

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
ORGANIZATIONAL MEETING
PUBLIC HEARING
JANUARY 17, 2007**

Acting Chair Mr. Ed Morel called the organizational meeting of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. All Board members were present. Alternate member Robert Erickson was also in attendance.

ORGANIZATIONAL MEETING

Election of Officers

Secretary Ferencz called for nominations for Chairman.

Mrs. Karson made a motion to nominate Mr. Ed Morel as Chairman of the BZA for the calendar year 2007. It was second by Mr. Dufala. The nominations were closed.

ROLL CALL-Karson-yes, Dufala-yes, Becker-yes, West-yes, Morel-yes

Chair Morel then called for nominations for Vice Chairman.

Mr. Becker made a motion to nominate Mr. William West as Vice Chairman of the BZA for the calendar year 2007. It was second by Mrs. Karson. The nominations were closed.

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

Set hearing dates/Confirm hearing posting

Mrs. Karson made a motion to set the 3rd Wednesday of the month at 7:30 for the BZA to hold their public hearings on an as needed basis. Legal notice shall be placed in the Medina Gazette with posting to be placed on the Town hall marquee. It was second by Mr. West.

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

The organizational meeting was closed at 7:38 p.m.

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. Alternate Robert Erickson was also in attendance. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Continuances

APPC Plumbing Services variance request-3247 Pearl Rd.

Chair Morel reviewed the file. The application read as follows: The applicants are Eric and Vicky Schroeter. The property requesting the variance is 3247 Pearl Rd. The present zoning is BG. The variation requested is of Section 405.3.D. 2-(a) Minimum Side Yard Width-75 ft. Requesting a 25-ft. side yard setback. The reason for the variance request

stated: Our plumbing company's main account is now requiring us to store large quantities of inventory received in truckload shipments. We are also increasing our territory by approximately 25% requiring 2 additional employees and related vehicles. Without this building we cannot service this A/C. This will eliminate 75% of our business and eliminate the jobs of 5 employees. Without this volume of business I can no longer support the mortgage and will be forced to sell the property. This is an evolving BG zone, which has BG on 3 sides of the 4 sides of the property. It is assumed that the final border property will become commercial as well. Additionally we own the effected residential property and the property being improved. Meeting this Resolution substantially diminishes the usefulness of this property as commercial due to its size and shape. Granting this variance will be beneficial to the public interest because it will contain the commercial activity (trucks, noise, light etc.) to the off road area. This building will shield the view of these activities from the current residential owners and facilitate loading docks that will not face the road or golf course. These improvements will not impair the purpose of the Resolution because no surrounding properties or the owners will be adversely affected.

Secretary Ferencz stated she received 4 letters in favor of granting the variance request.

The applicant, Mr. Kerry Illes from Illes Architects and the property owner Mr. Eric Schroeter were sworn in. Mr. Illes stated they looked at two other scenarios for the placement of the building in question so that it could comply with the 75-ft. setback requirement. In schemes #2 and #3 there remains the inability of truck accessibility without backing into the property. In scheme #1 a semi can pull into the property, turn and load and then exit the property. In schemes #2 and #3 semis would have to back in off of Pearl Rd. which is quite dangerous and may even be illegal. Also, Scheme #1 over #2 or #3 shields the adjoining residential lot (which is Mr. Schroeter's) from the commercial activity as well by having receiving door of the proposed building facing the south shields the Asian Martial Arts school as well. Therefore the only property that is really involved is the property owned by Mr. Schroeter. Mr. Illes stated he believed that if the property is ever changed from a zoning perspective, it would be changed to a commercial use and the front pond on the property would be used as a retention basin. Mr. Illes added that the State of Ohio has installed a catch basin on Pearl Rd. which is dumping into this pond currently. The pond therefore, is working as retention for both Mr. Schroeter's property and adjoining properties on Pearl Rd.

