

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
MARCH 16, 2016**

Chairperson Ed Morel called the public hearing of the Medina Township Board of Zoning Commissioners to order at 7:30 p.m. Permanent Board members Morel, Blakemore, West, Stopa, and Gray were in attendance.

Chair Morel explained the procedures of the hearing.

**Pathak variance request-4127 Brentwood Trail**

Secretary Ferencz read the application into the record. The applicants were Roopal & Viren Pathak. Address of the property requiring the variance-4127 Brentwood Trail. Present Zoning-UR. Previous variance requests-none.

Variance being requested-Section 403.3.E Minimum Side Yard Setback-15 ft.

Reason-Greenhouse will be 12 ft. from property line. Requesting a 3 ft. variance.

Letter attached read as follows:

RE: 3 Feet variance for greenhouse

We would like to have a green house on our property due to the fact that we are vegetarian and enjoy fresh veggies. We tried to see if we could put the greenhouse anywhere else but the other sides do not get any sunshine and they are not flat lands. The only location we would be able to put it would be next to the garage since that is the only place that has the best sunshine.

The size of the greenhouse will be 6 x 16. It is going to be built with glass so it will blend in fine.

We are asking for a variance of 3 ft. We did discuss this with our neighbors and they were fine with it.

Please refer to drawings for more details.

Thanks

Viren & Roopal Pathak

The applicants, Roopal & Viren Pathak (4127 Bentwood Trail) were sworn in. Mr. Pathak stated the greenhouse would be 16 ft. in length along the side of the house.

Mr. Blakemore asked if the greenhouse was proposed to be placed on the east side of the house. Mr. Pathak stated yes. It was the best location as there is a drop off in the back yard and there are many trees. The front of the house faces south. To move the greenhouse would be facing north and that was not good location for getting sun.

Ms. Gray asked the height of the greenhouse? Mr. Pathak responded 8 ft. tall to the peak.

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Mr. Stopa asked why the greenhouse is proposed to be along the front corner of the house as opposed to the back corner of the house. ? Mr. Viren answered that is where the air conditioning unit is located.

Hearing no further comments by the Board members, the Board considered 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 it was 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 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 stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated the greenhouse could be located in the front yard but that would not be aesthetically pleasing and it would stick out compared to the rest of the neighborhood.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The board stated the greenhouse would be located on the garage side of the neighbors' house. Also, the Pathak's back yard is not the ideal location for a greenhouse because of it facing the north, as well as the topography and dense tree line. The Board members all agreed the granting of the variance would uphold the spirit of the Zoning Resolution.

Mr. West Stopa made a motion to grant a 3 ft. side yard setback variance for the construction of a 6'x16' greenhouse 8 ft. in height 12 ft. from the property line for the property located at 4127 Bentwood Trail. It was seconded by Mr. Stopa.  
ROLL CALL-West-yes, Stopa-yes, Blakemore-yes, Gray-yes, Morel-yes.

**Fairfield Inn & Suites-3125 Eastpointe Dr.**

Secretary Ferencz read the application into the record. The applicant is Aashish Patel, Sunrise Hospitality. The street address requesting the variance is 3125 Eastpointe Dr. Present zoning is B-G. Previous variance requests-non. Variation requested: 605 I.1- Requesting variance to allow more than one wall sign larger than 80 sq. ft. to meet the hotel franchise standards and install sign "A".

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of the variance will not be detrimental to the public interest or to property or improvements in such district and will not materially impair the purpose of the Resolution.

The response is as follows:

- A. The location of this hotel is 743 ft. from S.R. 18 and 1372 ft. from I-71 and is located behind another 3-story building which reduce its visibility form the highway
- B. Multiple signs and size are the requirement of the franchise. Eleven other buildings in this subdivision have high-rise signs due to the location of the subject building being greater than 660 ft. from the I-71 right of way, a high-rise sign in not permitted.
- C. The surrounding parcels are all in the same B-G zoning district. Business users include hotels, restaurants and automotive/motorcycle dealerships. Additional signage will not impact surrounding properties. The proposed signage will be harmonious with the existing business and existing signage.

Mr. Thomas Weiss and Mr. Jason Brenan from Lewis Land Professionals; and Mr. Aashish Patel from Sunrise Hospitality represented Fairfield Inn and Suites Marriott. They were all sworn in by Chair Morel.

Mr. Weiss stated this is new construction; and this is the first time signage is being requested. Mr. Weiss added that at the Zoning Commission meeting last evening; they received approval for a monument sign.

Ms. Strogin Chair of the Zoning Commission was sworn in. She reiterated there were 4 requests for signage before the Commission last evening and the only sign that was or could be approved was the monument sign. All the other signs did not comply with the zoning code. She added the Township is aware that corporations such as Fairfield Inn, have a catalog of all different types and sizes of signs. However most request the biggest and most signs they want to be on a building regardless of what the zoning code allows.

Mr. Stopa asked what was considered the front of the building and is that the location for the request for the 132 sq. ft. wall sign? Mr. Weiss responded yes, that is the east side of the building which faces I-71.

