

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
ORGANIZATIONAL/REGULAR MEETING
JANUARY 15, 2013**

ORGANIZATIONAL MEETING

Acting Chairperson Alliss Strogin called the organizational meeting of the Medina Township Board of Zoning Commissioners to order at 7:35 p.m. Permanent Board members Overmyer, Apana, Szunyog, Kuenzer and Strogin were in attendance. Alternate Commission members Borrer and Johnson were also in attendance.

Election of Officers

Secretary Ferencz called for nominations for Chairperson.

Mr. Overmyer made a motion to nominate Alliss Strogin as Chairperson of the Zoning Commission for the calendar year 2013. It was second by Mr. Apana. The nominations were closed.

ROLL CALL-Overmyer-yes, Apana-yes, Szunyog-yes, Kuenzer-yes, Strogin-yes.

The meeting was turned over to Chair Strogin. Chair Strogin then called for nominations for Vice Chairperson.

Mr. Apana made a motion to nominate Mr. Overmyer as Vice Chairperson of the Zoning Commission for the calendar year 2013. It was second by Ms. Szunyog. The nominations were closed.

ROLL CALL- Apana-yes, Szunyog-yes, Kuenzer-yes, Strogin-yes, Overmyer-yes.

Set hearing dates/Confirm hearing posting

The Commission stated they would continue to meet on the 3rd Tuesday of the month at 7:30. Posting of the meeting would be placed on the Townhall marquee and The Gazette accordingly.

The organizational meeting was closed at 7:43 p.m.

REGULAR MEETING

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:44 p.m. Board members Overmyer, Kuenzer, Apana, Szunyog and Strogin were in attendance. Alternates Commission members Borrer and Johnson were also in attendance.

The Zoning Commission minutes from their December 18, 2012 meeting were approved as written. It was so noted that James Apana and Cynthia Szunyog abstained from voting as they were not in attendance at the meeting. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

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Each Commission member was given a meeting date list for the Zoning Commission and BZA as well as a color-coded zoning submittal calendar and an updated roster as well.

Bob Evans-3049 Medina Rd.

Mr. Stewart Driscoll, Design Manager was present to represent Bob Evans Inc. He stated that Bob Evans wanted to put up a 31 sq. ft. vestibule addition under their existing canopy. This addition is part of the "Farm Fresh/Refresh Program to give the Bob Evans restaurant chain a new updated look and to bring the restaurants into ADA compliance.

Mr. Overmyer made a motion to approve the addition to the existing building for Bob Evans located at 3049 Medina Rd. as presented. It was seconded by Kuenzer. ROLL CALL-Overmyer-yes, Kuenzer-yes, Szunyog-yes, Apana-yes, Strogin-yes.

MISC.

Discussion on Nonconforming Lots of Record

Chair Strogin stated that Zoning Inspector (ZI) Ridgely has brought up the fact that there has been an issue with small lots that exist in the Township. These are non-conforming, legal lots of record but there cannot be anything done with these lots as they stand. Chair Strogin stated she also served as Zoning Inspector in Lafayette Township, which has many such lots. She added that Medina County Tax Map and the Records Office want to have such lots combined whenever possible.

In order to address this problem, Chair Strogin stated Lafayette Township proposed the following language, which was approved by the County Pros. Office.
Nonconforming Lots of Record (Effective 4/18/2012)

"A. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any legal lot of record at the effective date of the adoption or amendment of this Resolution, notwithstanding limitation imposed by other provisions of this Resolution, provided all such lots are approved by the Medina County Health Department for on-site sewer and water facilities if applicable. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the current regulations for the district in which such lot is located. Variances of requirements listed in Article III of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article X.

