

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
APRIL 18, 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 Charlotte Karson. 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.

CONTINUANCES

Rick Roush Motor Sports variance request-3057 Eastpointe Dr.

Chair Morel stated that this variance request before the Board for Rick Roush Motorsports was continued from last month. To recap, 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 owner, Mr. Rick Roush addressed the Board. He stated that last month he was unsure if he would be putting up the "sculpture" that he received a variance for by the Board in January of 2007, or if he would just glass the wall. Mr. Roush stated he made the decision that he would go with the glass and forego the "sculpture" as he felt the request for this sign was more important to his business than the "sculpture."

Chair Morel stated that Mr. Roush ran a clean business and did not clutter his windows with advertising. He added that he felt that the Board should consider granting the signage request before the Board this evening in lieu of the lack of window signage. Mr. Roush interjected that his business practice was not to clutter his windows with advertising but he would like the opportunity and flexibility of being able to utilize the windows for some advertising (20% of the window space is permitted) and forego the "sculpture" in lieu of his signage request before the Board this evening.

Mr. Becker stated that at the old Rick Roush Honda location there was a lot of signage that he would like to see removed. Mr. Roush stated he would comply, but would still like the "We've Moved" sign to remain to cue his customers to the new location. He added that all the signage on the west side of the existing building, in the windows, and all the logos would be removed.

Mr. Dufala made a motion to rescind the previous motion granted to Rick Roush Motorsports located at 3057 Eastpointe Dr. for the "mural" sign by the BZA on January 17, 2007 to be located on the south side of the building. It was second by Mr. Bostwick. ROLL CALL-Dufala-yes, Bostwick-yes, Becker-West-yes, Morel-yes.

Mr. Dufala made a motion to grant a variance for a wall sign not to exceed 80 sq. ft. on the south side of the building for Rick Roush Motorsports located at 3057 Eastpointe Dr. All window signage at the previous location of Rick Roush Honda located at 3147 Eastpointe Dr. except for the "We've Moved" signage shall be removed. It was seconded by Mr. Bostwick. ROLL CALL- Dufala-yes, Bostwick-yes, West-yes, Becker-yes, Morel-yes.

VARIANCE REQUESTS

Medina Suzuki-2825 Medina Rd.

Chair Morel stated this variance request is continued from the Board's hearing last month. To review, 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 predominating and only fully visible to traffic that has already entered the property. The sign could serve to direct customers into the right show room."

Chair Morel stated that at the last meeting, Mr. West stated he wanted clarification about the franchise agreement and its requirements for Medina Suzuki. Mr. West wanted to know if the proposed sign plus the separate showroom was a requirement of the franchise agreement. The Board tabled the meeting until that information could be obtained.

Mr. Clark, the General Manger for Medina Suzuki addressed the Board and handed out copies of the dealer's agreement. Mr. Clark stated that under Section 4.4 **Dealership Appearance and Image**, it stated, "Dealer agrees that its Premises will be properly equipped and maintained, and the interior and exterior retail environment and signs will comply with Suzuki's requirements, which may be amended from time to time, in order to promote and preserve the image of Suzuki and its dealers. Under **Section 4.7 Multiple Brands**, it also states, "Dealer shall also maintain equal or greater prominence as that afforded to competitive brands in the installation and display of Suzuki logo signs and all other signage bearing the Suzuki Marks.

Mr. Clark stated that there was a sign on the Medina Mitsubishi showroom building but not one on the Suzuki showroom, which sat behind Medina Mitsubishi and right now just looks like a garage. The Suzuki showroom was 30-40 yards behind Medina Mitsubishi.

Mr. Clark continued that also in the documents provided to the Board, was a facilities addendum, which states that they had to provide a showroom with a minimum of 1200 sq. ft. Also under **6. Other Conditions**, Medina Suzuki must, **“Enroll, participate, and complete the Suzuki Retail Brand Exterior and Interior Facility Image initiative in accordance to the Suzuki Retail Brand Image program details...within a certain time-frame that being complete all construction/renovation by: 01/01/08.**

Mr. Clark stated that Medina Suzuki had a monument sign on the road (Medina Rd.) but no signage on the building itself and there needed to be separate identification between the two franchises. He added that any existing window signage would be removed.

