

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
JULY 16, 2008**

Chairman Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Morel, Dufala and West were present. Alternate members Steve Euse and John Bostwick sat in for a full Board. Permanent Board members Karson was absent.

CONTINUANCE

DISCUSSION ON SCHROETER REQUEST

Chair Morel stated that Mr. Schroeter requested and was granted a variance on a commercial piece of property. The motion of the Board was to grant the variance with the condition that the existing building (garage) be removed within 60 days of the new building being completed. Since that time, Mr. Schroeter has decided he would like to keep the existing building, renovate it, and be able to use it to rent out to a local contractor. He then came back before the Board with an application for reconsideration of the original variance request. The Board tabled action until it was determined by the Pros. Office as to if this would be considered res judicata. Secretary Ferencz called Mr. Thorne about this issue and he stated that if the Board would have voted differently if they knew at the time that Mr. Schroeter wanted to keep the existing building (garage) then it would be up to the Board to determine if this evidence would warrant the variance being reconsidered.

Therefore, at the next regularly scheduled meeting of the Board, all the voting members on the original request would be given this information from the Pros. Office and a closed ballot vote would be taken as to whether the request should be reheard or not.

Mehota Variance Request-5237 Hamilton Rd.

Chairman Morel reviewed the file. Secretary Ferencz read the application. The applicant/property owner Robert Mehota. Property requesting the variance-5237 Hamilton Rd. Present Zoning-SR/RR. Previous Requests: None. Reason for the variance request: Variance requested: House is in SR. Section 402.3E Side Yard Setback Required-20 ft. Needs garage side yard setback of 10 ft. Need variance of 10 ft.

The justification for the variance request: I would like to build a garage in the same side of the house as the side entrance. In 2001 we tore down an old garage in about the same location. There will still be 10 ft. from property line distance from proposed structure. The existing driveway is on that side of the house. I own the adjacent property where the garage would be located. From the street the proposed two-car garage would not be very noticeable.

The applicant, Mr. Robert Mehota was sworn in. Chair Morel asked when the house was built. Mr. Mehota stated he believed in the 1960's but he bought it in 1999. It had an attached garage built by the previous owner but was unstable. It did not have footers and was built on blocks. Due to the structural integrity of the garage, Mr. Mehota stated he tore it down.

Mr. Mehota stated that he believed the original owner built the house and then built a house for his daughter very close to his and that appears to be the issue. He added that there is no other location he could build an attached garage that his wife could enter the house without going outside. Chair Morel asked what the outbuilding was in the back. Mr. Mehota answered a barn.

Mr. Euse asked if there was any consideration of putting the garage behind the house as there appears there may be enough room to do so between the house and the barn. Mr. Mehota responded that area was very tight. He added he looked at every possible area to place the garage. It would not be visible from the road and there were pine trees between the two properties.

Mr. Dufala asked if Mr. Mehota owned the property next door to the west. Mr. Mehota stated yes he did it was rental property. Mr. Dufala stated his only concern was the property next door, in regards to the proximity of the proposed garage but since Mr. Mehota also owned that property he did not see it to be an issue.

Mr. Bostwick stated that the house was built in the 1960's when there was little to no zoning regulations in the Township. The driveway does come up that side of the house. If the garage was placed in the back of the house, it would probably need another variance. If Mr. Mehota places the garage where he proposes, there would still be access to the east for emergency vehicles.

Chair Morel asked about the clarification of the zoning classification. ZI Heiss was sworn in. She stated the house was in the Suburban Residential District and the rest of the property was in the Rural Residential District.

Mrs. Strogan, Chair of the Zoning Commission was sworn in. She asked how far the house was from the road. Mr. Mehota responded 127 ft. Mrs. Strogan stated there was zoning though very little in 1960. Mr. Bostwick asked if the garage would be grandfathered. Mrs. Strogan stated that for a pre-existing non-conforming use the owner could rebuild the same size structure in the same location within a 2-yr. time period.

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 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 maybe, maybe not.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board yes, the garage could be built in the back yard but that was not practical.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes due to the age of the house and that the existing structure was in the about the same spot then it would uphold the spirit and intent. Also, Mr. Mehota owns the home next door as well.

Mr. Dufala made motion to approve a 10-ft. side yard setback variance on the west side for the construction of a garage for the property at 5237 Hamilton Rd. It was second by Mr. Bostwick.

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

Buehler's Variance Request- 3626 Medina Rd.

Chair Morel reviewed the application. Secretary Ferencz read the application. The applicant is Lettergraphics Sign Co., contractor on behalf of Buehler Food Markets, Inc. The present zoning BG. Previous requests: No. The variation requested is of Section 605C. There is only one entrance to the shopping development. Hence, there can only be one sign that identifies all the tenants in the development. The size of the sign is dictated by the legibility or readability of all tenants' names. Requesting 109-sq. ft. variance.

The justification for the variance request: Multiple tenants and customers depend on the readability of the primary identification sign located at the only entrance into the plaza. This is their only visibility on Route 18. The overall size of the new sign is not significantly larger than the existing sign. The required set back allows for proper viewing, which does not inhibit traffic flow.

Mr. Trevor Extine from Dimaio Architects and Mr. James Webster from Lettergraphics were sworn in. Mr. Extine stated that Buehler's was asking for a variance for the size of a sign and produced a site plan of the property. Mr. Extine stated that basically the Buehler's site consists of 2 parcels separated by an access drive. He added that initially they wanted a second access drive for the parcel in the rear off of Rt. 18 but ODOT denied that request. Currently they have the signage for both plazas/parcels on one sign. There is an existing mound approximately 23 ft. and driving east regarding visibility of the sign is an issue. He added that they don't want someone driving east to not see the sign and end up going to turn around in the nearby residential neighborhoods.