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B. A nonconforming lot or lots of record which do not comply with the area or width or both of the current Lafayette Township Zoning Resolution may be considered for replat or combination so long as any change in the area, width or both of new nonconforming lots or lots resulting from said replat or combination does not create any lot less compliant with the current legal lot regulations. Any new nonconforming lot or lots created as a result of this section must also comply with conditions as set forth in Section 706 A”

Chair Strogin stated there is a current situation where a property owner in Medina Township owns two lots, which are legal, non-conforming lots of record however the individual cannot build on either one of the lots. With the properties being combined, there would be a better chance of seeking a variance for something to be built then if they were left as they were.

The Commission agreed that such language (especially B.) should be added to the Zoning Resolution of Medina Township. This item would be placed on a future agenda for a proposed text amendment.

Discussion on proposed language on inflatables

Chair Strogin reiterated that she listened to the tape from the last workshop meeting on inflatables with the Prosecutor’s Office and confirmed that it was very difficult to hear and discern what was being discussed. However, based on the tape, the minutes, her notes and Zoning Commission member Overmyer’s notes, she did draft what she believed was the result of the information that was discussed at the workshop.

There was a lengthy discussion about vehicles being used as signs, the materials that are used to advertise on such vehicles and if this should be addressed under the definition of Sign, Temporary.

Examples of vehicles with signage mentioned were Smoothie King (which does not deliver), Santo Suossos, Vogue Nails, Superior Cleaners and Accent Floral. ZI Ridgely stated regarding those vehicles, Mr. Thorne from the Pros. Office said as long as those vehicles are moved sometime during the day there was nothing she could do in terms of enforcement. Chair Strogin stated she felt this proposed language was to prohibit someone from buying an old/junk vehicle and putting advertising on it and leave it sit there.

Ms. Szunyog stated she did not feel disabled vehicles that were masquerading as signs should be addressed under temporary sign-It would just be an illegal sign. She added that she felt the reference to vehicles should be removed from that section.

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Mr. Overmyer stated he felt the issue of advertising on vehicles needed more study. He added he would like to see how other communities are dealing with this issue and also get an opinion from the Pros. Office as well.

The Commission then reviewed and commented on the 12-18-12-Inflatable Signs-Draft III prepared by Chair Strogan as follows:

Definition Changes:

Add definitions:

Sign, Temporary-A sign affixed to a building, structure or placed on the ground constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a limited period of time. See Figure A.

Sign, Inflatable-A static air or gas filled structure.

Section 605 K-Portable Signs should be removed and become:

Section 605 K-Temporary Signs

A Shall be limited to one **temporary** sign per property, not to exceed 32 sq. ft., including a sign placed on vehicles for advertising purposes, may be placed on a building or on any premises for not more than 14 days, three (3) times per calendar year (Jan.1st-Dec. 31st). The sign shall be at least 10 ft. from any road right of way except as otherwise specified in this code. The 14-day periods may be contiguous if the property owner so desires.

~~B. No temporary sign, including a sign placed on a vehicle for advertising purposes, shall be placed on the front or face of any building or on the ground on any premises for no more than 14 days and shall be ten (10) feet from any road right of way.~~

Section 605 N-Inflatable Signs

~~1. Inflatable signage may only be authorized as a temporary sign. Such sign shall only be permitted in commercial districts. Movement of all or any part of an inflatable sign is prohibited.~~

2. Frequency:

Inflatable **signs** shall be limited to one per property and limited to 7 days per quarter per calendar year (Jan. 1st-Dec.31st). The 7-day period may be contiguous if the property owner so desires.

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3. Inflatable **signs** shall require a permit secured by a deposit with the zoning inspector in the amount shown on the “schedule of fees” appendix V. Failure to remove the inflatable sign within 24 hrs. of the expiration of the permit shall result in the forfeiture of the deposit to the Township.

4. Location:

- a. All inflatable signs are to be ground-mounted. They are prohibited from rooftops.
- b. Inflatable signs shall be set back from any road right of way and property lines a minimum of 10 ft. plus the height of the sign. (Ex. A 14 ft. tall inflatable would be set back 24 feet).
- c. Inflatable signs **and their components** placed in parking lots shall not reduce the number of available parking spaces below the required minimum.
- d. Inflatable signs shall not be placed so as to hinder access by emergency vehicles or services.
- e. No inflatable sign shall be placed within 660 feet of a Federal Interstate.

