

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
August 20, 2014**

Vice Chairman Mike Stopa called the public hearing of the Board of Zoning Appeals to order at 7:30pm. In addition to Vice Chairman Stopa, the sitting Board this evening consisted of Cary Blakemore, Robin Gray, alternate Linda DeHoff, and William West. Chairman Ed Morel and alternate Boris Williams were absent. Vice Chairman Stopa explained the procedure to all those present.

VARIANCE REQUESTS

Pat O'Brien Chevrolet, 3880 Pearl Rd., Medina OH 44256

Vice Chairman Stopa reviewed the application and asked Secretary Shoemaker to read the request into the record.

Applicant and owner of property: Pat O'Brien Chevrolet, 3880 Pearl Road, Medina, OH 44256.

Present Zoning: Intense Business.

Previous Variances requested: yes.

Variance requested: Section 605 I.1 Proposed wall sign exceeds total number of wall signs allowed per business.

The Reason: A) Need to designate the existence of the additional business. B) Provide the customers with instructions and directions to facilitate their specific needs on this large parcel to get to and use the laser wash. C) This should not be detrimental to public interest due to the size of the property.

Mr. West asked for clarification of the variance request. What specifically is being requested? Vice Chairman Stopa said they are asking for additional signs. Mr. West asked how many, because it does not state on the application. Vice Chairman Stopa then swore in Alliss Strogin, Medina Twp. Zoning Commission Chairperson. Ms. Strogin explained this was a large parcel. Our zoning only allows for one sign on a principle building per business. This car wash is considered an accessory building so it is not allowed signage unless it is granted a variance. Mr. West asked again what variance is being requested. Ms. Strogin stated the variance is for one sign on an accessory building. Mr. West wanted confirmation this was for one sign and Ms. Strogin said yes. Mr. West asked if the 42 square footage includes the two exit signs. Ms. Strogin said no, they are directional signs and are permitted without a variance.

Vice Chairman Stopa then swore in Jim Setele, 2810 Bishop Rd., Willoughby OH 44092, representing Pat O'Brien Chevrolet, 3880 Pearl Road, Medina, OH 44256. Mr. Setele was in front of the board to ask for a variance for Janet's Laser Wash Sign, 42 sq. ft., to operate additional business of the retail car wash. Vice Chairman Stopa asked if this was on the existing property next to the dealership and Mr. Setele confirmed.

Mr. West asked Mr. Setele if he recalled any prior variances granted for this property. Mr. Setele stated he only knows of the one since he has taken over the project. Mr. Blakemore stated there has been at least two others for this property. Ms. DeHoff asked if the car wash considered part of the dealership. Mr. Setele said the company is Janet's Laser Wash. There will be personnel that cross over and work both, but it is operated as a separate business and has its own cash acceptance machines and while the driveways are joined there are separate lanes. Vice Chairman Stopa asked if there were separate owners. Mr. Setele stated the car wash is owned by Mrs. O'Brien. Mr. West asked if there was a lease agreement and Mr. Setele said he did not know and would have to ask.

Mr. Blakemore said obviously this was a Pat O'Brien entity as they are making a profit from it. Ms. Strogan stated, for the record, the dealership would be using the car wash primarily for the new cars. Mr. Setele stated he wanted to make it clear they are not trying to "pull a fast one" on the Township and he wanted to be clear that the dealership will be charged a per wash fee per usage. Mr. West asked if it was open to the public separate from the dealership and Mr. Setele said yes. Vice Chairman Stopa stated that technically it was a separate business on the lot. Mr. West commented that Pat O'Brien brought this in so he assumed it was not a separate corporate entity. Mr. Setele said he was there representing Mr. O'Brien's family but it was being operated as a separate corporation. When they started filing the paperwork for the permits, Janet's Car Wash did not have checking account or merchant accounts in place. Mr. West asked Ms. Strogan if a variance would even be necessary for a separate business. She stated this was not on a separate lot. Mr. West said he could lease the land and Ms. Strogan stated it would still have to be an out lot, and it's not. If it's not part of the business it would have to have its own out lot and it doesn't. The premise that was explained to ZC, in which they had no issues, is that it is an accessory use of the car dealership because the dealership will be running their cars through it. As an accessory use it cannot have a sign without a variance.