Mr. Extine stated in this commercial development everything is setback from the road so the visibility is almost nil. Therefore with the commercial tenants being so far away from Rt. 18 the larger signage is vital for the public to be able to locate them.

Mr. Mark Moore from Dimaio Architects was sworn in. He stated the existing sign is approximately 18.5-ft. high. They were proposing to increase it to 22.5 in height on the structure. The sign is broken down into signage for Buehler's and spaces for the existing and potential tenants of the shopping complex. Chair Morel asked how large Buehler's was. Mr. Scott Buehler was sworn in. He stated approximately 100,000 sq. ft.

Mrs. Strogin gave a brief history of the site. When Buehler's was built it was not picked up on that a small portion of the property (the entrance and sign location) is in Medina Township. Therefore when Buehler's was built and the sign erected it was approved and permits issued by Montville Township. Therefore there is no record of the sign in Medina Township files. Now with technology to be able to look at aerials and topos and detailed mapping of properties, it was discovered that where Buehler's has their existing sign and the entrance into the complex is in Medina Township. Mrs. Strogin continued that when this proposed shopping development was presented to Montville, she was invited to sit in on the discussion and that was when the sign issue was discovered.

Chair Morel stated he felt a single sign and a single entrance was the best way to go. However, because the rest of the development was in Montville, he was concerned that if Medina Township granted a variance for the proposed sign, there would be all this other signage going up for the individual tenants. Mrs. Strogin stated that Medina Township has no control over the signage in Montville Twp.

Mr. Moore stated the sign would be internally illuminated and the colors would be limited to two. The tenant's logos can be placed on the sign but it will be done so in a uniform manner. The tenant panels would be roughly 1'x 5' in size. Chair Morel stated the size of the existing sign appeared to be around 120-sq. ft. The code permits 75-sq. ft. Therefore the variance request is for 109 sq. ft.

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 numbers and percentages yes, but given the scope of the property it is reasonable.
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 stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mrs. Strogin stated that on the pillars of the sign, there are two pineapples, which are logos for Buehler's Food Market. She then asked if the proposed 184 sq. ft. sign encompassed the pillars and therefore the logos. Mr. Moore stated yes, the pineapples were a masonry structure, and the 184-sq. ft. took the pillars and pineapple logos into the calculation.

Mr. Euse made a motion to approve a 109-sq. ft. variance for Buehler's Food Market located at 3626 Medina Rd. for an identification sign not to exceed 184 sq. ft. as presented. It was second by Mr. Dufala.

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

4000 Carrick Place Variance Requests-4000 Carrick Dr.

Chair Morel reviewed the application. Secretary Ferencz read the application as follows: The applicant and owner is 4000 Carrick Place, LLC. Street address requesting the variance is 4000 Carrick Dr. Present zoning: BL. Previous Requests: No. Variation Requested: Section 605 I. 1 Wall Signs.

The justification for the request: 4000 Carrick Place is a multi-tenanted building; each tenant needs identification over their individual entrance. The building is designed for multiple tenants with individual entrances. The variance requested is consistent with the Western Reserve Building and Hoffman Group Building.

Mrs. Strogin stated that this building is similar to Western Reserve across the street. Western Reserve was granted variances for the signs above their individual entrances (porticos). The aesthetics of the two buildings would be complementary. The owner/applicant Mr. Reed came before the Commission to have the signage approved for the building. The Commission could only approve one sign for the first tenant that would be moving into the building. Mr. Reed was now before the BZA to have the additional 7 signs on the porticos approved.

The applicant/owner Mr. Reed was sworn in. Mr. Reed stated the building has 8 entrances and each entrance would be provided 20-sq. ft. of signage. There is one sign on the east and west end of the building and 3 on the north and south side of the building. Mr. Reed stated that for consistency purposes he would like to request each sign to be 20 sq. ft.

Mr. Euse asked if there could be consistency in the typeface of the signs. Mr. Reed stated the signs would be black and non-illuminated. He added he would like to see the type

face be the same, but if a tenant came along with their own font style and logo he would not deny it but would send them to the Township for approval.

Chair Morel stated he believed the Western Reserve Building limited the typeface to all the same color and font. Mrs. Strogin stated she believed that the font color and style was dictated by the developer not the Township. Chair Morel stated that the architectural style, font and color of the signage worked on the Western Reserve Building because it was uniform and consistent and provided a clean look for the Township. Mr. Reed interjected he would not be opposed if the Township wanted to impose that condition.

The Board decided to also include the sign approved by the Zoning Commission at their June meeting requiring that sign to be uniform in letter type and style with all the other signs proposed for this building.

The Board then considered 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 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 stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. West made a motion to approve a variance for 7 additional wall signs above the portico entrances for 4000 Carrick Place located at 4000 Carrick Dr. each sign not to exceed 20-sq. ft. The signs will be uniform in letter type and style. The applicant has agreed that the wall sign previously approved by the Zoning Commission on June 17, 2008 will be no larger than 20-sq. ft. and will also be uniform in letter type and style. It was seconded by Mr. Bostwick.

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

MISC.

The Board asked Secretary Ferencz to forward the Board's recommendations for training workshops and seminars as discussed at their last meeting over to the Trustees.

MINUTES

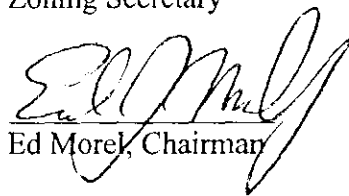
Mr. Dufala a motion to approve the minutes to the BZA's June 18, 2008 hearing as written. It was second by Mr. Euse.

ROLL CALL-Dufala-yes, Euse-yes, West-abstain, Bostwick-abstain, Morel-yes.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:40 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman