

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
December 17, 2014**

Chairman Ed Morel called the public hearing of the Board of Zoning Appeals to order at 7:31pm. The sitting Board this evening consisted of Bill West, Robin Gray, Boris Williams, and Mike Stopa. Secretary Laurie Shoemaker and Zoning Inspector Elaine Ridgley were also in attendance. The Board members were introduced and Chairman Morel explained the procedure to all those present.

**VARIANCE REQUESTS**

*Sola Salon, 5050 Victor Drive, Medina OH 44256*

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

*Applicant: Direct Image Signs, Inc., 7820 Maddock Rd., North Ridgeville OH*

*Owner of property: Sharon Holdings, P.O. Box 584, Sharon Center, OH*

*Present Zoning: Business General*

*Previous Variances requested: no*

*Variance requested: Section 605 I 1, Each business is permitted one wall sign. Applicant is requesting an additional wall sign.*

*The Reason: The building is based on visibility to its customers. It is 100% based on customers finding us. All customers will come from Rt. 18, the busiest road in Medina. The sign on front of building is not visible from Rte. 18.*

Chairman Morel swore in Brett Smith from Direct Image Signs, Inc., 34158 Jade Circle, North Ridgeville, 44139. Chairman Morel asked if there was anything further Mr. Smith would like to add in addition to the information on the application. Mr. Smith said the importance of having the extra sign is mainly for exposure. This is a salon and is always getting new customers. The exposure from the sign is the most important way of getting new clientele.

Chairman Morel then swore in the Owner of Sola Salon and partner of Brett Smith, Mike Meechum, 247 Granger Road, Medina. Mr. Meechum stated there are about 380 franchises across the country and he owns those in Wisconsin and Ohio. There will be approximately 40 people working in this building and they will be dependent on customers finding the building. Mr. Smith stated he felt the sign would enhance the plain, brick building. The one thing you won't see on the drawing is where the white door is now, that will be removed and more glass windows added. The sign will be an attraction, not a detraction.

Chairman Morel asked Mr. Smith exactly what it is they do. Mr. Smith stated it's a unique process and a little different than normal salons. What the franchise does is they will take a building and build it out into customized suites. Each franchise is built the same way. There are three different sizes for each space, a standard (smallest), a medium and a double. They attract high end stylists. The difference between them and a traditional salon and the reason the franchise has worked so well is that in a traditional salon, the owner will own the salon and employ the stylist and take up to 65% of what the employee does in services. In our case, they are not our employees. We own the building and the business, but we lease out the space to the stylists and collect weekly rent. We usually start with 80% occupancy with cash flow within 90 days. These are state of the art spaces, everything is custom made. They are not cheap to build. They want the stylists to stay and want to give them visibility for new customers. Chairman Morel asked if most customers are repeat customers. Mr. Smith said 50% are repeat and 50% are not.

Mr. Smith explained repeat customers are mainly for the stylists but for nail techs, estheticians, and massage therapists the business is walk-in. Chairman Morel asked if there was any thought about having the sign face Rte. 18 and skip the sign facing Victor. Mr. Smith said they did think about it and if that's what will get approved he will have to deal with the franchise at that point because they want us to live up to franchise standards. Mr. Smith said he understood there are rules but in all honesty the building would look better with the sign as opposed to a blank brick wall. Chairman Morel asked what the square footage was of the building. Mr. Smith said 5000 square feet.

Boris Williams asked how the building that's in front will affect the rear building. Chairman Morel then swore in Greg Stewart, PO Box 584 Sharon Center. Mr. Stewart stated he has had a temporary sign up on the south side of the building facing Rte. 18 to market the building; if you're coming from either direction you can see the sign on that side. If there is only a sign on the front of the building, people coming from the west would not see it.

Chairman Morel asked if the sign was illuminated. Mr. Smith stated yes. Chairman Morel then swore in Don Kuenzer, 4591 Marks Road, Medina. Mr. Kuenzer said by looking at the plans, the door they say will be removed looks to be an emergency exit and that may be an issue. Chairman Morel said that's not an issue for the BZA although to further explain Mr. Kuenzer's point, if that is an emergency exit, it cannot be blocked in. Mr. Stewart explained that door was not on plans that were submitted to the building department and there will be a window replacing the door. An emergency exit will be going in on the north and the west side of the building and both meet code.

Chairman Morel swore in Alliss Strogan, ZC Chairman. Ms. Strogan stated, for the record, zoning allows one sign per principle building, although additional directional signs, 4 sq.

ft. are allowed. Theoretically they can have the sign that was initially approved and put it on the South side of the building and put a 1 x 4' sign on the front which would be sufficient to identify the building.

Mr. Williams asked how much higher the building was than Zeppes. Chairman Morel said Zeppes is not in the position to block it. Ms. Stogin suggested putting the 1 x 4' sign on the front and the larger sign on the South side and then they wouldn't need a variance and that would solve the problem. Mr. Smith said that would not solve the problem with the franchise. Chairman Morel stated that signage is true and dear to the Trustees.