ZI Ridgely was sworn in. She stated to the Board she left a map at each Board members seat so they could get a better understanding of the area in question.

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Mr. Brennan stated the 132 sq. ft. wall sign was facing I-71 in order to be able to attract the traveling public from the interstate. Chair Morel questioned if that sign could even be seen from I-71.

Mr. West stated Fairfield Inn was not permitted to have a high rise sign because they were more than 660 ft. from the interstate. Chair Strogin stated that was correct.

Mr. Morel asked if those properties that fall in the range of 660 ft. were permitted a high-rise sign as well as a wall and ground sign? Chair Strogin answered yes, and the size permitted for a high rise sign is 160 sq. ft.

Mr. Brennan added the proposed second wall sign (92 sq. ft.) is to be located on the south side of the building facing St. Rt. 18. The third proposed sign (15 sq. ft.) is on the canopy support facing south toward St. Rt. 18.

Mr. Blakemore asked how high sign "A" (132 sq. ft. wall sign) is proposed to be? Mr. Brennan responded 28 ft. Mr. Blakemore then asked how high I-71 was from ground level? Mr. Brennan stated he did not have the answer to that question. Mr. Blakemore stated he asked because he too questioned if the proposed sign could be seen from I-71.

Chair Morel asked if Fairfield would have placard signs on the interstate? Mr. Patel stated if one is getting on 71; from the on ramp the whole proposed sign would be visible. Regarding the placards on the interstate, the State of Ohio used to take applications for those signs. Now, they don't. There is one spot open and if the Holiday Inn Express opens before Fairfield, they will get the sign. Mr. Patel stated the 132 sq. ft. wall facing I-71 was imperative because it was showing the branding of the hotel which is very important to the franchise; as well as the fact that this is the entrance of the building so the hotel name needs to be reflected in this location.

Chair Morel stated in his opinion there was way too much signage being requested. He then asked Mr. Patel which sign was the most important for him to have? Mr. Patel stated definitely the 132 sq. ft. wall sign facing I-71 (sign A). It is the front of the building so if a photograph is ever taken; the name of the hotel has to be reflected on the front of the building. It's standard. It makes sense.

Mr. Blakemore reiterated that if this building was located within 660 ft. of the interstate it could have a 160 sq. ft. high-rise sign, an 80 sq. ft. wall sign and a monument sign. Chair Strogin again stated that was correct. She commented she could see 80 sq. ft. maybe being too small for the size of the building but 132 sq. ft. was too large. She added if the hotel wanted to be seen from I-71 then they should have purchased land closer to I-71.

Mr. Blakemore stated Fairfield Inn's request was for a 132 sq. ft. wall sign which was 28 ft. less than a high-rise sign. Ms. Strogin stated that was comparing two completely different signs.

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Chair Morel stated he did not like high-rise signs. However, he didn't feel this property should remain a weed field forever. He added Fairfield Inn/Marriott was business that should be welcomed. He added he did however agree that an 80 sq. ft. sign was too small for the building and that the 132 sq. ft. wall sign facing I-71 and being on the front of the building made more sense.

Mr. Brennan responded to Ms. Strogin's comments about buying land closer to I-71. He continued the vacant land to the east has wetlands as well a permanent riparian drainage ditch. There is no opportunity to buy land closer to I-71.

Chair Morel stated he could see how a hotel needs signage visibility. If that is the sign the applicant wants then that is what the Board should consider but added he felt the other sign requests should be denied.

Mr. West stated the request before the Board was for a 132 sq. ft. wall sign. He continued, yes there are two other signs being requested but felt each request should be voted on separately or all three requests would need to be read into the record. After discussion, the Board agreed that the large sign should be dealt with separately and the other two sign requests could be combined.

Mr. Brennan stated if it pleased the Board. Mr. Patel would withdraw his request for sign B which is the south facing sign on Rt. 18. He added that Sign C facing Rt. 18 was more of a directional sign showing where to enter to reach the hotel.

Mr. Patel stated the franchise would want the sign facing I-71. It was important for branding purposes. He added he did not know the next size down sign that was offered by the franchise.

ZI Ridgely stated the building was 232 ft. in length along I-71.

Board members Stopa, Blakemore, Morel and Gray stated they could see supporting the variance request for the 132 sq. ft. wall sign due to the scale of the building. Mr. West stated it was a very large sign. He added, yes it may look proportional on the building but there was nothing in the code that addresses proportionality. The proposed sign is almost twice the allowed square footage. Mr. West suggested considering the Duncan Factors at this time.

Ms. Strogin stated regarding her comment about buying land closer to I-71, once that business is gone, every business thereafter is going to want a much larger sign. It is a bad precedence to set that if you aren't within the 660 ft. of the Interstate, the Township will let you have a larger wall sign. She added she was sure there were multiple sign sizes offered by Marriott for branding purposes.

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Mr. Patel stated he did not know what the next size down was for a wall sign. The sign facing I-71 was important for attracting customers as well as branding purposes. This is the front of the building.