Chair Morel stated that the issue before the Board is that there are two businesses on one parcel of property. Mr. Dufala stated that the businesses run were clean businesses as well as the fact that Medina Suzuki sat pretty far back from the road. Mr. Becker stated he felt that the window signage needed to be removed. Chair Morel agreed as well as Mr. West.

Mr. Dufala made a motion to grant a variance for Medina Suzuki to have a 40 sq. ft. wall sign on the previous three-garage area of the building located at 2825 Medina Rd. All existing sticker signs on the windows must be removed and remain off the window. It was seconded by Mr. West.

ROLL CALL-Dufala=yes, West=yes, Bostwick=yes, Becker=yes, Morel=yes.

VARIANCE REQUESTS

Medina World Cars-3950 Pearl Rd.

Chair Morel reviewed the application. The applicant is Mr. Russell Kalina from Adams Signs on behalf of Medina World Cars. The variation being requested is of Section 605 H. Ground Sign. Maximum height of ground sign 10'-0". The variance of 4'-5" in height.

The explanation for the variance request states, “The factory requires that the dealership have a dealership have a VW factory ground sign-presently the dealership has no VW ground sign and the allocation and factory rebates. The addition of the new sign will not adversely effect the area and will in fact help with the safety factor on Pearl Rd. to allow motorist ample time to see the dealership and prepare to turn into the lot.

Mr. Russell Kalina from Adams signs and Mr. Steve Parker General Manager of Medina World Cars were sworn in. Mr. Kalina stated the variance request was for the installation of a new VW pylon/ground sign outside the dealership. The sign is going to replace the existing Medina World Cars pole sign on the property. The existing pole sign is a double-faced 40'x10'sign 22 ft. in height. The proposed sign would be 14'6" in height with the square footage of the VW logo being 15.21 sq. ft. The proposed sign is 4 ft. over the height requirements.

Mrs. Strogan stated the file on this property is extensive and variances were granted for signage in the past. Mrs. Strogan stated she did not have an issue of replacing a pole sign with a ground sign but did not see why the sign could not be within the height requirement. Mrs. Strogan stated that another issue was that the road right of way in front of the business is 50 ft. on Pearl Rd. The sign cannot be located within the right of way.

Mr. Kalina produced an e-mail from the State of Ohio dated today as well as a PDF file of the property and right of way on Pearl Rd. The letter stated, "The existing right of way is shown just behind the power poles near the edge of the parking lot. Be advised there is a project in design that will impact driveway locations and likely require additional right of way. Please take that into consideration in the location of your sign."

Mr. Kalina stated the intent of the State of Ohio is to widen Pearl Rd. (Rt. 42). The State will have a "construction right of way" to locate their construction equipment when they do undertake the widening of Pearl Rd. The existing right of way line is even with the telephone poles. Mr. Kalina stated that ODOT told him this project would not even be "bought" until 2012. That was when they would start negotiating with the businesses that would be affected. ODOT told them Medina World Cars could put their sign up with the way the right of way exists currently. When the widen project starts, ODOT would then buy the sign from Medina World Cars or pay Medina World Cars to relocate the sign.

Mr. Kalina continued that VW manufactures certain size signs. Mr. Parker bought the sign in question from another VW dealership. It is VW's smallest pole sign. It would require an extensive amount of fabrication to actually cut the sign down. It would put a hardship on Mr. Parker to have that done for a matter of 4-ft. Mr. Kalina continued that when you go down Pearl Rd. in that particular stretch there is limited visibility to see the sign going south and make the turn into the driveway.

Mr. Becker stated Mr. Parker should have been aware of these issues when he entertained the idea of new sign. He knew there are certain regulations the Township has regarding signs. There is no other car dealership on Pearl Rd. that has more signs than Medina World Cars. Mr. Kalina responded they were going to change that. They would be trading out larger signs for smaller signs.

Mr. Becker stated Medina World Cars currently had 3 signs on the left building, 3 on the right building, Chrysler advertising on the pole sign and the sign proposed to be taken down plus every window is covered in advertising. Mr. Kalina stated he disagreed. Mr. Becker then produced pictures he had taken today and showed Mr. Kalina the signage. Mr. Dufala stated before he would grant a variance for the proposed sign he wanted assurances that the existing pole sign would be removed first.

