

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
October 21, 2015**

REGULAR MEETING

Vice Chair Cary Blakemore sat in for Chairman Ed Morel and called the meeting of the Board of Zoning Appeals to order at 7:37pm. Board members, Robin Gray, Mike Stopa and Bill West were present. Vice Chair Blakemore explained to the applicant that they do not have a full board and gave him the option to wait until next month for his request. Mr. Cerny agreed to a four member board. The Board members were introduced and Vice Chair Blakemore explained the procedure to all those present.

Applebees, 4115 Pearl Road, Medina

Vice Chair Blakemore reviewed the application and asked Secretary Shoemaker to read the request into the record.

Applicant: Architectural Design Studio

Phone: 330-723-6975

Interest in Property: Architect

Owner of property: Medina Realty Holdings LLC

Address: 4115 Pearl Road, Medina OH 44256

Present Zoning: BI

Previous Variances requested: yes

Variance requested:

Dear Board Members,

We are submitting documents on the behalf of Applebee's and Medina Realty Holdings (Owner) in response to alterations proposed by the Ohio Department of Transportation (ODOT). ODOT is in the process of making improvements to Pearl Road in front of the Applebee's store. These improvements include modifications of the existing drive servicing the facility, creating a right-in/right-out drive and alterations to the storm system in this area. These alterations to Pearl Road result in a take of additional property for the Right of Way (ROW) that includes the removal of the existing sign (photo of existing sign included) and expansion of the ROW to service new storm structures and the revised drive.

The owners are aware of Medina Township Resolution #07022015-018 regarding a Moratorium on Enforcement on specific zoning issues, but the moratorium does not resolve the issue relative to the sign. Additionally, the resolution does not relieve the potential for strict application of the zoning requirements on future modifications to the property. The owners would like to put into place variances that ensure relief from the non-conformities created by ODOT's take. Please reference the attached drawings.

We have included the ODOT documents and a site plan that we have created that more clearly indicates the changes and the variances necessary. While the work does expand the ROW to a varying degree along the Applebee's frontage, in the final development, the roadway

will not appear to have significantly changed. Landscaping along the face of the parking, where disturbed, can be installed again and there will be a broad green space between the road and parking area. The non-conformities created by the Pearl Road improvements are as follows.

1. Parking Setback

As the setback is measured from the ROW and not the actual road edge, there will be a significant reduction in the setback for the existing parking lot. For most of the existing parking, the actual setback is approximately 21'. There is currently a jog in the ROW in this area. Due to this jog, which appears to be the result of an underground storm structure, the current setback is approximately 11'.

ODOT is adjusting the width of the ROW along the frontage of Applebee's varying amounts. They are taking an additional 2' at the south end of the lot to allow for a new road edge and sidewalk. This results in a parking lot Zoning Regulations as follows.

1. 306 J 3 (a), Landscape Setback - Requesting relief from the 20' setback requirement to maintain existing parking along Pearl Road. The extent of the variance varies with the extent of the ROW take along the frontage.
2. 605-H, Ground Sign Setback - Requesting relief of 5' (50%) from the required 10' setback.
3. 406.3 C, Minimum Front Yard - Requesting relief 7' (9%) from the 80' setback requirement from the ROW to the face of the existing building.

In accordance with the Duncan standards, we offer the following for your consideration in approving the variances.

The need for the variance is the result of actions taken by ODOT and is not the result of any actions by the owner. ODOT has the authority to proceed with the take without justification or approval from any other authority and the owner is without means to prevent this situation.

1. The building is existing and failure to grant relief would require alteration of the building to bring it into compliance.
2. Granting of the variances will not alter the essential character of the area and will not result in adjoining properties suffering substantial detriment. Adjoining properties are being impacted with the same issues as a result of the expanded ROW. Additionally, while the ROW is substantially expanded along a portion of the Applebee's frontage, the additional ROW is being used for underground storm structures. From the public's perspective, the expanded ROW in this area will not be apparent.
3. Granting of the variances will not adversely affect the delivery of government services. The granting of relief for these issues has no direct impact on the delivery of services to this site or the adjoining parcels.
4. The granting of relief is necessary as there is no alternative other than to require the owner to make substantial changes to their property for an existing condition, constructed in full compliance with Township Zoning requirements, but made non-conforming through no fault of the owner.

