick-yes, Becker-yes, Morel-yes.

VARIANCE REQUESTS

Medina Suzuki-2825 Medina Rd.

Chair Morel reviewed the file. Secretary Ferencz then read the application. The applicants are Mr. Eric Sonnie (Medina Mitsubishi) and Mr. Dave Sterrett from Medina Signs. The property owner is Ed Toth, Medina Suzuki. The variance requested is to install the second sign depicting a separate franchise operation as required by Zoning under Section 605 I.1. -40 sq. ft.

The reason for the variance requested stated, "In violation of dealer agreements and could lose franchise if the showrooms were not separated. This is an auto mall complex, similar in profile to any retail mall. Proposed signage would not be prominent and only fully visible to traffic that has already entered the property. The sign could serve to direct customers into the right show room."

Mr. Dave Sterrett from Medina Signs, and Mr. James Clark, General Manager of Medina Suzuki were sworn in. There was question as to the right of way in front of Medina Mitsubishi and cars being parked in it. Mrs. Strogin stated when ODOT was widening Rt. 18, certain businesses were affected in that they had their setbacks reduced or completely taken for their signage, parking, building etc. She added that she did not think that anything was done to change or reduce the road right of way in front of Medina Mitsubishi. Mrs. Strogin added that there were cars parked right up to the grass and were technically in the road right of way and if ODOT wanted to enforce the right of way they could. Mrs. Strogin also stated that Medina Mitsubishi was in violation of excess signs, banners, and balloons etc. that were used to advertise their business.

Mrs. Strogin continued that Mr. Ed Toth owned the entire parcel. Mr. Sonnie (Medina Mitsubishi) is now in the process of buying a portion of the land, and Mr. Toth would

own the remainder. Mrs. Andrea Sonnie was sworn in and stated that was correct, but the transaction is not yet completed.

Mr. Clark stated that Medina Mitsubishi and Medina Suzuki share the same ASE certified technicians and service lane.

Mr. West asked if Medina Mitsubishi and Medina Suzuki were separate corporate entities. Mr. Clark stated yes. Mr. West asked if they were separate businesses completely. Mr. Clark stated Mitsubishi and Suzuki had the same dealer license with two franchise agreements. Mr. West again asked if Medina Mitsubishi and Medina Suzuki were two separate corporate entities. Mrs. Sonnie interjected no. Chair Strogin stated it was the same owner; two franchises therefore one sign is permitted.

Mr. Clark stated that Medina Suzuki has its own separate staff from Medina Mitsubishi and sells only Suzuki products. Medina Imports is the owner of Medina Mitsubishi and Medina Suzuki. Mr. Clark stated each building has its own elevation. The elevation for the Medina Suzuki is flat and the elevation for Medina Mitsubishi is slanted.

Mr. Sterrett stated the proposed signage for Medina Suzuki would not be predominate and only fully visible to traffic that has already entered the property. The proposed sign does face Rt. 18, but because of the grade, and the elevation of the buildings one might see a 1/3 of the sign from Rt. 18.

Mr. Clark stated there is no new Suzuki inventory along the highway. However he was still having a rough time driving traffic into the Suzuki retail facility which was separate facility from Medina Mitsubishi because there was the significant reality that if and individual drives in off of Rt. 18 they see Mitsubishi first, even though they may be looking for Suzuki and end up walking into the Mitsubishi showroom. Mr. Clark stated that two years ago Mitsubishi as a corporation had a rough go in North America due to financial decisions that were made with their credit division and wrote off $\frac{3}{4}$ of a billion dollars in debt. The result was that they did not know what the future of Mitsubishi would be and had a true hardship in that they needed to secure another franchise and Suzuki was the franchise that was available. Mr. Clark continued that now Mitsubishi was now on steady growth pattern. They have an agreement and a commitment to provide Suzuki with their separate showroom facility and sign. The sign would just differentiate the Suzuki showroom from the Mitsubishi showroom.

Mrs. Strogin stated that there were many violations for this property and there were at least 2 variances granted though she would need to look through the file as it was pretty extensive. Mrs. Karson stated that what Mrs. Strogin was referring to was Medina Mitsubishi and this was a totally separate issue as the variance request was for Medina Suzuki. Mrs. Strogin stated it was a franchise that was owned by the same person. Some dealerships have two separate lots with each franchise being on a different lot and then they can have two separate signs. Right now Mr. Sonnie has the two different franchise

names advertised out front on the pole sign. Directional signs would help which would be permitted, to direct individuals to the Medina Suzuki, but another wall sign is not permitted.

Mr. Clark stated that without a sign he could not drive traffic into his showroom. This is a true hardship in that he needed a sign to differentiate Medina Suzuki from Medina Mitsubishi. Mrs. Karson stated that if she were going to Medina Suzuki she would like to know how to get there. Chair Morel stated that a dealership may sell different brands that he is franchised to sell and there were not separate doors to access each of those different brands. Mr. Clark interjected that Medina Suzuki and Medina Mitsubishi were two separate entities. He added that Medina Suzuki would lose the franchise if they don't have a sign. The pole sign on Rt. 18 was not sufficient per the franchise agreement. They needed to have their own showroom and a separate sign and they have provided the showroom. Mr. Clark continued that Medina Mitsubishi and Medina Suzuki have separate general managers, separate showrooms, separate staff etc. Mr. Clark stated that the only things Medina Mitsubishi and Medina Suzuki share are the same ASE certified technicians and the service lane.

Mr. West stated he wanted to be absolutely clear and what was being said about the franchise agreement and its requirements. Is the sign on Rt. 18 sufficient for the franchise or not plus a separate showroom? Mr. West added that what he wanted to know was if the proposed sign plus the separate showroom a requirement of the franchise agreement. In order to deal with some of the Duncan Factors the answer to that question is relevant. Mr. Sterrett responded that was what he believed Mr. Sonnie told him.

Mr. Clark stated that he wanted the opportunity to look at the franchise agreements before he commented any further or responded to Mr. West's questions.

Mrs. Strogin stated that it was dangerous path to go down if the Board was going to allow dealerships to dictate the zoning of the Township. Chair Morel stated that was not the intention of the Board but instead the Board wanted an answer to the franchise agreement as another factor to be weighed in the decision making of whether to grant the variance. He added it was not the only factor but it was a piece of information missing that the Board would like to have.

Mr. West stated that Section 605 mentioned one sign per business, not per franchise agreement. So there was a question that remained to be answered. Mr. Sterrett asked if under Section 605 I. 1. If it stated one sign per building or one sign per business. Chair Morel stated he would defer that interpretation to the Chair of the Zoning Commission.

Mrs. Karson made a motion to table the variance request for second sign for the separation of Medina Suzuki and Medina Mitsubishi until the Board's next hearing date scheduled for April 18, 2007 at 7:30 p.m. It was seconded by Mr. West.

ROLL CALL-Karson-yes, West-yes, Becker-yes, Bostwick-yes, Morel-yes.

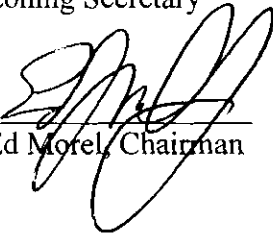
Minutes

The minutes to the BZA's February 17, 2007 were approved as written.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 9:20 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary



Ed Morel, Chairman