Mr. Kalina stated he would also need a setback variance because nobody knew exactly where the right of way was located. He added this variance request would need to be amended because per the Zoning regulations the sign needed to be 10 ft. from the road

right of way line. After review of the existing right of line by the Board and applicant, it was determined a setback variance would not be required.

Chair Morel stated that Medina World Cars has had many, many signs and every time they have come before the Board, Medina World Cars has gotten closer and closer into compliance though it has been a long process. Chair Morel stated it was better now than it was 10 yrs. ago but would like to see Medina World Cars go all the way with this sign.

Mr. Dan Parker, Manager of Medina World Cars was sworn in. He stated he agreed with Mr. Becker's comment that the window signage be removed in its entirety. The issue was for the extra cost they would incur to cut the sign down and felt the removal of the pole sign which was not in good condition with the replacement of the proposed sign would be much cleaner and aesthetically pleasing. Mr. Dan Parker stated that as far the Chrysler sign went, that sign was actually leased from Chrysler and was not their sign. To scrap that sign and go with a smaller Chrysler sign would again be a considerable expense because there was not another opportunity to buy a sign from another Chrysler dealership as there was with the VW sign. Mr. Parker stated VW was also mandating they have this sign to qualify for any of their special performance bonuses as a VW dealer. Mr. Parkers stated he felt their proposal before the Board was a win win situation for them as well as the Township in regards to the amount of signage that would be utilized at Medina World Cars. Chair Morel asked if all the window signage be removed from both buildings. Mr. Dan Parker stated, yes it would.

Mr. West stated he felt this was a reasonable solution if it was a step in the right direction but wondered if it would be enforceable. Mr. Becker agreed. Chair Morel stated enforcement was the job of the Zoning Inspectors not the BZA. Mrs. Strogin stated financial hardship was not one of the Duncan Factors and neither was a hardship of one's own making. They knew the requirement for their proposed sign was 10 ft. and they bought a 14 ½' in height sign.

Mr. Dufala again stated that before he would grant a variance for the proposed sign he wanted assurances that the existing pole sign would be removed first. Chair Morel stated he would also include that all window signage must be removed and must remain in removed. It would then be up to the Zoning Inspectors to enforce if the motion is being complied with.

Mr. Bostwick made a motion to approve a 4 ½' height variance request for the erection of the VW ground sign for Medina World Cars VW located 3950 Pearl Rd. per the drawing submitted. Prior to installation of the ground sign, the existing Medina World Cars pole sign must be removed and all window signage on the Medina World Cars Mazda Dealership as well as the Medina World Cars Chrysler Dealership must be removed. It is so noted that the applicant waives his right to erect any new window signs. It was seconded by Mr. West.

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 a 45% variance but was 30% lower than the pole 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? Chair Morel stated it was another slow step in the right direction. The Board agreed.
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 yes there was another way, cut the sign down 4 ft.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated this request as well as previous variance requests by this business was trying to get the signage closer into compliance to the requirements of the Zoning Resolution. The pole sign would be removed (pole signs were no longer permitted) and clutter removed out of the windows. The Board agreed.

Mr. West stated he wanted to state for the record that the application does ask if there were any previous requests for variances but it does not seem that this is being answered correctly. He added the Board relied on that information as part of its decision making process and this needed to be addressed. Secretary Ferencz stated that possibly the application could be revised to read, "previous variances requested for this property." The Board agreed that it needed to be revised.

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

State of Ohio/Ohio State Highway Patrol-3149 Frantz Rd.

Chair Morel reviewed the file. Secretary Ferencz read the application. The applicant is the State of Ohio/Ohio State Highway Patrol. The variation being requested is as follows:

Section 401.3D-Building Front yard Setback-Frantz Rd. The site plan shows 75 ft. The requirement is 100 ft. Therefore a 25-ft. variance is required.

Section 401.3D-Building Front yard Setback-Weymouth Rd. The site plan shows 31. Ft. 7 inches. The requirement is 100 ft. Therefore a 68 ft. 5 inch variance is required.

Section 401.3E-Building Side Yard Setback on the site plan shows 14. Ft. 6 inches. The requirement is 25 ft. Therefore a 10 ft. 6 in. variance is required.

