

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
AUGUST 19, 2009**

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:38 p.m. Board members West, Karson, DeMichael, Becker and Morel were present. Alternate members Steve Euse and Linda DeHoff were also in attendance. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Variance Requests

3745 Medina Rd. variance request for signage

Chair Morel reviewed the application. The applicant was Mr. Mark Strouse from Design Décor Construction on behalf of the property owner Mr. Steve Oddo. The property requiring the variance-3745 Medina Rd. Present Zoning-BG. Previous Requests-None. Variation Requested Section 605 H. Needs 7-ft. variance from right of way; and Section 405.3.D.1. (a).10 ft. variance from side yard setback.

The reason for the variance request: The building has a Medina Rd. address but sits behind Signature Square. The driveway is off of Victor Dr., which has an office building right in front of DES. So we cannot move sign on other side of the drive because people would go to the wrong office building. If the sign were moved closer to the drive in the winter I am afraid snowplows would damage the sign. And if we move the sign back anymore it would not be visible to a certain extent. This is an unusual situation that is why I am asking for these variances.

The applicant, Mr. Mark Strouse from Design Décor Construction was sworn in. He stated the existing sign is on Victor Dr. Chair Morel stated the existing sign is illegal right now as it sits 3 ft from the road right of way and it should be 10 ft.; and is 10 ft. from the side property line and it needs to be 20 ft. Mr. Strouse stated that was correct. Chair Morel asked why this property has a Medina Rd. address?

Mrs. Strogan, Chair of the Zoning Commission was sworn in. She stated that Signature Square sits out front and the office building this sign is to reflect is behind Signature Square. In order for that back land to have been developed the zoning code says the property has to have 100 ft. of frontage and 150 ft. at the building setback line. We did that so the back land could be developed with buildings on it. It is legal per zoning. The intent of the office building in the rear was to house businesses that were not dependent upon traffic or visual effect for the operation of the businesses. She added that the sign was erected without a permit and not where it legally could go, but due to the unusual configuration of the lot and to make it legal to have all the buildings on it we had to make it into separate lots and have reciprocal parking agreements so none of the businesses would have issues with the parking. Therefore the location of the sign to meet the zoning

requirements was difficult to do. Chair Morel stated the sign may be 3 ft. from the road right of way but it was plenty off the road.

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. It would be of benefit to grant the variance so the location of the businesses there was know for fire and emergency services.
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 but moving the sign to the proper legal location would not prove effective for identification purposes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes. It was not a particularly large sign and made the location of the businesses back there much easier to find.

Mr. DeMichael made motion to grant a 7 ft. variance for a sign to be placed 3 ft. from the road right of way; and a 10 ft. variance for the side yard setback for the location of a sign to be placed at 3745 Medina Rd. It was seconded by Mrs. Karson.

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

The variance request has been granted.

Meeting Minute Approval

Mr. Becker made a motion to approve the July 15, 2009 meeting minutes as written. It was seconded by Mr. West.

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

MISC.

Chair Morel asked when the inflatable balloon would be removed from a business here in Medina Twp.? Mrs. Strogin stated the Pros. Office does not seem to be moving on this issue for some unknown reason. The Zoning Inspectors have cited this business numerous times. The Trustees finally agreed to move forward with the enforcement and sent a letter to the Pros. Office in May. Chair Morel stated if it was not going to be enforced then why do we have zoning? Mrs. Strogin stated one or more Trustees have told the Pros. Office not to move forward with the enforcement. The inflatables have been up since October 2008.

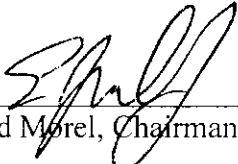
ZI Ridgely stated that particular business owner came before the Trustees asking to put up inflatables and the Trustees said no. The business owner put one up anyway. The inflatables started off as holiday oriented but they have deviated from that purpose since June. Chair Morel also asked about the truck with the billboard painted on it on the property as well? Mrs. Strogan stated that if the Trustees do not want to have the Pros. Office move on the violation then the Pros. Office won't. Mrs. Strogan stated the BZA members should make their opinions known at the next Trustees meeting.

Mr. Becker asked about the signage currently at Wal-Mart and was that the signage that was going to be up permanently once the store was finished remodeling and expanding? ZI Ridgely stated no, their signage was in transition right now from what they have as temporary signage and what would be erected permanently. ZI Ridgely stated the banners would be removed once the permanent signage was erected.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:00 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman