

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
September 16, 2015**

**REGULAR MEETING**

Chairman Ed Morel called the meeting of the Board of Zoning Appeals to order at 7:32pm. Board members Matt Payne (alternate sitting in for Cary Blakemore), Robin Gray, Mike Stopa and Bill West were present. The Board members were introduced and Chair Morel explained the procedure to all those present.

**Arby's, 5081 Eastpointe Dr., Medina OH 44256**

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

*Applicant:* CAM Inc., CAM/RB, Inc. 1525 Corporate Woods Pkwy. St 100 Uniontown OH 44685 *Phone:* 330-896-3253

*Interest in Property:* Tenant

*Owner of property:* Bath Tech Holdings, LLC *Address:* (same)

*Present Zoning:* BG

*Previous Variances requested:* none

*Variance requested:* High Rise Sign - Section 605D- We request a variance for the High Rise sign max area of 160 sq. ft. The existing sign is 199 sq. ft. The proposed sign is 183 sq. ft. It is vital to this restaurant that sign visibility is maximized.

*Reasons:* A) The strict application of this provision would reduce the sign down to the next available size, which is 30% smaller than the existing sign.

B) Due to the location of this building, its business relies heavily on the visibility of its signage. It's imperative to the restaurant that maximum sign visibility is achieved.

C) Granting this variance will not be detrimental to the district due to the fact that the proposed sign is smaller than the existing sign.

Chair Morel swore in Zoning Commission Chairman Alliss Strogin. Chair Morel asked if this was the 660 foot deal and its 160 sq. ft.. Ms. Strogin said yes it is the 660 foot but Zoning Inspector Elaine Ridgley is getting the file. Nobody really knows how 199sq. ft. sign was placed there. After looking at the already existing file, Ms. Strogin said the permit was written for 151 sq. ft. in 1989. Ms. Strogin said she didn't think anyone recognized it was 199 sq. ft. until they (Arby's) came in and wanted 180 something sq. ft. thinking it's smaller than what is there, which may be, but what's there is 60 feet larger than what it should be.

Chair Morel then swore in Jeff Mockabee, 1525 Corporate Woods Parkway. Mr. Mockabee stated he thought he had an answer to the board's concern. He said Peskin Sign did all the

signage for Arby's back in '89 when they first did the restaurant, and he was not sure of all the information they received but would look through the files to see if they have the plans or Peskin has them, he wasn't sure. Mr. Mockabee gave handouts to the board members with pictures of all the different signs Arby's authorizes for each restaurant. **(See attached)** He said "The original sign they put up was called B16. (He pointed out the upper right hand corner of the handout with a chart that showed different areas.) With the B16, there is three different ways to measure, if you look at the B16 on the actual, it's showing 112 sq. ft., where the three box is 132.8 sq. ft., and all I can think of is maybe Peskin may have used another formula vs. a straight (inaudible) because you have a lot of void space on the sign. That's the only thing I can think of, and again I wasn't here for that presentation so I can't honestly answer what happened."

Ms. Strogin pointed out the fact that the handout has multiple size signs so it doesn't have to be 180 sq. ft. Mr. Mockabee said he is getting the signs (inaudible). He said the sign they have up there now is a B16 and due to the logo changing, this sign is a slightly shorter but wider which explains why the rectangular format is different. Chair Morel pointed out Mr. Mockabee was in worse shape than he thought because he had two more 14 sq. ft. signs on the pole. Again, Mr. Mockabee pointed out this has all been there since 1989. Chair Morel reviewed the drawing of the sign and showed the top of the pole was 199 sq. ft. which is 183 sq. ft. if you make a box out of it. He stated there is also a drive-thru sign and the buses welcome sign that are further down the pole.

Chair Morel asked what the next size sign was after the B16. Mr. Mockabee said it was the B14. He again referred to the handout showing the numbers in the right hand corner. Ms. Strogin asked who calculated the 199 sq. ft. Mr. Mockabee stated they hired Ellet Sign come out and do an as-build survey of the site and they came up with the 199 sq. ft. Ms. Strogin asked if that included the two smaller signs and Mr. Mockabee said he would assume it did. Bill West asked if the 183 sq. ft. included the two smaller signs. Mr. Mockabee said if you use the rectangular box, the 182.7 sq. ft. is only the Arby's logo and would not include the smaller signs. Mr. West stated this is not comparing apples to apples. Chair Morel said yes because what is up there now is busses welcome and the drive-thru which are 14 sq. ft. and are not included in the 199 sq. ft. Chair Morel asked Mr. Mockabee to verify where on the site plan the high rise sign was located. Mr. Mockabee pointed out where the sign was.