5. Size:

- a. Height shall be measured vertically from the ground to the inflatable sign’s highest point; width shall be measured horizontally as the distance between the inflatable sign’s widest points. Area shall be determined by multiplying the inflatable sign’s height times its width.
- b. Inflatable signs shall not exceed 14 feet in height, nor shall they exceed 75 square feet in area.

Mr. Apana questioned why Inflatable Signs had its own heading and was not just included under Temporary Signs? He also asked if the balloons that are attached to cars that are for sale are temporary, inflatable signs? Mr. Apana added that per the definition, an inflatable sign is a static gas or air filled device.

Chair Strogan again read Mr. Thorne’s letter which read, “RE: Inflatables-Residential District

“As I understand your concern, the issue deals with the necessity to have a permit to put up an inflatable sign within a residential district. Inflatable sign arguably including inflatable Santa Claus’, etc. As I previously advised, I do not believe that such devices fall within the definition of signs, which include basically any device, which is intended

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or used to attract attention to any object, product, place, activity, person, institution, organization or business. I think the Christmas displays, Halloween displays, etc. are simply that, displays to celebrate the holiday, not intended to attract attention to the person's home or activity in the home, etc."

Chair Strogin then continued reading the draft wording. "Inflatable signs shall be limited to one per property and limited to 7 days per quarter per calendar year (Jan. 1st-Dec.31st). The 7-day period may be contiguous if the property owner so desires."

Mr. Apana asked, based on the wording proposed did that mean that a property owner could have 3 temporary signs for 14 days and an inflatable for a total of 28 days since inflatable signs are also temporary signs? Chair Strogin stated that per the proposed wording that was correct. Mr. Apana stated if inflatables were just listed under temporary signs then an individual would be allowed a temporary sign three times a year for 14 days. The type of sign could be whatever was defined as a temporary sign and that would be it.

Chair Strogin stated the reason inflatable signs were a separate category is that the size of this type of sign was different then just the general regulations under temporary signs

It was also suggested by alternate board member Johnson that Inflatable signs Section 605 N. 1 be modified to read Inflatable signage shall only be permitted in commercial districts. He added that under frequency it states how long one can have an inflatable sign so therefore it can stay under its own separate category. Mr. Overmyer agreed as he felt the wording for Inflatable signs was the key to their regulation. He continued that this is what the Commission has been working on for over a year and that inflatable signs should not just be under the general heading of temporary signs. The frequency, size and location for inflatable signs were important verbiage for their regulation.

Alternate member Borrer asked if an inflatable Santa Claus in a commercial district was considered an inflatable sign? The consensus of the Commission was that the purpose of a sign per its definition is to attract attention so an inflatable Santa Claus in a commercial district would be considered a sign.

Chair Strogin then read the language regarding Location, which states, "All inflatable signs are to be ground-mounted. They are prohibited from rooftops."

Alternate board member Borrer asked why? Mr. Overmyer explained the difference of roof tops in being able to secure such a sign safely as well as that only businesses with certain roof tops would be permitted such a sign which was not fair. Also, there are no rooftop-mounted signs permitted in the Township.

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Regarding Inflatable signs being allowed in parking lots as long as they do not occupy the number of parking spaces below the minimum required, Ms. Huffman offered the wording, **and their components** to be added so that includes any apparatuses that are required to hold the inflatable in place. The Commission agreed to add that modification.

The Commission asked Secretary Ferencz to prepare the draft language on Inflatable Signs as proposed this evening. The Commission would review this language at their February meeting.

Having no further business before the Board, the meeting was officially adjourned at 9:30 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary



Alliss Strogin Chairperson