

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
October 16, 2013**

Chair Morel called the public hearing of the Board of Zoning Appeals to order at 7:32 p.m. Board members Stopa, Blakemore, West, Williams and Morel were present. Permanent Board member Dufala was absent. Alternate board member Gray was also in attendance. The Board members were introduced Chair Morel explained the hearing procedure to all those present.

VARIANCE REQUESTS

Medina Soccer Association variance request-3074 Remsen Rd.

Chair Morel reviewed the application. The applicant is Medina Township MSA. The property owner is the same. The address of the property is 3074 Remsen Rd. Present Zoning: RR. Previous variance requests-No. Variance being requested: Signage in excess of what is permitted by Township zoning code section 605 I.1. The reason: Township zoning only permits one wall sign per building. This building was built in numerous phases and currently has two long-term tenants: Medina Soccer Association and Medina Creative Housing. We are requesting a second wall sign (8'x 2') to help identify the portion of the building occupied by MSA. A copy of the proposed sign is attached.

Mr. Ian Jones represented Medina Soccer Association. He stated he was given authority to represent the property owners of the building i.e. Medina Township Trustees.

Chair Morel asked if the sign was lit? Mr. Jones stated there is a light on the building where the sign will be located but the actual sign is not lit.

Ms. Susan Mikiernan (3306 Old Weymouth Rd.) was sworn in. She asked to see the sign.

Police Chief Arbogast was sworn in. He stated at the last Trustees meeting, the Trustees said they were not opposed to the sign. He added it was his understanding a letter was to be drafted to the BZA. Secretary Ferencz stated no such letter had been received.

Chair Morel asked how many possible tenants could the building accommodate? Chief Arbogast stated that 9,000 sq. ft. was still available. To date the plans are for the Medina Township Police Department to locate in that space as well as an area for general community use. The Trustees had a lease agreement with a business called Kaleidoscope. The business owner has a contract with the school district to offer therapy to autistic and Down syndrome children. However

Kaleidoscope withdrew their application to locate in the building due to complications with the zoning requirements and their tax status. To date there are no future tenants at this time. Chief Arbogast reiterated that the intent is for the Police Department to locate in this building as well create a community room. Right now Medina Creative Housing and Medina Soccer Association each occupy 15,000 sq. ft.

Chair Morel asked, when the Trustees lease space to occupants in this building are there any restrictions on hours of operation? Chief Arbogast stated he did not believe there were any such restrictions in the lease documents. He added Creative Housing is a daytime operation and Medina Soccer is more of a 5-9 p.m. operation. Chair Morel stated he asked because he did not want to see this building become like Pearl Rd. as people have houses in close proximity to this building.

Chief Arbogast stated if the Police Department ends up locating in the building that would be a 24 hr. operation. He added there already is a sign approved to be placed on the building to direct the public to the different operations located within the building.

Mr. Jones stated during the week Medina Soccer usually closed by 9:30 pm and on weekends a bit later. He added they tried to match the design and color of signs that were already on the property i.e. the Preservation Society and the welcome to Weymouth signs in the general area. This signage would really help the public find their location.

Mr. Blakemore asked about the sign on the side of the building? Chief Arbogast responded that is the sign for Creative Housing, which replaced the previous sign, which read, Medina County Transit Authority (no permit was found for the use or sign). When the YMCA was located in the building, there were actually three signs out in front of the building, for which there is no record of any permits.

Mr. Blakemore stated he wanted to know if one was driving down Remsen Rd. would they see the proposed sign for Medina Soccer? Mr. Jones and Chief Arbogast stated yes but not from Meyers Rd.

Ms. Strogan, Chair of the Commission was sworn in. She stated that when Medina Creative Housing went into the building, they were approved to have one wall sign which is permitted per the Zoning Resolution. However, this creates a legal issue in that the Zoning Commission cannot permit any further wall signs. The only sign now that can be approved is a 4 sq. ft. directional sign. She continued that the Trustees have sent out mixed signals. At one meeting they say they do not want a lot of signs on the building and at another meeting they say they don't have a problem with permitting another wall sign for a tenant. Any additional wall signs would have to come before the Board of Zoning Appeals for approval.

Chief Arbogast stated at the last Trustees meeting, the Trustees said they had no objection to the request for a wall sign for Medina Soccer Association. Mr. Jones stated the Trustees actually

applied for this wall sign as they are the property owners of the building and gave him authority to represent Medina Soccer Association this evening.

Ms. Laurie Shoemaker confirmed Trustee Todd completed the application.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance? 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, as long as the sign itself was not lit.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no and it might even help to give better direction of such operation in the event emergency services are called upon to respond to this location.
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 that would be up to the Trustees to rename the building and addressing the individual tenants in the building.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. West stated Medina Soccer Association occupies as much square footage as Medina Creative Housing and yet has no signage. This request should be approved.

Chair Morel stated he wanted to make sure that any signage on this building, due to its location in a residential district, would not be internally lit.

Mr. West made a motion to approve a variance for an additional wall sign (unlit sign) for Medina Soccer Association located at 3074 Remsen Rd. not to exceed 16 sq. ft. as presented.

It was seconded by Mr. Williams.

ROLL CALL- West-yes, Williams-yes, Stopa-yes, Blakemore-yes, Morel-yes.

Minutes

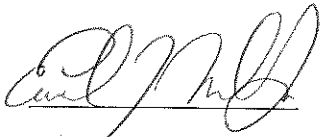
The September 18, 2013 meeting minutes of the BZA hearing were approved as written.

MISC.

Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 9:40 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary

A handwritten signature in cursive script, appearing to read 'Ed Morel', written over a horizontal line.

Ed Morel, Chairman