Mr. West agreed that signage is true and dear to the Trustees based on zoning rules that we are dealing with. One of our jobs is to say, is there some good reason that we should ignore the clear preference of the leadership of the township and grant a variance. I haven't heard anything that would lead me to that conclusion, yet. Mr. West said he understands their quandary but the quandary should have been obvious from the beginning and the solution being suggested is a reasonable one. Chairman Morel agreed but said it is not in the Township's best interest to have empty buildings. Mr. West asked if that should be a factor in considering a variance. It's an empty building and they are holding us up for it. Chairman Morel disagreed. Mr. West reiterated the fact they stated the franchise required the signage and asked Mr. Smith if that's what he is saying. Mr. Smith said they have to have the sign on the front and if the variance isn't approved, they will have to stick with having the sign only on the front, they have no choice. Mr. West said he is very pro-business but it seems there are just more and more signs being added in the Township.

Ms. Stogin again suggested using the directional sign for the front leaving the 45 sq. ft. sign for the south side of the building. Chairman Morel suggested having the sign on the front at 20 sq. ft. and one on the south side at 25 sq. ft. but he was just thinking out loud. That's not saying it will pass the Duncan Factors. Ms. Stogin said she would be ok with two signs but not of those sizes. Chairman Morel, again thinking out loud, suggested 20 sq. ft. on the front and 30 sq. ft. on the south side. He then asked Mr. Smith if that would suffice, if it passed the Duncan Factors. It would give Sola Salon 50 sq. ft. total. It would still be substantial but still be seen from Rte. 18.

Mr. Stewart asked what would be the maximum size sign allowed on the south side of the building. Ms. Stogin said 80 sq. ft. Mr. Stewart asked if they could split that dimension with the 45 sq. ft. sign already approved for the front. Chairman Morel said no, that would not fly through the Duncan Factors. Ms. Stogin stated when Mr. Stewart asked for a temporary sign it was made clear up front that sign was only temporary. Mr. Stewart said they are not trying to break any rules, they are only trying to create every possibility for the business to survive. Mr. Morel said he understood that after investing all that money

into dividing the building up into all those cubicles, it would be a shame for the business to fail and have a building that is all chopped up.

Chairman Morel asked if anyone had any more questions. He asked the board if they were willing to discuss a 20 sq. ft. sign on the front and a 30 sq. ft. sign on the side. The board agreed. Mr. West asked Sola Salon if they are even ok with this suggestion before the board has a discussion. Mr. Morel explained Mr. Smith does not know what the franchise will say but changing the original variance request is acceptable to him if he has no other choice. He then closed the floor for public comments to discuss the Duncan factors amongst the board.

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 agreed 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, they can leave it the way it is and hope for the best.
7. Whether the granting of the variance upholds the spirit and intent of the Zoning Resolution? Chairman Morel stated Mr. West is right that it is not the board's job to be sure buildings are filled or in the right spot but as responsible citizens and members of the board, they are trying to help businesses thrive. Mr. West said that's true but it does preserve the spirit and intent. You can argue about substantial justice, even though they knew what they were doing in the beginning. He also stated you can consider additional factors, and the one they are raising is a perfectly reasonable factor to add to the mix. And that is, from a business perspective they purchased a building that was a bit cheaper but was

not on Rte. 18 and now they have to fix the problem. And how do we help them fix the problem so that we can preserve as much of this as possible and still help the business succeed, that's what the issue is. Chairman Morel agreed. Mr. West is just unhappy the board is placed in that position because the zoning regulations are so clear.

Mr. Stewart said it may not make a difference but he bought the property at a Sheriff's sale and had no information or plans available to him. After going through much research over a long period of time was he able to find any information on zoning regulations. Mr. West said but you knew the building was not on Rte. 18 and Mr. Stewart agreed. Ms. Gray asked if Signature Square had ID signs. Ms. Strogan said yes they do but it is only for the retail stores in the horseshoe. Sola Salon building was an office building and its name not allowed on Signature Square ID sign. Zoning Inspector Elaine Ridgley said the owner of Signature Square made that decision. Ms. Strogan stated the board would have to nullify the decision of the Zoning Commission before a motion was made to approve the new sizes for the signs.

**Mike Stopa made a motion to approve the request for an additional wall sign for Sola Salon, located at 5050 Victor Drive, Medina OH. One sign to be located on the east side of the building, not to exceed 20 square feet and one sign to be located on the South side of the building, not to exceed 30 square feet. This variance voids the zoning commission granting approval of a 45 ft. square sign on the East side on the building on December 16, 2014.**

ROLL CALL: Stopa – yes, Gray – yes, Williams – yes, West – yes, Morel – yes.

#### Minutes

Vice Chairman Stopa made a motion to approve the November 19, 2014 Medina Township Board of Zoning Appeals meeting minutes as submitted.

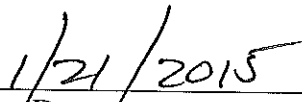
ROLL CALL: Stopa– yes, Williams – yes, Gray – yes, West – abstain, Morel – yes

Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 8:41 pm.

Respectfully Submitted,

Laurie Shoemaker  
Zoning Secretary

  
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Ed Morel, Chairman

  
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Date