

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
SEPTEMBER 21, 2016**

Acting Chairperson Bill West called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members West and Gray were present. Permanent members Morel and Stopa were absent. Alternate members Payne and Williams were present and sat on the Board this evening.

Acting Chair West explained the procedures of the hearing. He stated that there was a 4 member Board sitting this evening which meant in order for a variance to be granted it would take 3 members to vote in the affirmative to approve. A tie vote would result in a denial of the request.

Don Basch Jeweler's variance requests- 3875 PEARL RD

Secretary Ferencz read the application into the record. The applicant is Don Basch Jewelers. Address of the property requiring the variance-3875 Pearl Rd. Present Zoning-BI. Previous variance requests-none.

Variances being requested:

Section 406.3.C-71.50' building setback

Section 306J.A landscape 19.50'

Section 605H. Ground Sign 9' and 605H. Request for square footage increase of 38.50 square feet. A 6.5' variance.

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 following was an attachment to the application.

In accordance with the request for variance form:

Section # 406.3C request for building setback-71.50 ft.

Section # 306.J a request for landscaping setback-19.50 ft.

Section # 605 H. request for sign setback Ground Signs 9 ft.

Section # 605H. Request for increase in square footage of sign to a maximum of 38.5 ft.

No. 5 Please explain

- A. The widening of Pearl Rd. has created a hardship not allowing us to provide the proper setbacks for the Building, Sign and Landscaping of our property (exhibit A & B)
- B. The widening of Pearl Rd. has created our inability to meet the required resolution setbacks. (Exhibit A & B).

- C. The variances requested will not create a hazard to other surrounding properties and will actually enhance the look of the community. (exhibit A)
- D. The widening of Pearl Rd. has created a hardship with the visibility to the building. Therefore requiring a slightly larger square footage sign to have the same visibility with the tightening of the curve of the road, added poles and that we are sitting 2 feet below the road. (Exhibit A)

We considered all of the Duncan Factors used in the Board of Zoning Appeals decisions when asking for our variances.

1. No, it will not yield a reasonable return
 - a. If we are not visible from both the north and south to the public we cannot attract business.
 - b. Proper landscaping to direct water and plowed snow away from the building since we are 2 ft. lower. (landscaping)
2. Is the variance substantial
 - a. No we do not feel the variance is substantial or requested with necessity.
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.
 - a. No. conversely, the character of the neighborhood would be enhanced by the quality of the sign and landscaping. It would not affect any other property owners.
4. Will the granting of this variance adversely affect the delivery of governmental services?
 - a. No. strictly on our property with no obstruction to governmental services.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions?
 - a. Yes we did, however we were not aware of the widening and did check with ODOT before purchasing and were told no funds were allocated or planned on being allocated to a widening or road project being that we heard it had been talked about for years.
6. Whether the problem be resolved by some other manner other than granting the variance.
 - a. No, because the property tapers more and this is the largest and most visible area for the sign. There is no way to move the building and the landscaping is necessary for water drainage, not only aesthetics.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution?
 - a. We definitely feel the granting will uphold the spirit of the resolution and are necessary due to the widening of the road which was not there when the resolution was created.

The applicant, Mr. Don Basch of Don Basch Jewelers was sworn in. Acting Chair West asked if Mr. Basch wanted to move forward with his request this evening or wait until a full Board was present. Mr. Basch stated he would like to move forward this evening.

Mr. Basch submitted a picture of the proposed sign when he was denied by the Zoning Commission. It was a picture from the south looking north of the property in question. He stated because of the tightening of the curve and the closeness of the road they have picked up a telephone pole. He continued they took the existing sign down and positioned it in best opening in the front of the building where they would like the sign to be located. Mr. Basch stated they would like to narrow the sign to 7 ft. and be 5 ½ ft. tall so they would still have enough vertical height to be able to print things and have visibility as traffic is travelling 35 mph. towards the sign to the south as the mass of the population is to the south. Mr. Basch continued that they did experiment with other sign locations but the expense and visibility were not good.

Ms. Gray asked if this was a digital sign. Mr. Basch stated the bottom half would be.

Mr. West asked why the request for a larger ground sign. Mr. Basch stated for the visibility of the print. The requested height would be able to make the print larger so it could be seen. The two poles are stationary and a hindrance to the visibility of the sign due to the actions of ODOT.

Mr. West stated because how Rt. 42 is now laid out and the poles those are the issues that go to the request of a variance to the size of the sign of 6.5 sq., ft. Mr. Basch responded yes. He added he did not want to cross the 10 ft. height requirement because the new road is 2 ft. above where the building stands.

Mr. Payne asked if the existing shrubbery would be moved. Mr. Basch stated yes, it would all be redone. He added they did not do anything as of this time regarding the shrubbery because ODOT had the ability to rip everything out right up to the building. They did not know what ODOT was going to take or not going to take. Mr. Basch stated they pulled up the existing brick that was around the sign as that brick could not be purchased anymore. They did that so they could put back something similar to what was there before.

Ms. Strogin Chair of the Zoning Commission was sworn in. She stated that ODOT was widening Rt. 42 which was causing a detriment to the older businesses on that road because they were built very close to the road. She continued the reason she had the applicant ask for a variance on the building was because as it stands right now it is a pre-existing, non-conforming building and cannot meet the current setback requirements. If you grant the variance for the building setback the property will become whole and won't be tagged as preexisting non-conforming use.

Ms. Strogin asked about the overall height of the proposed sign. Mr. Basch stated it would not be taller than 10 ft. in height. He added with the road being 2 ft. higher they don't want the sign to be as tall as the gutters of the building. Ms. Strogin stated the Commission did not see a visual picture of the sign, but it was stated this evening that the bottom portion would be digital and wanted to make sure Mr. Basch was aware of the

regulations for a digital sign. Mr. Basch stated yes he was aware of the requirements and the sign would be in compliance.

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? Mr. West stated probably but the difficulty is based on the widening of Pearl Rd. by ODOT. He added he felt the variances were reasonable requests to be in compliance with the zoning code based on the actions of the State with the widening of Pearl Rd. The rest of the Board agreed.
2. Is the variance substantial? Mr. West stated yes but as a result not of the actions of the applicant but of the State. The rest of the Board agreed.
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, however actions were taken by the State that changed the configuration of the road the business is on.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Mr. West stated the property could be left non-conforming but the best solution is to grant the variances to bring the property as close to compliance as possible with the Zoning Resolution. The Board agreed.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Mr. West stated he felt the first three variances definitely as they are were due to the change of the right of way by the State, but would like the Board to consider the size of the sign as a separate issue. The Board agreed.

Mr. Payne made the following motions. A motion to grant an area variance request of 71.50 ft. of Section 406.3C Minimum Front Yard Depth-80 ft. from road right of way for the building ; A motion to grant an area variance of 19.50 ft. of Section 306J.A.Landscaping Requirement-Minimum of 20 ft. depth. A motion to grant an area variance of 9 ft. of Section 605H. Ground Sign Setback-10 ft. from road right of way due to the widening of Pearl Rd. by the State for the property located at 3875 Pearl Rd. It was seconded by Ms. Gray.

ROLL CALL-Payne-yes, Gray-yes, Williams-yes, West-yes.

Mr. Basch stated the reason for the variance for the size of the sign was because the size of the way the boards come. For us to do something legible...that is why we went more vertical to be able to accommodate the print to be seen.

Ms. Strogin stated when the Zoning Commission dealt with the sign it was going to be the same sign they had they were just trying to relocate it.

Mr. Payne made a motion to grant an area variance of 38.5 sq. ft. of Section 605 H. Ground Sign size-32 sq. ft. for the property located at 3875 Pearl Rd. not to exceed 10 ft. in height. It seconded by Ms. Gray.

ROLL CALL-Payne=yes, Gray=yes, Williams=yes, West=yes.

Weymouth Crossings variance request-corner of Huffman Rd. and Crimson Harvest Lane

Secretary Ferencz read the application into the record. The applicant Ryan Homes. Address of the property requiring the variance-corner of Huffman Rd. and Crimson Harvest Lane. Present Zoning-UR. Previous variance requests-none. Variance being requested- Section 605.B. Subdivision Sign. Seeking relief from the 25 ft. setback requirement. We are seeking relief from Section 605.B. Subdivision signs from a 25' setback from the ROW to 7.5' from the ROW. A 17.5' variance is requested.

We would like to create a pleasing entry with proper identification through the use of a subdivision sign on the north side of the entry on Huffman Rd. and Crimson Harvest Lane.

