

**MEDINA TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
PUBLIC HEARING/REGULAR MEETING  
MARCH 19, 2013**

**PUBLIC HEARING**

Chairperson Strogin called the public hearing of the Medina Township Board of Zoning Commissioners to order at 7:34 p.m. Board members Overmyer, Kuenzer, Apana, Szunyog and Strogin were in attendance. Alternate Commission members Borrer and Johnson were also in attendance.

Chair Strogin stated because the Dept. of Planning Services will not review the proposed text amendments until their April meeting date, this public hearing would have to be continued, as by law the recommendation of the Dept. of Planning Services had to be read into the public record.

The proposed zoning text amendments are as follows:

**Motion #1:** To delete the current wording of Section 706 Non-Conforming Lots in its entirety:

~~Non-Conforming Lots~~

~~The lot area, width and frontage requirements established in each of the zoning districts shall apply to all lots, unless such lot was separately owned and was either a parcel of record or included in a recorded land contract at the time this Resolution took effect and cannot practicably be enlarged to comply with the current requirements. Such lots may be used for any activity permitted in that zoning district, provided the lot and buildings comply with all required front, side and rear yard requirements and all other requirements of the applicable zoning district and this Zoning Resolution. Lots which cannot comply with the front, side and rear yard requirements of the applicable district may be considered for a variance by the Board of Zoning Appeals.~~

and replace with the following wording:

**Section 706 Non-conforming Lots of Record**

**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 this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Appendix I.

B. A nonconforming lot or lots of record which do not comply with the area or width or both of the current Medina 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.

Motion #2: Modify the existing definition of Sign, Temporary, which currently reads:

~~"Sign, Temporary" is a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed, for a short period of time."~~

To now read, "Sign, Temporary" is a sign affixed to a building, structure or placed on the ground constructed of cloth, canvas, fabric, plywood or other material and designed or intended to be displayed for a limited period of time;"

To add a definition- "Sign, Inflatable" is a static air or gas filled structure.

Motion #3: To delete Section 605 K-Portable Signs in its entirety:

~~K. Portable Signs No portable or temporary sign, including a sign on a temporarily placed vehicle for advertising purposes, shall be placed on the front or face of a building or on any premises, except in the following instances for no more than 14 days and shall be at least ten (10) feet from any road right of way.~~

- ~~1. Going out of business sale or grand closings.~~
- ~~2. Grand Openings.~~
- ~~3. Public or institutional events.~~

~~Such signs shall require a deposit in the amount as shown on the schedule of fees, Appendix V, given to the Zoning Inspector by the business advertising the event or the director in the case of a public or institutional event. Failure to remove the portable sign on the 15<sup>th</sup> day results in forfeiture of deposit to the Township.~~

and replace with the following:

Section 605

**K. Temporary Signs**-Shall be limited to one temporary sign per property, not to exceed 32 sq. ft. including a sign placed on vehicles for advertising purposes, which may be placed on a building or on any premises for not more than 14 days, three (3) times per calendar year (Jan.1<sup>st</sup>-Dec. 31<sup>st</sup>). 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.

**Motion#4:** To add the following Section under 605 Accessory Signs Requiring A Permit

**N. Inflatable Signs**

**1.**Inflatable signage 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 maximum of 28 days per calendar year (Jan. 1<sup>st</sup>-Dec.31<sup>st</sup>).

**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.**

The majority of the Commission members felt that a 7:00 p.m. start time for the public hearing would be appropriate not knowing how many items may potentially be on the agenda for the Commission's April monthly meeting or the response that will be forthcoming by the Dept. of Planning Services which has to be read into the public record.

Mr. Overmyer made a motion to continue the public hearing on the proposed text amendments until April 16, 2013 at 7:00 p.m. with regular meeting to follow. It was seconded by Mr. Kuenzer.

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

Mr. Kuenzer made a motion to come out of the public hearing and open up the regular meeting of the Zoning Commission at 7:40 p.m.

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

**REGULAR MEETING**

The Zoning Commission minutes from their February 19, 2013 meeting were approved as written.

The Township Trustees would hear site plans/signage reviews on March 28, 2013 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

**SITE PLANS**

**Fiesta Jalapenas-4136 Pearl Rd.**

Mr. Steve Runyon represented Fiesta Jalapenas on behalf of the property owner. He stated Fiesta Jalapenas was requesting a second sign to be placed on the north side of the building which would read "Mexican Grill". The proposed size of the sign is 12' height and 10'2" in length.

Chair Strogin stated that Fiesta Jalapenas was located off of an interior access road off of Grande Blvd. over by Bob Evans and Quaker Steak & Lube.

Mr. Runyon stated the request for a second sign was for exposure. The restaurants "technical address" is Pearl Rd. but individuals not from the area do not know that the access for the restaurant is off of Grande Blvd. There appears to be confusion especially those who are not familiar with the area, as to how to get to the restaurants location. As a result Fiesta Jalapenas is requesting a second wall sign.

Mr. Kuenzer asked if there was a tenant panel on the pylon sign for Fiesta Jalapenas for the Home Depot complex? It was determined that there is a tenant sign for the restaurant on the pylon sign.