Ms. Strogin reviewed the permit from 1989 and again, with the board members, tried to figure out how they measured the sign back then. Chair Morel pointed out the B16 was 16 ft. and the B14 was 14 ft. He said Arby's applied for the permit, they wrote down the B16 and the board approved it. Ms. Strogin stated Arby's now say its 199 ft. Chair Morel and Mr. West pointed out it was because they are now calculating it correctly.

Mr. Mockabee pointed out that in order for them to extend their franchise agreement, they have to put the current signs with the new logos on the stores during the remodel, and they have no choice.

Chair Morel stated that it would be nice to get a smaller sign but when he drives by the sign, in the scope of what is now there along that area of the freeway, that sign does not stick out as huge, it is small in the giant expanse of things. He said his thought on this particular issue is the board makes it correct with the two other signs. Right now it's not correct because it's 28 more sq. feet. If we gave them 183 sq. ft., it wouldn't cover the two 14 footers.

Mr. West verified the variance in front of them is only for the high rise sign and has nothing to do with the other two signs on the existing pole. Mr. Mockabee said they would like to keep the other two signs if they can. Mr. West asked if that was part of the variance request and is it within the 199 sq. ft. Mr. Mockabee said no. Mr. West stated that he is willing to deal with the variance in front of him for the Arby's sign. Whatever else exists, whether accurately or in violation, is not part of this variance request. Mr. Mockabee then asked if the other two smaller signs will remain because they are not part of this discussion since they were on the original permit. Chair Morel said unless the zoning inspector deems they are not, but that is not in front of them right now.

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. Whether the variance substantial? The Board agreed 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? The board agreed yes.

Ms. Strogin asked, out of curiosity, what the next smaller sign measured. Chair Morel said 14 ft. – 140sq. ft.

Mike Stopa made a motion to approve a variance request for 23 sq. ft. for a high rise sign, for a total of 183 sq. ft. for Arby's, located at 5081 East Point Drive, per the attached logo design. Robin Gray seconded the motion.

ROLL CALL: – Stopa - yes, Gray – yes, Payne– yes, West – yes, Morel – yes.

Ms. Strogin commented that the variance the board just gave Mr. Mockabee was for the top of the high rise sign but he needs to remove the two smaller signs. Mr. West stated the board did not say that, the bottom signs were not in front of the board members at this time and that issue is between the zoning inspector and Mr. Mockabee. Mr. Mockabee stated that the original permit was granted with those signs on there, we are not changing them or altering them. Mr. West said that would be the argument made, yes.

*Applicant:* CAM Inc., CAM/RB, Inc. 1525 Corporate Woods Pkwy. St 100 Uniontown OH 44685 *Phone:* 330-896-3253

*Interest in Property:* Tenant

*Owner of property:* Bath Tech Holdings, LLC *Address:* (same)

*Present Zoning:* BG

*Previous Variances requested:* none

*Variance requested:* Wall Sign - Section 605I.1- We request a variance for allowance of only one sign per business/structure. We request that four wall signs (1 front, 1 rear, 2 side) be permitted. The need for four signs is due to Arby's franchise requirements as well as sign visibility.

*Reasons:* A) The strict application of this provision would reduce the number of wall signs down to just one. There are currently two on the building.

B) Due to franchise requirements and visibility issues, four signs are needed. Due to the location of this restaurant, signage visibility is imperative to their business.

C) Granting this variance will not be detrimental to the district due to the fact that this building is surrounded by other facilities with similar signage.

Mr. West stated there was no variance for the original two signs on the building. Ms. Strogin stated they are allowed a 4' directional sign in the back and asked what Arby's ended up putting back there. Chair Morel then swore in Medina Twp. Zoning Inspector,

Elaine Ridgley. Ms. Ridgley stated she did not know what the size of the sign in the back was and all the signs currently on and around the building were there long before her being zoning inspector. Ms. Ridgley stated she did not know how they got there. Mr. West said “so based on the knowledge we have they are in violation?” Ms. Strogin said yes, just about every sign is in violation. Mr. West then commented the board is dealing with one specific sign today. Ms. Strogin said she knew that but they are allowed one wall sign and Arby’s is requesting two. Ms. Strogin was not sure ID signs were even allowed back in 1989, but there were no variances at all in the file.

Mr. Mockabee said the 18’ front sign right now is at the top of the wall and they are moving it down and was approved at the previous zoning meeting. Currently on the back (facing the 71 off ramp, east) of the facility, there is an Arby’s logo, same size but they are changing the colors from red to white letters with the updated logo. They are not changing the size of the sign, which is 9.4 sq. ft., only the design. Again, Peskin did all the signage and Mr. Mockabee has to assume they took care of (inaudible). Mr. Mockabee said the visibility is “so-so” from the off-ramp coming down. They tried to clear the brush but it’s still not great and he is less concerned about that sign. Arby’s is requesting a new sign on the south east corner because when you’re at the intersection of 18 and the off-ramp, south bound on 71, you can’t see the high rise, it’s in to your roof area. Chair Morel suggested lowering the sign then you could see it out of your side window.

Chair Morel stated there are way too many signs. Mr. Mockabee said he would gladly give up the back sign for the southeast sign. Chair Morel said it’s illegal anyway. You can’t trade something off that you didn’t earn. Mr. Mockabee said “I think we did, that sign has been there since 1989.” Mr. West suggested just leaving it the way it is. Mr. Mockabee said the design of the signs is changing. Corporate said they would make an exception if he wanted to just leave that sign but Mr. Mockabee is trying to get everything as clean as he can to look nice. The front sign has already been approved and without the awning and parapet it looks much nicer.

Chair Morel stated he would support the south elevation 10’ sign in the front. The 36’ sign and the sign in the back should be gone. Mr. West agreed. Both Matt Payne and Robin Gray supported that as well. Mr. Stopa said he understood corporate is asking to brand it different, which is understandable because most companies do that. Mr. Stopa asked if corporate is asking to have the sign on the side or is it something the franchise is requesting. Mr. Mockabee said it’s more the franchise because when you’re driving west on 18, Bob Evans blocks the view and the sign on the side will make people aware of the location before they pass Eastpoint drive.

The board members agreed if the sign on the side is more important to Mr. Mockbee for visibility, they may be persuaded to keep that sign and eliminate the back sign and the sign on the east elevation.

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. Whether the variance substantial? The Board agreed 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? The board agreed yes.

Bill West made a motion to approve a variance request for one additional Arby's 36 sq. ft. sign on the South East elevation (refer to S6 on the attached drawings), located at 5081 Eastpoint Drive, with the condition upon removal of existing sign on the east elevation. Mike Stopa seconded the motion.

ROLL CALL – West – yes, Stopa – yes, Payne – yes, Gray – yes, Morel - yes

Mike Stopa made a motion to deny a variance request for two 10' signs, designated as S5 on the attached drawings, for Arby's, located at 5081 Eastpoint Drive. Robin Gray seconded the motion.

ROLL CALL – Stopa – yes, Gray – yes, Payne – yes, West – yes, Morel - yes

**4847 Debbie Drive, Medina, OH 44256**

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

*Applicant:* Snezana Kovacevic, 4847 Debbie Dr, 330-725-6351

*Owner of property:* same

*Present Zoning:* UR

*Previous Variances requested:* no

*Variance requested:* Section 403.3D 50 foot minimum front yard setback required. Requesting 10 foot variance. Front porch will be located 40 foot from ROW.

*Reasons:* We are asking to construct a residential porch roof over our front door entrance. During our rainy and winter seasons we are finding it harder as a family to enter our home without getting wet. My mother does live with us and having a covered porch would help.

Chair Morel swore in Ms. Kovacevic. Chair Morel commented the cover would look nice on the house.

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. Whether the variance substantial? 20%
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? The board agreed yes.

Ms. Gray asked if other houses in the neighborhood had covered porches. Ms. Kovacevic said yes, most do and they look much better with them.

Bill West made a motion to approve a 10' front yard set-back variance for the purpose of construction of a covered front porch, located at 4847 Debbie Drive. Robin Gray seconded the motion.

ROLL CALL: West– yes, Gray – yes, Payne – yes, Stopa – yes, Morel - Yes

Chair Morel signed the appropriate documents and a copy was given the applicant.

Mike Stopa made a motion to approve the minutes from August 19, 2015 Medina Township Board of Zoning Appeals meeting minutes as presented.

ROLL CALL: Stopa– yes, West – yes, Payne – yes, Gray– yes, Morel – abstain.

With nothing further before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 8:32pm.

Respectfully Submitted,

Laurie Shoemaker  
Zoning Secretary

  
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Ed Morel, Chairman

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Date