

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
MARCH 19, 2008**

Chairman Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. All permanent Board members West, Becker, Morel, Dufala and Karson were present. Alternate members John Bostwick and Steve Euse were also in attendance.

**Medina Auto Mall-3205 Medina Rd.**

Chairman Morel reviewed the file. Secretary Ferencz read the application. The applicant, Jim Brown. The property owner, Medina Real Estate Holdings LLC. Property requesting the variance-3205 Medina Rd. Medina Auto Mall. Present Zoning-BG. Previous Requests: The application stated no, but according to Board members and the Secretary there have been previous requests for variances for this property. Variation Requested: Section 605 I. Wall Signs.

The explanation for the variance request: Manufacture (GM) requirement as part of the Image 2000 upgrade-vehicle logos that we represent must be displayed. Attach logos only to street face building to fulfill out commitment to represent General Motors Image Facility Program. Note: Prior to remodel the manufactures words were spelled out. Ex. Buick, Cadillac, Pontiac on building face facing Medina Rd.

Mr. Jim Brown, Manager of Medina Auto Mall was sworn in. He stated that as part of the GM reimaging program, they wanted to remove the lettering depicting the branding for Cadillac, Pontiac, Buick and GMC and replace it with logo branding across the fascia of the south side of the building. Mr. Brown stated he wanted to space out the 4 logos to make a cleaner look across the front of the building. Mr. Brown also stated that the dimensions on the drawings submitted were incorrect and the proposed logo sizes are as follows:

Cadillac-8.0 sq. ft.

Pontiac-12.25 sq. ft.

Buick-6.67 sq. ft.

GMC-11.25 sq. ft.

The total square footage of the vehicle logo branding is 38.17 sq. ft.

Chair Morel asked if the logos would be illuminated. Mr. Brown stated yes they would be internally illuminated.

Mr. Dufala stated the application says that GM requires that as part of their Image 2000 Upgrade vehicle logos must be displayed. However the Township is the ultimate decision-maker as to what signs (i.e. size and number) are permitted in the Township. Mrs. Karson stated that the signs are under the 80 sq ft. permitted. The issue is the number of signs as the Zoning Resolution only permits one wall sign. Aesthetically she

said it looked much cleaner and appealing then pushing all the logos close together. The Board agreed.

The Board confirmed per the applicant that none of the logo signs would go over the roofline.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? The Board stated yes.
2. Is the variance substantial? The Board stated not square footage wise but the number of signs-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? 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? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board again stated yes, but aesthetically it would look better to remove the words and spread out the logos instead of merging them closer together.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes, it is a commercial area and the signs are not obtrusive. Mrs. Karson stated she just wanted to make sure that the property owner would not come back in to request a variance to make these signs larger as they came in under the 80 sq. ft. requirement. Mr. Brown stated he could assure the Board there would be no such request.

Mrs. Karson made motion to approve a variance for Medina Real Estate Holdings LLC for the property located at 3205 Medina Rd. (Medina Auto Mall) of Section 605 I. Wall Signs for Medina Auto Mall to erect 4 vehicle branding logo signs to be placed on the south side of the building fascia as presented. The total square footage of the signs is 38.17 sq. ft. It was second by Mr. West.

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

**Reserve Park I-3637 Medina Rd.**

Chairman Morel reviewed the file. Secretary Ferencz read the application. The applicant is Mr. Dave Sterrett from Medina Signs. The property owner is Norbert Lewandowski/Reserve Park LLC I. Street address of the property requesting the variance is 3637 Medina Rd. Present Zoning-BG. The variation requested is of Section 605 C. Sign conforms to the 75 sq. ft. but applicant is asking for 10' off of right of way instead

of 20'. The reason for the variation being requested: Strict application would put sign into middle of existing drive.

Sign is on same sight line as Reserve II across the street-It is the only location that sign can go for effective use.

Sign location does not interfere with sight line west of Rt. 18.

Mr. Dave Sterrett from Medina Signs was sworn in. He stated the right of way goes right up to the edge of the parking lot. The reason for the 10-ft. variance request is that otherwise the sign would be in the middle of the driveway. Mr. Sterrett added that there was an existing sign in the middle of the landscaped area but it was not effective as it was not a tenant sign it just stated Reserve Park I.

Mr. Becker asked, if this variance request is granted did that mean the Reserve Park I sign would be removed? Mr. Sterrett stated that was not part of his strategy. Mr. Dufala interjected that he considered the sign that says Reserve Park I as more of a decorative sign that was part of the landscaping.

Mr. Norbert Lewandowski owner of Reserve Park I was sworn in. He stated that when he built this building in 1981, they placed a sign in the landscape island that reads Reserve Park I. They were having tenants such as Beltone and Elegant Essentials that have clients coming from a broad geographical area. When coming from the east heading west on Rt. 18, their clients are not able to see the address on the building resulting in difficulty finding the building. Mr. Lewandowski continued that if they put the sign further into the parking lot, one would not see it coming from the east before you have to make a right at the signal light. Their intention is for the sign in the landscape island to remain.

Mrs. Gardner was sworn in. She stated the Zoning Commission did not discuss that sign nor were they aware that this sign existed. Mr. Lewandowski stated that the sign in question does not really benefit them so if need be it could be removed. The proposed multi-tenant id sign with the address of the building on the top will benefit everyone doing business in that building and especially those clients coming from the east.