Section 401.3E for the Side Yard Setback for the antenna as well as Section 303 E.2 for the height of the antenna. The Site plan shows 58 ft. The requirement is 50 ft. Therefore an 8-ft. variance is required.

The generator would also be located in the setback and would require a variance as well. Section 306J.3 (a)-Landscape Depth (Front Yard)-Frantz Rd. and Weymouth Rd. The Site Plan shows 2 ft. The requirement is 20 ft. for both roads. Therefore an 18-ft. variance is required. Section 306J.3 (a)-Landscape Depth Front Yard on Frantz/Weymouth Rd. The site plan shows 2 ft. The requirement is 20 ft. Therefore an 18-ft. variance is required.

Section 306J. (c) Landscape Depth Side Yard. The site plan shows 14 ft. 6 inches. The requirement is 15 ft. Therefore a 6-inch variance is required.

The Dumpster is located in the setback. Therefore a variance is required.

A variance would be needed for the ground sign per Section 605 H. of the Medina Township Zoning Resolution requiring a ground sign to be a minimum of 10-ft. back from the road right of way as presented. Sign proposed to be 7 ft. from right of way. The building has 39 ft. of linear frontage. The request is for a 51-sq. ft. wall sign. Therefore a 12-sq. ft. variance would be needed for the wall sign per Section 605 I.

The explanation for variance request stated, "The current zoning restrictions create a hardship on OSHP by limiting the area where we can build on our lot to approximately 525 sq. ft. This condition does not permit the Patrol to build a new, state of the art facility, which is typically 6,000 sq. ft.

The Patrol believes exceptions/circumstances apply to our request because the site and current building has been used as a post continuously since 1963. The Patrol will continue to use this property for Patrol duties once the new facility has been built. We feel that by granting our request, it will ensure that the Patrol can continue to provide professional services to the citizens of Medina County and assist in our continuing effort to serve the citizens of Ohio."

Mr. Durst, architect for the State of Ohio-Ohio Highway Patrol was sworn in. He stated that The State of Ohio, Ohio Highway Patrol facility that is currently located at 3149 Frantz Rd. would be demolished as well as the existing tripod tower and steel shed removed.

Mr. Durst produced a model of the new facility which would consist of 3,000 sq. ft. He added that they could not meet many of the setback requirements in order to construct this new building and accessories thereof. Mr. Durst added that the curb cuts would remain in their existing location and the new facility would consist of 22 ft. in height.

Chair Morel stated the variance that most concerned him was the setback variance to the neighbor to the north on Frantz Rd. Mrs. Strogin stated that the current patrol facility has

been there since 1963 which was prior to zoning. In this case, tearing down the old building and constructing a new state of the art facility for the Ohio Patrol justifies the variances being requested.

Mr. Dufala stated that the two neighbors across from the facility are present, and felt that if there really were any issues the neighbor directly next door would be present. Lt. Kimberly Campbell was sworn in and addressed the Board. She stated she did personally met with that neighbor regarding the location of the proposed facility and they had no objections.

Mr. Hicks (3140 Frantz Rd.) was sworn in. He asked if there was a variance being requested for the tower. Mr. Durst stated yes, the old tower would be removed and a new tower, 58 ft. in height would be erected.

Mr. Lalaky (3215 Frantz Rd.) was sworn in and asked what the height was of the existing tower. Mr. Durst stated 200 ft.

Mr. West made a motion to approve the following variances for the State of Ohio, Ohio Highway Patrol to construct a new Patrol facility at 3149 Frantz Rd. as outlined in the Zoning Commission letter dated March 29, 2007. It was seconded by Mr. Bostwick.

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 it is operating as a Patrol station now and if the variances aren't granted that specific operation could be iffy. The Board agreed. Mr. West stated it was an odd piece of property and questioned what could be placed on the property.
2. Is the variance substantial? Chair Morel stated yes in number of variance requests. 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? Chair Morel stated he was glad the 200-ft. tower would be removed and replaced with a smaller tower.
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 no. The Board agreed.

6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair Morel yes maybe but not likely. The Board agreed.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated he believed it did. The Board agreed.

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

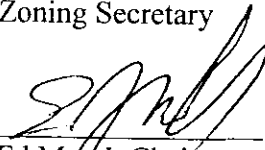
Minutes

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

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 9:07 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary



Ed Morel, Chairman