Vice Chairman Stopa asked if anyone had any further questions. Mr. West asked Mr. Setele if this was the last time Pat O'Brien would be coming in for a variance. Mr. Setele wanted to clarify that, before he took over the project, the Construction Company, Star Builders, was ill-advised about signage. Instead of preparing the entire project and submitting for all variances at once, they were under the assumption from Star Builders they could submit

documents for signage at a later date as the project progressed. Mr. Setele apologized and said they are trying to be very forthcoming in how they approach this. This is not the way Mr. O'Brien does business. Mr. West commented how pleased he was with what Mr. O'Brien has done in the community. Mr. Setele said moving forward, because of the issues that developed in Medina Township, they are approaching projects for other dealerships in a new way, having learned from this project.

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 agreed, given the fact that it is a separate building, it probably is substantial but at this point it's all relative.
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 agreed he probably did.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Mr. West stated, as a practical matter yes but how else would the people know there was a public business there. The Board agreed.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? The board agreed that due to the size of this property, the variance is within the intent of the zoning requirements.

Mr. West made a motion to grant a variance to Pat O'Brien Chevrolet for one additional wall sign, not to exceed 42 sq. ft. for the accessory building for Janet's Laser Car Wash, as presented. Mr. Blakemore seconded the motion.

ROLL CALL – West – yes, Blakemore – yes, Gray – yes, DeHoff – yes, Stopa - yes

Pat O'Brien Chevrolet, 3880 Pearl Rd., Medina OH 44256

Vice Chairman Stopa reviewed the application and asked Secretary Shoemaker to read the request into the record.

Applicant and owner of property: Pat O'Brien Chevrolet, 3880 Pearl Road, Medina, OH 44256.

Present Zoning: Intense Business.

Previous Variances requested: yes.

Variance requested: Section 303. E.2 Flag pole exceeds the maximum height of 35' plus 15' allowed for flag poles.

The Reason: A) We would be put in a position to take the flagpole down. B) This property is large and on the corner of Fenn and Pearl and the size of our lot would easily support the structure. C) The larger parcel supports the larger flag structure and will have no detrimental impact on the district. In fact, it should be considered an attractive gate way.

Mr. West asked what the variance was they were requesting. Mr. Setele stated they need a variance of 30' for the flag pole. Vice Chairman Stopa stated this flag pole was already up. Mr. Stele wanted to clarify, again, coming in late in this process, the company who originally was to provide the flag pole went out of business. Star Builders erected an 80' pole but did not know of the height requirements and failed to check. Again he apologized. Mr. Blakemore commented he thought the flag was great and the dealership has made that corner look much nicer, Mr. West agreed.

Ms. Gray asked if this would compromise the situation with the inflatables and Mr. West said not one bit, they are two completely separate issues. Mr. Blakemore asked how far the flagpole was from the road. After looking at the plans, the board agreed it looked to be at least 100 feet and the distance was far enough from the road so it would not compromise the traffic in the road if it should fall.

The Board then discussed 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 agreed 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 agreed yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board agreed yes.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? No comment from the board.

Mr. Blakemore made a motion to approve a variance for an additional 30 ft. for a total of 80 ft. exposed height, for the flag pole located at 3880 Pearl Rd., Medina, OH 44256. Mr. West seconded the motion.

ROLL CALL – Blakemore– yes, West – yes, Gray – yes, DeHoff – yes, Stopa - yes

James Traynor, 4004 Remsen Rd., Medina OH 44256

Vice Chairman Stopa reviewed the application and asked Secretary Shoemaker to read the request into the record.

Applicant and owner of property: James Traynor, 4004 Remsen Road, Medina, OH 44256.

Present Zoning: Rural Residential

Previous Variances requested: no

Variance requested: Section 401.3.D Front yard setback 100'. Need 10' variance due to lot dropping off dramatically and also location of electrical box.

The Reason: A) Back of lot drops off severely down to a creek, affording minimal, useable land. Former setback when originally plotted was 80' – now 100'. Could have made original setback – can't meet the new setback. Need 10' to build 100' x 100' barn/garage to house my collection of classic vehicles, with room to work on maintaining them in a pristine condition. The majority are now in off-site rental units making it difficult to work on them. An existing electrical box near the house creates a hardship in locating an access driveway to the new garage without this variance. Mounding and landscaping will minimize visual disruption to neighbors.