Mr. Illes reiterated that he believed Scheme #1 offered the best option as scheme #2 and #3 allows the commercial activity to be openly viewed to the north even with plantings. The existing garage would be removed and landscaping added in front of the building to soften the view. Mr. Schroeter interjected that if the existing garage did not have to be moved or moved at this time he would appreciate it and added that he did not feel the garage would be in the way of the proposed construction of the new building.

Chair Morel sworn in Alliss Strogin, Medina Township Zoning Commission Chairperson. Mrs. Strogin stated that the property in question is zoned commercial, but the code states that when a commercial use abuts a residentially zoned district or use, then there must be a 75 ft. setback as a buffer. Mr. Becker questioned the issue of increased truck/semi traffic on Pearl Rd. Chair Morel stated that was not a zoning issue that was a County/ODOT issue. Chair Morel added that eventually all of Pearl Rd. will be zoned commercial. It is inevitable given what has and is occurring in Strongsville on Pearl Rd.

Mrs. Strogin interjected that in the motion the Board makes it should be stated that landscaping be incorporated so whoever buys the residentially used property next door; it would be sufficiently buffered from this commercial use. Mr. Schroeter stated they have shown landscaping which includes the addition of pine trees. Mr. Dufala also stated that if the variance is granted, the motion needed to state that the existing garage needed to be torn down within a certain time frame. Mr. Dufala asked about the signage on the existing building and did not believe a permit was obtained. Mr. Schroeter stated the sign would be removed and admitted he did not obtain a permit for the sign.

Chair Morel stated he believed Scheme #1 was the best option in terms of placement of the building, truck access onto the property from Pearl Rd. and screening of the business as a whole.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? Chair Morel stated there already is a beneficial use of the property with a business being run from it.
2. Is the variance substantial? Chair Morel stated regarding the building size, the variance is very substantial, but in the context of the property and neighborhood the request seems inconsequential.
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? Chair Morel stated no, and added probably the opposite was true that it would be more of an asset.
4. Will the granting of the variance adversely affect the delivery of governmental services? Chair Morel stated if they could get a semi on the property they should be able to get a fire truck on it as well.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chair Morel stated I'm sure he did.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair Morel stated scheme #1 was a good idea and added it helps make the case before the Board.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated granting the variance would uphold the spirit and

intent of the Zoning Resolution given the context of the commercial zone in that area. The Board members agreed with Chair Morel's comments on the Duncan Factors.

Mr. Dufala made a motion to approve a 50 ft. side yard setback variance on the north side of the property to construct the building per drawing #1 as submitted for the property located at 3247 Pearl Rd. The existing garage on the property must be removed within 60 days after the completion of the new building. It was seconded by Mr. West.

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

VARIANCE REQUESTS

Rick Roush Motor Sports variance request-3057 Eastpointe Dr.

Chair Morel reviewed the file. The application read as follows: The applicant is Mr. Rick Roush. The street address of the property requesting the variance is 3057 Eastpointe Dr. Present zoning is BG. The variation requested is of Section 605. I. 1. Wall, Roof and Awning Signs. Additional Sign and increased square footage of 396 sq. ft. The reason for the variation being requested stated as follows: The provision of the Resolution will not result in unnecessary hardships that would be inconsistent with the general purpose of the Resolution. The exceptional circumstances that apply to this building that does not apply to others is the location of the sculpture. The sculpture would be on the Southern wall, which faces a hotel, not a road. The only way to see this sculpture is as you are pulling into the parking lot of the motor sports facility. The sculpture is colorless and has no words or letters. Granting the variance will not be detrimental to the public interest or impair the purpose of the Resolution because it does not have the impact that a sign would have. It does not draw attention from any road. It has no message and blends into the wall as a cement cast image. The benefit to this sculpture is that it adds quality and beauty to the building as you enter the parking lot as opposed to an ugly cement wall being the first thing you see.

The applicant, Mr. Rick Roush was sworn in. He stated the front of the building faces the expressway. That was done purposely so that as people are pulling off the expressway they can see into the showroom. In doing so, the entrance is actually in the back of the building. However, the first thing an individual saw when they first pull into his driveway is a cement wall.

Mr. Roush continued that the reason he was before the Board was that he wanted to create something on that cement wall to make it more visually appealing. Mr. Roush stated that he contacted a company called Cinebar, which does all the three-dimensional sculptures for Disney World. They take a laser compost of the picture and then sculpt it out of foam, and then it is covered in cement and cast to the wall. The "design" (which was of a motor cross racer) would be colorless so to speak and have no words or letters on it at all. The only way the sign could be viewed is after one has gotten off the road and pulled into his driveway. It can only be seen from the Red Roof Inn next door and

not the Interstate. Mr. Roush added that the main reason for the "sign" was not to draw attention to this business but because it was a beautiful glass building and there is a big cement wall right when one pulled up to the building.

Chair Morel asked how far this sign would protrude from the wall. Mr. Roush stated the greatest distance from the wall would be 18 inches. Chair Morel asked if there would be writing or words. Mr. Roush stated that there would be no words, no writing no color.

Mrs. Karson asked how the Zoning Commission determined this "design" to be a sign. Chair Strogan stated if the Board looked at the sign definition in the Zoning Resolution, this design clearly fell under the definition of a sign. The Zoning Commission turned the request down based on quantity and size and felt it should be dealt with by the BZA on a case by case basis so others could not creatively interpret what constitutes a sign. The rest of the Commission also agreed.

Mr. Dufala felt the size of the variance was quite large. Chair Morel stated that if the request was for a 386 sq. ft. HONDA sign he would tell the applicant, he better have a 3 million square foot building, but because the sign was colorless with no wording, lettering, logos etc. he really did not have an issue. Mr. West also interjected, how many individuals would spend \$75,000 to put a concrete relief rendering on a wall? Probably not many.

Mrs. Sally Gardner, Vice Chair of the Zoning Commission was sworn in. She stated she felt it was a beautiful piece of artwork but the Commission determined it did not fall within the definition of a "sign" per the zoning code and therefore they turned it down based on the number of signs permitted and the size.

Mr. Roush stated the "sign" itself will not take up the entire wall, but what will be the texture material for the background that would be placed on the wall. The size of the wall is 17'x 20'. Again, Mr. Dufala asked if the size of the sign could be reduced. Mrs. Karson interjected that she felt that would ruin the effect of what the design was trying to create. Mr. Dufala stated he did not want this decision to set precedent and felt this would open the door for others to follow suit. Mrs. Karson stated she disagreed especially since the sign was not being used to draw attention from the road. Mr. Becker stated he felt that even without words or lettering the sign was still advertising a product for sale in a pictorial form.

Mr. Roush stated this sign could not be seen until one actually pulls in the driveway and is not being used to draw traffic or attention from the expressway. Mr. Dufala stated that was the only reason he could see that reflected the uniqueness of Mr. Roush's request. Mrs. Karson stated she felt the sign was a unique addition to Mr. Roush's business. Chair Morel stated he too felt like Mr. Dufala that cheap imitations for requests would soon follow. Mr. Roush stated that was why the Zoning Commission sent him to the BZA, so

that such requests could be considered on a case by case basis as the BZA does not set precedent.

Mr. West stated he was impressed with the style Mr. Roush was trying to create for his business and did not feel the sign was "advertising" but actually part of the building structure of the wall. Mr. Becker stated he disagreed and felt the sign did advertise a product. He added he could not see anyone spending \$75,000 on something that could not be benefited from. Mr. Roush responded that the reason he is proposing the sign is that he spent \$5 million dollars on the building and the first thing one sees when they pull in is an ugly concrete wall. He added he needed to do something about that first "impression" when one pulled into the driveway of his business. The benefit is that it adds quality to the building, which is an investment.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? Chair Morel and the Board stated yes.
2. Is the variance substantial? Chair Morel and the Board stated yes.
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? Chair Morel and the Board stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? Chair Morel and the Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chair Morel and the Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair Morel and the Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel and the Board stated yes. Mr. West stated this proposed sign will not cause traffic or safety concerns. It was on the back of the building and was not being used to draw traffic from the expressway and felt the variance should be granted. He added he realized this may now bring other requests but the uniqueness of the "sign" the location and the lack of using it as a traffic draw since it will be placed on the back of the building; all give support to this case and this case alone. Mrs. Karson agreed. Chair Morel stated this "sign" is not being used to draw competition from one business to another. The purpose of the sign resolution is to put all the businesses on equal footing and to reduce sign clutter and prevent traffic/safety issues as a result of such signage.

Mrs. Karson made motion to approve the variance request for a second wall sign to be erected on the south side of the building of Rick Roush Motorsports located at 3057 Eastpointe Dr. not to exceed 476 sq. ft. This sign will not have any color, logos, lettering or words. It was seconded by Mr. West.

ROLL CALL-Karson-yes, West-yes, Becker-no, Dufala-yes, Morel-no.

Merrill Lynch variance request-4018 Medina Rd.

Chair Morel reviewed the file. The applicant is Mr. Russell Kalina from Adams Signs on behalf of the property owner Mr. James Navratil of Section 605 H. Ground signs for the placement of a tenant sign for Merrill Lynch to be placed on the existing ground sign located at 4018 Medina Rd. Present zoning is BL. The variance request is 14.86-sq. ft. for the size of the ground sign and a 2-ft. variance for the height of the ground sign. The reason stated for the variation request, "The existing sign will not allow the addition of another tenant sign for Merrill Lynch. The sign size must be increased to allow this and as a matter of public safety so that the motoring public can see the tenant location on the sign rather than be looking for them and not concentrating on driving or the traffic.

The applicant, Mr. Russell Kalina from Adams Signs was sworn in. He stated that at the time they originally brought this sign in for approval it was to have a decorative top added to the top of the sign (This sign is located in front of the Third Federal Building i.e. Dr. Naples and Salon Evangeline) which would have placed the height of the sign at 12 ft. instead of 10 feet. However, he went out and measured the sign, and as the sign exists right now it is at 8 ft. as the decorative tops were never added to the sign as proposed. Mr. Kalina stated they went off the original drawings when they applied for this variance request before the Board this evening. After measuring the sign, the height is only 8 ft. They would now be going to 10 ft. in height to add the Merrill Lynch name to the bottom of the sign. All the other names on the sign would be moved up and Merrill Lynch name added to the bottom. The square footage of the sign currently, minus the time and temperature is 41.60 sq. ft. They would now be adding 14.66-sq. ft. with the addition of the Merrill Lynch name. Mr. Kalina stated that the total square footage of the sign again minus time and temp (16-sq. ft.) would be 56.36 sq. ft.

Chair Morel asked how the sign got to be 41.60-sq. ft. when all that would be permitted is 32-sq. ft. Mrs. Strogin stated the zoning certificate issued in 2002 for the original sign states 32 sq. ft. She added that the application submitted to the Zoning Commission last evening and the application before the Board this evening were lacking the sign dimensions which are specifically required to be on the application.

Mrs. Strogin continued that a ground sign can be no larger than 32 sq. ft. and 10 ft. in height. An identification sign can be 75 sq. ft. and 25 ft. in height. If the sign were re-classified as an identification sign the size and height would be in compliance but the setback of the sign from the road was greater for an identification sign (20 ft.) than a ground sign which had a 10 ft. setback from the road right of way. Mr. Kalina stated they did not want to move the sign back further or remove the time and temperature to place Merrill Lynch on the sign.

The Board stated they would look more favorably on a 5-ft. setback variance request than on a request for an increase in sign size. They asked the applicant to amend his application and that no additional fee would be required.

Mr. West made a motion to table the variance request to accommodate Merrill Lynch on the existing ground sign located at until the Board of Zoning Appeals next hearing date on February 21, 2007 at 7:30 p.m. It was seconded by Mr. Dufala.

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

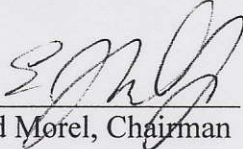
Minutes

The minutes to the BZA's December 21, 2006 were approved as amended.

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