Mr. Runyon stated that there was also a safety concern for those not from the area being able to easily identify where the restaurant is located.

Chair Strogin stated because Rt. 42 is a state highway. ODOT has determined for safety reasons they did not want any more curb cuts off of Rt. 42 (Pearl Rd.). This is the reason for the creation of Grande Blvd. and the access for other businesses off that secondary access. She added that the advertising for Fiesta Jalapenas has given additional directions to their establishment and should continue that practice for future advertising.

Chair Strogin stated that Fiesta Jalapenas already has a wall sign and only one wall sign is permitted so the Commission would need to deny the signage request. The applicant has filed a variance request for this second wall sign to be heard by the BZA tomorrow evening.

Mr. Overmyer made a motion to deny the additional wall sign request for 10.16 sq. ft. on the north side of the building for Fiesta Jalapenas located at 4136 Pearl Rd. as it is not in compliance with Section 605 I. 1 of the Medina Township Zoning Resolution as presented. It was seconded by Mr. Kuenzer.

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

**Medina Creative Opportunities-3340 Myers Rd.**

Police Chief Arbogast and Ms. Diane Depasquale-Hagerty, Executive Director of Medina Creative Housing represented Medina Creative Opportunities. Chief Arbogast stated Medina Creative Opportunities is currently located in the Medina Transit Authority building located at 3340 Myers Rd. They currently occupy 8,000 sq. ft. of the building. The original concept was for the Medina Township Police Dept. to locate in the existing vacant space in the building, but that plan has changed. As a result, Medina Creative Opportunities would like to expand their operation into the 4,306 sq. ft. of vacant space remaining.

Mr. Apana made a motion to approve the additional space (4,306 sq. ft.) for Medina Creative Opportunities in the building located at 3340 Myers Rd. as presented. It was seconded by Mr. Kuenzer.

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

**Medina Creative Housing-4080 Creative Living Way(Medina Creative Pet Play)**

Ms. Diane-Depasquale-Hagerty and Mr. Bob Arnold, architect represented Medina Creative Housing. This submittal was for approval of the use for Medina Creative Pet Play. This use would be located in the eastern portion of the existing building. The business operation is a pet day care facility.

Chair Strogin stated that there was an article in the local paper about this business already being opened. Chair Strogin stated approval was required before a business opens in the Township. Ms. Depasquale-Hagerty stated it was more of an open house than an opening. She added that the business is not opened and they do not have customers currently.

Ms. Szunyog made a motion to approve the use for Medina Creative Pet Play located at 4080 Creative Living Way as presented. It was seconded by Mr. Overmyer.

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

**Medina Pet Play-4080 Creative Living Way**

Mr. Dave Sterrett from Medina Signs and Ms. Diane Depasquale-Hagerty represented Medina Pet Play. The frontage of the business is 78 sq. ft. and they are requesting a wall sign to consist of 43.36 sq. ft.

It was determined that this sign was already erected without permits/approval. Mr. Sterrett and Ms. Depasquale-Hagerty stated the sign was erected for the "open house" and those funding the project. Mr. Sterrett and Ms. Depasquale-Hagerty stated there was confusion as to who was applying for the sign and apologized for the lack of coordination in the application and the wall sign that was already erected.

Mr. Overmyer made a motion to approve a wall sign for Medina Pet Play located at 4080 Creative Living Way not to exceed 43.36 sq. ft. as presented. It was seconded by Ms. Szunyog.

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

Mr. Sterrett stated the second request before the Commission this evening was for a 7.33 sq. ft. tenant panel to be placed on the multi-tenant pylon sign located on Grande Blvd. This sign is currently not erected.

Mr. Apana made a motion to approve a tenant panel to be placed on the existing pylon sign located at 4904 Grande Blvd. for Medina Pet Play not to exceed 7.33 sq. ft. as presented. It was seconded by Mr. Kuenzer.

**Page 7 ZC March 19, 2013**

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

**MISC.**

-BZA Workshop presented by Attorney Todd Hunt-March 27, 2013-Sharon Twp. 6:30-8:30 pm.

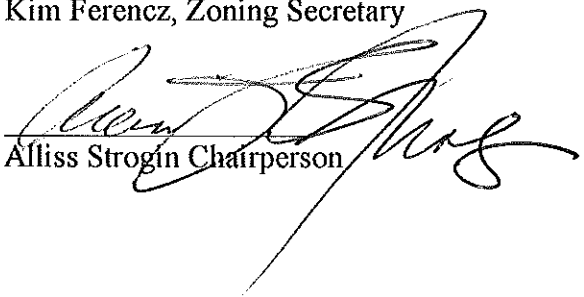
-Comprehensive Plan Open House-March 25, 2013-Weymouth Community Center 5:00-8:00 p.m.

-Rivendale/Medina Marsh Preservation Project-The Western Reserve Land Conservancy intends to submit an application for Zoning Commission's April 16, 2013 meeting.

Having no further business before the Board, the meeting was officially adjourned at 8:27 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

  
Alliss Strogin Chairperson