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:

We are seeking relief from Section 605.B "Subdivision Signs" from a 25' setback from the ROW to 7.5' from the ROW. A 17. Ft. variance is requested.

Practical difficulties have required us to shift the entry sign wall sign forward toward Huffman Rd. infringing on the 25' setback requirement.

- Per the county request the ROW on Huffman Rd. was widened by 5' pushing the ROW back an additional 5' into the site.
- A 20' storm easement lies adjacent to subplot 1 which is where the entry sign would go to meet the township setback requirements. The storm line is required to

provide drainage for the intersection area and still have enough fall to allow the water to drain to the retention basin to the north. The storm line cannot be moved to another location and still function properly.

- First Energy is now requiring additional power poles be located on Crimson Harvest Way to facilitate servicing the transformer/coupler from a secondary road. First Energy's policy has changed to make this a requirement for new services. The requirement places the new power poles in front of the entry sign if we move the wall to the east of the storm easement.
- Pushing the sign north will impact protected wetlands and take the sign away from the entry.
- The north side of the entry is the logical placement for the identification sign as most traffic will be coming from the south. Placing the sign on the south will negate its identification value. Access to the community from the north will be using the future Weymouth Road entry. An ornamental fence and plantings will be placed on the south side of the entry to balance the entry feel.
- The resulting open space is a narrow parcel approximately 22' wide from the ROW to the storm easement.
- We have placed the sign as far east as we can up against the storm easement to provide as much setback as possible and have reduced the size down as much as possible to maintain effectiveness and to minimize the impact to the setback. The county does not allow structures in their easements.
- We have placed the sign in the only spot the sign can be placed and still be effective.

Granting this variance will not be detrimental to the public interest:

- Safety: Sight lines for safe ingress and egress will be maintained. (See gray sight triangles on sketch).
- The location does not materially impair the purpose of the resolution or impact the surrounding area as the sign provides an identity to the new community being situated off Huffman Rd. in a landscaped bed/mound that will provide an appealing entry to the new community.
- We are only placing 1 monument sign at the entry rather than a sign/wall on each side of the entry thereby reducing the visual impact.

The applicant, Keith Mitchell from Ryan Homes was sworn in. Acting Chair West asked the applicant if he wanted to move forward with the variance request with the 4 member Board. Mr. Mitchell stated yes. Acting Chair West then asked the applicant the following questions? 1. You built a new development off of Huffman Rd. and that included determining the drainage of the site. Why now are you asking for a variance for signage when that should have been part of the engineering and development of the site from the beginning? Mr. Mitchell responded it was an oversight on their part and the storm easement went over the first subplot because we had to put in the first catch basins to address the storm water before it enters Huffman Rd. Mr. Mitchell continued the water has to make it to the pond so the easement had to run to the north. Acting Chair West

asked the applicant wasn't all this taken into consideration from the beginning regarding how that would affect the subdivision sign? Mr. Mitchell stated it should have but apparently it wasn't.

Mr. Payne asked how many homes were going to be built in the subdivision. Mr. Mitchell answered, 70 homes. Mr. Payne asked if the sign was directional. Mr. Mitchell stated the sign was one sided and would be seen from Weymouth because we feel most of the traffic that would come to the subdivision to consider purchasing a home would come from the south. We will eventually have an entry way off of Weymouth Rd. and people coming from the north will come in that entrance. That is part of Phase 2 of the subdivision in which we will be required to widen Weymouth Rd. Acting Chair West stated that the sign placement better be taken into consideration when that takes place.

Mr. Payne asked if Huffman or Weymouth was going to be the main entrance into the subdivision. Mr. Mitchell stated Weymouth Rd. He added the model home would be off that entry.

Ms. Gray asked how soon would Weymouth Rd. be widened. Mr. Mitchell responded probably next summer. We are required to put a left turn lane in.

Ms. Strogin stated that last year the Zoning Commission revised the zoning code to allow developments that have separate entrances to have a sign at each ingress/egress.

Acting Chair West stated the first bullet point per the applicants request stated, Per the county engineer's request the ROW on Huffman Rd. was widened by 5' pushing the ROW back an additional 5' into the site. That was done solely because of the development? Mr. Mitchell stated yes.