Vice Chairman Stopa swore in Mr. Traynor, 4004 Remsen Road, Medina, OH 44256. He asked if there was anything on the section you're going to build on right now? Mr. Traynor stated no. Mr. Traynor wanted to go on record saying he volunteers for the Cleveland Police Museum. He and 4-5 others try to promote the Police Museum and it's vehicles at various venues. Unfortunately they lost the location where they housed the classic cars and needs a space to house the vehicles and maintain them, thus the size of the building. He will make the color the same as his house and will have mounds placed around the lot to minimize sight from neighbors.

Vice Chairman Stopa asked if the public had comments. He then swore in Diana Huffman, 4025 Remsen Rd, Medina, OH 44256. Ms. Huffman stated, for the record, she supported Mr. Traynor in building this garage. She would rather see the cars, not only the cars for the museum but his personal cars, in which he has many, parked in the new garage as opposed to his circle drive. Ms. Stogin asked Mr. Traynor is he would be housing his personal vehicles in the garage as well and Mr. Traynor said yes, he had nine personal vehicles.

Vice Chairman Stopa then swore in Mr. Rick Miller, 4040 Remsen Road, Medina, OH 44256. Mr. Miller said there was plenty space to place the garage in the back of the house. He also commented that his application was for residential, not commercial. Ms. Stogin stated his primary use was for his personal vehicles. Mr. Miller commented that if he will have five people coming over, that would be considered a commercial building, a business. Ms. DeHoff asked Mr. Miller if he felt that if he had five people going to work in his garage, would he consider that a business? Mr. Miller said he was just stating a point.

Mr. Blakemore asked Mr. Traynor how far the building will be from the ravine. Mr. Traynor was not sure of the exact measurement and said he has already put a large amount of fill in the ravine. He wanted to try and keep it as far away from the Miller's property as possible.

Vice Chairman Stopa then swore in Dea Miller, 4040 Remsen Road, Medina, OH 44256. Ms. Miller stated that her concern is that this barn will be closer to road than the surrounding neighbors. Their homes were built 37 years ago. They have their barns in the back of the yard and to have Mr. Traynor's barn so close to the road will be a deterrent. Ms. DeHoff asked Mr. Traynor about the surrounding landscaping and he confirmed he already built mounds and will have trees around it. Ms. Gray asked if was going to be one story and Mr. Traynor said yes.

Mr. West asked about the electrical box. Mr. Traynor stated he was hoping to pour a driveway off the existing driveway to enter directly into the side of the barn without having to push the barn further toward the Millers property. Ms. Miller stated she has a barn in the back with an electrical box and does not understand the problem. Mr. Traynor stated he would like to use his existing drive to enter into the new garage directly. He would not be able to do that now with the electrical box where it is.

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 no.
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 agreed yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board agreed yes.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? The Board agreed yes.

Mr. West made a motion to grant a front yard setback variance of 10 ft. from the required 100' setback for the purpose of building a garage at 4004 Remsen Road, Medina, OH. Cary Blakemore seconded the motion.

ROLL CALL – West – yes, Blakemore - yes, Gray– abstain, DeHoff – yes, Stopa - yes.

Minutes

The July 16, 2014 Organizational meeting minutes were not approved due to Chairman Ed Morel being absent.

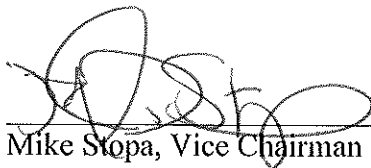
MISC.

Vice Chairman Stopa read into the minutes a reminder from Trustee Ray Jarrett. Feeding Medina County is holding a food drive and Medina Township will be accepting donations at town hall Monday – Friday from 9:00 am to 4:00 pm. There will also be boxes placed for drop off at the Weymouth Community Center on Sept. 20, 2014 during Weymouth Day.

Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 8:36 pm.

Respectfully Submitted,

Laurie Shoemaker
Zoning Secretary


Mike Stopa, Vice Chairman

Sept. 17, 2014
Date