Hearing no further comments by the Board members, the Board considered 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 it was 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 stated no, but the other businesses will want a larger sign.
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 stated yes.
6. Whether the problem can be solved by some other manner other than the Granting of the variance? The Board stated the business could stick with the 80 sq. ft. permitted.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated given the proportion of the building he felt the Granting of the variance request did meet the spirit and intent of the Resolution.

Mr. Blakemore made a motion to approve a 52 sq. ft. variance for a wall sign to be no larger than 132 sq. ft. on the east side of the building for the property located at 3125 Eastpointe Dr. It was seconded by Ms. Gray.

Mr. Stopa stated the variance request was substantial but he could accept that given the size and scope of the building.

Mr. West stated the variance is huge and he is troubled by the fact that nobody knows and the Board is not requesting the applicant to look into what smaller signage is offered in a project this significant.

ROLL CALL-Blakemore-yes, Gray-yes, Stopa-yes, West-no, Morel-yes.

Secretary Ferencz read the second variance request into the record. The applicant is Aashish Patel, Sunrise Hospitality. The street address requesting the variance is 3125

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Eastpointe Dr. Present zoning is B-G. Previous variance requests-non. Variation requested: 605 I.1-Requesting variance to allow more than one wall sign larger than 80 sq. ft. to meet the hotel franchise standards and install sign “B”.

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of the variance will not be detrimental to the public interest or to property or improvements in such district and will not materially impair the purpose of the Resolution.

The response is as follows:

- A. The location of this hotel is 743 ft. from S.R. 18 and 1372 ft. from I-71 and is located behind another 3-story building which reduce its visibility form the highway
- B. Multiple signs and size are the requirement of the franchise. Eleven other buildings in this subdivision have high-rise signs due to the location of the subject building being greater than 660 ft. from the I-71 right of way, a high-rise sign in not permitted.
- C. The surrounding parcels are all in the same B-G zoning district. Business users include hotels, restaurants and automotive/motorcycle dealerships. Additional signage will not impact surrounding properties. The proposed signage will be harmonious with the existing business and existing signage.

The applicant stated he would be willing to withdraw Sign B application. Chair Morel stated he would rather vote on the application; that way the applicant could not come back before the Board with another request for signage. Mr. Patel stated he understood and agreed. He added that way he could go back to the franchise and say the variance request was denied.

Mr. Stopa made a motion to deny the variance request for second wall sign (92 sq.ft) Sign “B” proposed to be located on the south side of the building for the property located at 3125 Eastpointe Dr. as presented. It was seconded by Mr. West.

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 it is.
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.

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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 stated yes.
6. Whether the problem can be solved by some other manner other than the granting of a variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Mr. West stated the spirit and intent of the Resolution was met with the Board's decision to approve the variance request (Sign A). The rest of the Board agreed.

ROLL-Stopa-yes, West-yes, Blakemore-yes, Gray-yes, Morel-yes.

Secretary Ferencz read the third variance request into the record. The applicant is Aashish Patel, Sunrise Hospitality. The street address requesting the variance is 3125 Eastpointe Dr. Present zoning is B-G. Previous variance requests-non. Variation requested: 605 I.1- Requesting variance to allow a canopy sign to meet the hotel franchise standards and install sign "C".

Please explain A. How the strict application of the Resolution will result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution B. What exceptional circumstances or conditions apply to this property that do not generally apply to others in the same district C. why the granting of the variance will not be detrimental to the public interest or to property or improvements in such district and will not materially impair the purpose of the Resolution.

The response is as follows:

- A. The location of this hotel is 743 ft. from S.R. 18 and 1372 ft. from I-71 and is located behind another 3-story building which reduce its visibility form the highway
- B. Multiple signs and size are the requirement of the franchise. Eleven other buildings in this subdivision have high-rise signs due to the location of the subject building being greater than 660 ft. from the I-71 right of way, a high-rise sign in not permitted.
- C. The surrounding parcels are all in the same B-G zoning district. Business users include hotels, restaurants and automotive/motorcycle dealerships. Additional signage will not impact surrounding properties. The proposed signage will be harmonious with the existing business and existing signage.

Mr. Weiss stated this sign would face south on the east side of the building.



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Mr. Blakemore stated he had no problem with the sign as it would be a good directional to show people where to go when they pulled into the property. Mr. Stopa and Ms. Gray agreed.

Ms. Strogin stated this was not a directional sign. The code allows for directional signs to be on the ground not to exceed 4 sq. ft. This is an additional signage request.

The Board then considered 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 it is another sign request.
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 stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes, directional signs could be used.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated he felt the sign was just letting people know where to go and felt it was not that obtrusive. The rest of the Board agreed.

Mr. Blakemore made a motion to approve a variance for an additional canopy support sign not to exceed 15 sq. ft. (Sign C) facing south on the east side of the building for the property located at 3125 Eastpointe Dr. It was seconded by Mr. Stopa.

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

**Zoning Workshop**

March 29, 2016 at Montville Township.

The February 17, 2016 meeting minutes were approved as written.

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Having no further business before the Board, the hearing was officially adjourned at 8:45 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

  
Ed Morel, Chairperson