5. The granting of these variances preserves the “Spirit and Intent” of the zoning code and “Substantial Justice” will be done in providing the owner with relief from these non-conformance issues which are being created through no fault of the owner.

Thank you for your consideration in this matter,
Respectfully Submitted,

Anthony J. Cerny, Architectural Design Studios, Inc.

Board member Bill West asked about the previous variances for this property. Vice Chair Blakemore then swore in Medina Township Zoning Inspector Elaine Ridgley. Ms. Ridgley said the previous various request was for awnings and they did not get it. Vice Chair then swore in Alliss Strogan, Zoning Commission chair. Ms. Strogan said there was a variance granted for the pick-up sign on the side of the building.

Vice Chair Blakemore asked about the current first request specificity regarding the landscaping. Mr. West pointed out page two of Mr. Cerny’s letter, which spells out very specifically what he is requesting. Mr. West asked if that was correct or incorrect, then read from the letter -- It’s a 1% variance request for first 69’ from the south going north. It’s a 17’ variance request for the next 48’ going north. Mr. Cerny said it varies as you go along the front of the property. Mr. West agreed but stated the board has to throw those numbers in. Mr. West stated it’s not going to vary from what is seen in front of them today, to when they actually put it in. Mr. Cerny confirmed they will not ask for variances different than what is shown on the drawings. Mr. West stated they will have to give him a jagged line. Mr. Cerny said they board didn’t have to, they could give him one line, one foot off the parking, but in order to make it comply, he made it exactly what the distances are along the length.

Vice Chair Blakemore asked the board if they had any questions or statements and the board members stated no. Mr. West made a comment that he could easily accept the applicant’s letter as his review of the Duncan Factors. Vice Chair Blakemore and the remaining board members agreed. Mr. West asked Mr. Cerny if he had any further statements. Mr. Cerny commented that this was based on the plans they currently have from ODOT and we all know how those can change. Mr. Cerny said if they should change, he will be back in for another variance. The sign will not be moved until the project on the road is started.

The board discussed combining all variance requests into a three part motion. Ms. Strogan asked the board if they plan on going through the other two requests before they make the motion to encompass all three. Mr. West commented that the board was speaking to all three when they went through the Duncan Factors. Ms. Strogan said they didn’t technically discuss the other two. Mr. West stated they did. None of the board members had any questions and they had nothing to discuss. This is being forced by the State of Ohio as a result of the work on Pearl Road.

Mr. West moved approval of the following three variance requests for the property located at 4115 Pearl Road, Medina, OH:

- 1) a 1' landscape variance on the first 69' from the south property line north; a 17' landscape setback variance for the next 48' going north, and a 19' landscape setback variance for the balance of the frontage going north which is approximately 72';
 - 2) a 5' setback variance for the ground sign from the road right of way;
 - 3) a 7' variance on the minimum front yard setback of the structure;
- All as appears on the drawings attached to the request.

Mike Stopa seconded the motion.

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

Ms. Strogin stated, for the record, that Applebee's was not required to come in for a variance but wanted to make sure it was on record and they are now in compliance and have no encumbrances.

Mike Stopa made a motion to approve the minutes from September 16, 2015 and Medina Township Board of Zoning Appeals meeting minutes as presented.


ROLL CALL: Stopa– yes, West – yes, Gray– yes, Blakemore– abstain.

Secretary Shoemaker stated Chair Morel left before he signed the approved minutes from August 19, 2015. Mr. West said Mr. Stopa attended the meeting and could sign his name to confirm the approval.

Ms. Strogin reminded the board about the upcoming training. Ms. Shoemaker said she did not receive any information on training at the Library on Zoning Basics Workshop. Ms. Strogin stated she would forward the email to Ms. Shoemaker and Ms. Shoemaker then forwarded it to all zoning board members, Celia Goe and the Trustees.

With nothing further before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 8:11pm.

Respectfully Submitted,
Laurie Shoemaker
Zoning Secretary


Cary Blakemore, Vice Chairman


Date