There was then a lengthy discussion as to whether action needed to be taken on the sign currently in the landscape island. Mrs. Karson stated she felt it was part of the overall design and landscaping and did not feel it was an issue. Mr. Dufala agreed. Ass't Zoning Inspector Heiss stated she could find no record in the file on the sign but that the building was constructed in 1981. The Board discussed making the sign legal through a motion or having the sign removed. Mr. Lewandowski stated the proposed sign would be constructed with a landscape island around it and similar in architectural structure of the shake roof.

Mr. Sterrett then submitted revised copies of the drawings of the proposed multi-tenant id sign as one of the names of the doctor's shown on the previous drawing had changed.

Also, Mr. Lewandowski stated they were 2 empty panels that could be utilized if one of the existing tenants in the building wanted to go on the sign.

Mrs. Gardner interjected that if the Commission had known about the other sign they would have required it to be removed if it was over 4 sq. ft. or they would need a variance for a second sign.

Trustee Holt was sworn in. She stated that in 1981, the Township did not have the sign regulations as they are presented today. She said she felt that the existing sign was a directional sign and should remain. Trustee Holt added that the proposed multi-tenant id sign would benefit those tenants in the building and their clients in identifying the building. Trustee Holt concluded that the sign in question could probably be grandfathered due to fact it was erected back in 1981.

Mr. Dufala stated he felt a variance should be granted for an additional sign and the Board should reference the existing sign. Mr. Becker agreed. Mrs. Karson stated she did not feel the sign even needed to be addressed especially if it was erected prior to when the existing sign regulations were written. Mr. West agreed.

Mr. Lewandowski stated that the sign only came up to his waist, which was under 4-sq. ft. and that it was really hidden in the landscaping. Mrs. Karson interjected that there is a spot light on the sign. Chair Morel stated he did not even notice the sign, but nevertheless felt the Board should acknowledge it exists.

Mrs. Karson asked how many parking spaces would be lost with the erection of the proposed sign, to which Mr. Lewandowski stated he believed two but would meet with Simmons Bros. who constructed the building to confirm the number of parking spaces to be removed.

Mr. West made a motion to grant a 10-ft. setback variance for the placement of a multi-tenant identification sign for Reserve Park I located at 3637 Medina Rd. The Board acknowledges an existing sign in the landscape island identifying the name of the building Reserve Park I originally installed in 1981. Mr. Dufala second.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? The Board stated yes.
2. Is the variance substantial? The Board stated in terms in percentages yes, in practicality no.
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, in fact it could help with emergency vehicles identifying the building.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated no as the building was constructed in 1981.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board again stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Chair Morel then called for the roll.

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

**MISC.**

The Board asked Secretary Ferencz to get a letter from the Pros. Office that there has been no change or ruling on the Duncan Factors as they currently exist and that if and when that would ever occur that the Pros. Office would be the authority to let the Board know of any such updates or changes.

Mr. Dave Sterrett asked about the consideration of the Duncan Factors by the Board. Chair Morel gave an in-depth response as to what the factors were, how they were considered and the weight given to each factor. For example:

1. Will the property yield a reasonable return or a beneficial use of the property without the variance request? Chair Morel stated that 9 times out of 10 the answer to this is yes. It is an existing business, businesses are in operation and it would be highly unlikely that one would close up shop if the variance were not granted. The Board does not have to grant the best or most profitable use of the property.
2. Is the variance substantial? Chair Morel stated that the Board could consider substantial in terms of percentages or number of items being considered.
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 that the Zoning Resolution was written to accommodate different zoning districts and to keep each of these districts within their respective areas. To grant a variance that would change the character of the neighborhood would be something the Board would place a very high weight factor on.
4. Will the granting of the variance adversely affect the delivery of governmental services? Chairman Morel stated this factor would relate to emergency vehicle access to a property whether it was residentially zoned or commercially zoned.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chair Morel stated that a yes answer was not an automatic denial but was fatal in the determination of a use variance.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chairman Morel stated that the applicant should come in and speak to

the Zoning Inspectors to see what options the applicant could utilize to possibly not request a variance or to request the smallest variance possible in order to accomplish what the applicant wants to do.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated that he felt this factor was very important. To take into consideration the Township as a whole and to realize the effort that went into drafting the Zoning Resolution is something that needs to be taken strongly into consideration.

Mr. West added that these 7 Duncan Factors were just weighing factors and were the minimum standards the Court set for a Board of Zoning Appeals to make their decision. Other relevant items could also be considered as long as what the Board considered was not arbitrary or capricious. Each variance request needed to be heard on a case by case basis. Trustee Holt thanked Chairman Morel for his consideration to the applicant. Mrs. Gardner thanked the applicant for having the interest and concern to ask the Board how and why they used the Duncan Factors in their consideration of a variance request before the Board.

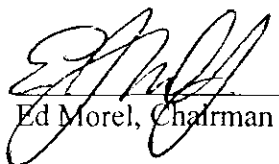
**Minutes**

The minutes to the BZA's February 20, 2008 were approved as written.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:30 p.m.

Respectfully Submitted,

Kim Ferencz  
Zoning Secretary

  
Ed Morel, Chairman