Acting Chair West then asked about the second bullet point which read, First Energy in now requiring additional power poles be located on Crimson Harvest Way to facilitate servicing the transformer/coupler from a secondary road. First Energy's policy has changed to make this a requirement for new services. The requirement places the new power poles in front of the entry sign if we move the wall to the east of the storm easement. When did this change in requirement occur? Mr. Mitchell stated they just found out about it now. He continued when supplying power to a subdivision one usually goes to the nearest power pole but now they are requiring a new pole because they do not want their trucks to service the transformers on a main road for less traffic control issues.

Acting Chair stated the zoning code requires a 25 ft. setback from the road right of way and asked Ms. Strogin what was the reason for the setback. She responded, so it identifies the subdivision but does not stick out in the road. Ms. Strogin stated regarding the county requirement of 5 ft. of additional right of way; the County has been doing that for years.

Acting Chair West added and the setback requirement is for a safety reason so the signs would not be too close to the road right of way. Ms. Strogin stated that was correct as well.

Mr. Mitchell stated sight distance studies for the subdivision were completed by Rolling and Hocevar Engineering. Acting Chair West stated per the drawing it shows that there is more than a football field sight distance in both directions with the sign in place. Mr. Mitchell stated yes. Behind the right of way you still have the ditch before you get to the edge of the road.

Ms. Trisha Campbell (4253 Huffman Rd.) was sworn in. She stated her and her husband are contiguous property owners directly to the south. She stated she was concerned about the line of sight when pulling out of our driveway. Acting Chair West stated it would appear that the sign as proposed on this plan, per the engineer, would not impact the line of sight. Acting Chair West asked the height of the sign. Mr. Mitchell stated 5 ft.

Mr. Payne stated if the sign was moved back it would be in subplot #1? Mr. Mitchell stated no, it would be in the storm water easement. If you go past that you would be in the first lot.

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 yes, significantly substantial.
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. The sight line per the engineers would not cause significant issues concerning neighbor's sight lines.

Board member Grey stated she was very familiar with the hill on Huffman Rd. as she drove it back and forth to work.

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 problem could be partially solved by taking the angle out of the sign and pushing it right up to the storm sewer so it would not create this level

of variance. While there are limited opportunities there are opportunities available to look at a significantly smaller variance request.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The requirement is there principally from a safety perspective.

Ms. Grey asked Ms. Campbell the distance from her home to where the sign was proposed to be placed? Ms. Campbell stated she did not know exactly but asked what the depth of the lots were next to them? Mr. Mitchell stated approximately 180 ft. and then another 30 ft. plus the width of the road.

Mr. Bradley Campbell (4253 Huffman Rd.) was sworn in. He stated the ingress/egress from the development, plus the people coming from the south up Huffman Rd. and people pulling out of their driveways on Huffman is not a very safe situation. The speed limit is 45 mph and is too fast for that neighborhood. I agree that the signage placement should have been mapped out from the beginning.

Acting Chair West stated because of the angle of the sign and size of the sign; it will be within 7.5 ft. of the ROW as proposed requiring a variance of 17.5 ft. That is a substantial variance.

Mr. Payne made a motion to deny a 17.5 ft. area variance request of Section for the placement of a subdivision sign for Weymouth Crossings due to safety and other potential placement options for a subdivision sign to be placed at Huffman Rd. and Crimson Harvest Lane. It was seconded by Ms. Grey

ROLL CALL-Payne-yes, Grey-yes, Williams-yes, West-yes.

Ms. Strogan stated that the first lot on Crimson Harvest is the model home. In the past when there has been an issue, some developers have put their subdivision sign on the corner lot of the model home. When they sell that home, they have a provision that the sign must be there and be maintained as part of the deal of the sale.

Mr. Payne stated that would place the sign back 42 ft. which is way beyond the requirements of the zoning code of a 25 ft. setback.

Secretary Ferencz state there is a zoning workshop to be held on November 4, 2016 in Mayfield Village. Anyone interested in attending must let the Township Secretary know by September 30, 2016.

The July 20, 2016 meeting minutes could not approve the minutes as there was not a quorum from that meeting present this evening.

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Having no further business before the Board, the hearing was officially adjourned at 8:42 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

A handwritten signature in blue ink, appearing to read "William West", with a long horizontal flourish extending to the right.

William West, Acting Chairperson