

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
SEPTEMBER 15, 2021**

Chair Blakemore called the public hearing of the Medina Township Board of Zoning Board of Appeals to order at 7:00 p.m. Permanent members Gray, Morel, and Greene were also in attendance. Permanent member Payne was absent. Alternate member Bill Ostmann sat in for a full 5-member Board.

**Kulon variance request-4577 Joey's Lane**

The application was read into the record. The applicant is Bridgeport Custom Homes, Jason Cassidy. The property owners are Christopher & Delores Kulon. The street address requesting the variance is 4577 Joey's Lane. Present Zoning: SR. Previous variance requests-No. Variation requested and reason: 402.3.E-Minimum Side Yard Depth-20 ft. Requesting an 8 ft. variance on the north side due to a storm water easement that is in place on the south property line. The lot has severe slope issues the further we push the house back, and this will affect the rear of the house if 20' is required. The customer also purchased the lot with the assumption that a 12' side yard was already approved due to the language on the cover of the plat.

The applicant, Mr. Jason Cassidy from Bridgeport Custom Homes was sworn in. He stated this lot has been for sale for a long time. It has definite constraints to build a house on. The owners bought the lot based on the language on the plat that the side yard setback was 12 ft.

Chair Blakemore asked, what if the variance is not granted. Mr. Cassidy responded, then the owners could not build on the lot.

Mr. Morel asked the size/type of house to be built. Mr. Cassidy answered a 2,600 sq. ft. ranch.

Mr. Ostmann asked what it stated on the plat. Mr. Cassidy responded, the cul de sacs in this subdivision were allowed to have all different setbacks. That particular restriction said if a lot had an existing easement, then the side lot line could be reduced. We did not know this was not the case until we started the zoning process to get a permit to build the house. By that time the customer had already closed on the lot.

Mr. Morel stated it appeared more than ½ the lot was the drainage easement. There is a small flat spot to build on and then the rear of the property drops off pretty severely.

Mr. Cassidy stated he went to Medina County Storm Water Management Dept. and asked if there was anything he could do or any agreement he could enter into, to let him use the easement to put the driveway in. Mr. Cassidy stated Storm Water agreed to let him put the driveway in the easement and no additional work was required to be done.

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Mr. Greene stated he went to see the property Monday, and there is really just one low spot on the lot that a house could be built on. We granted a similar variance on the property to the right of this lot. (On July 21, 2021, a motion was made to grant a 10 ft. front yard depth variance for the construction of a home at 4565 Joey's Lane as presented.)

Mr. Morel stated he could agree to support this variance. The house is reasonable in size.

Ms. Strogan, Chair of the Zoning Commission was sworn in. She then gave the history on this subdivision. We (Township) told the developer that there were 7 lots that technically met code; but would be extremely difficult to build on and he should consider reducing the number of lots which he did not. Then a few months ago he wanted the Township to make things better and the only way to do that was by the granting of variances. On all the signed plot plans that were approved there was no mention of a 12 ft. side yard setback. It appears the developer put that wording on the cover of the documents to try and correct his own mistake of not making the lots more "buildable." We (Township) told him the only remedy was to request variances on these 7 lots.

Having 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 no.
  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 stated no.
  - 4 Will the granting of the variance adversely affects the delivery of governmental services? The Board stated no.
  5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Mr. Greene stated he believed no. If that deed was recorded what else could the property owners do. Chair Blakemore stated they also could have looked up what the zoning code permits prior to purchase.
- Mr. Cassidy interjected, the owners were sent the recorded documents and also the cover page which was produced by the developer with the wording of the 12 ft. side yard setback.
6. Whether the problem can be solved by some other manner than the granting of the variance? The Board stated yes. Mr. Ostmann stated yes, a much smaller

house could be built.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Greene made a motion to grant an 8 ft. side yard depth variance for the construction of a home to be 12 ft. from the north property line for the property located at 4577 Joey's Lane as presented. It was seconded by Ms. Gray.

ROLL CALL-Greene-yes, Gray-yes, Ostmann-yes, Morel-yes, Blakemore-yes.

The variance request was granted.

**Key Bank variance request-2577 Medina Rd.**

The application was read into the record. The applicant is Mr. Bruce Danko, KeyBank Senior Corporate Real Estate Specialist. Jason Cassidy. The property owner is KeyBank-Corporate Real Estate. The street address requesting the variance is 2577 Medina Rd. Present Zoning: BG. Previous variance requests-No. Variation requested and reason: At this time, KeyBank is requesting an increase in allowed signage area for their proposed ATM kiosk directional sign. The sign is not to exceed 4 sq. ft. in area per Article VI, Section 605 L. of the Medina Township Zoning Code.  $2.31\text{ft.} \times 11.17\text{ft.} = 25.8 \text{ sq. ft.}$

Reasons for the variance request: Branding improves recognition. KeyBank's name and logo serves as the face of the company and its what clients and non-clients instantly recognize and creates a memorable and powerful experience, as well as an overall positive perception. Furthermore, branding builds trust and professionalism along with lasting impression of convenience. KeyBank seeks to maximize ATM kiosk branding due to the overall small footprint of the ATM drive up structure and as a new niche offering in the area. Attraction and ATM usage will generate support for other surrounding businesses in and around Plaza 71.

Secretary Ferencz stated there was a letter of support for the variance requests from the President of Plaza 71.

Mr. Bruce Danko, and Ms. Laurin Gelin from Key Bank were sworn in.

Ms. Gelin began by stating Key Bank is interested to expand their presence in the Medina area. In order to put in the new ATM at Plaza 71 and generate business; we believe visibility is very important. Therefore, we are looking to put Key Bank branding on both sides of the kiosk which includes the key symbol and name, on the east and west elevations. Ms. Gelin added, we believe with the kiosk being located in Plaza 71, it should have an effect on generating more business for those entities that are located in the plaza.

Ms. Gelin continued that Key Bank has been denied by the landlord to have a tenant panel placed on the existing pylon sign because he is reserving that space for large tenants only. Therefore, the only signage we will have on the drive-up ATM will consist of the ATM kiosk island directional sign not to exceed 1.3 sq. ft as that was approved by the Commission.

Mr. Danko then addressed the Board and handed out a picture of the site and where the ATM would be located in the Plaza. This kiosk would be next to Duncan Donuts. The Duncan Donuts sign is approximately the size of the proposed kiosk. Mr. Danko added we are looking for a wall sign comparable to the pylon sign. He stated all have is an 8 sq. ft. sign the Commission approved previously. According to Section 605 I. we could conceivably have an 80 sq. ft. sign.

Chair Blakemore then asked, why did you apply then for a directional sign which can only be 4 sq. ft.?

Mr. Morel interjected, there will only be an ATM there on site? Nothing else? Mr. Danko stated that was correct. It would not be manned. We are asking for a 25 sq. ft. directional sign on each side (east and west). Each sign would be double-sided.

Chair Strogan stated the code allows for a 1 sq. ft. of wall signage for each linear foot of frontage of the structure not the lot. Therefore, the linear frontage was 9 ft. so the Commission approved an 8.1 sq. ft. sign as requested. The code only allows one wall sign unless it was a corner lot. Key Bank wanted the larger signs on the east and west. The Commission suggested they go for a directional sign (which was permitted to be 4 sq. ft.) and would not need to be approved by the Commission but could be done administratively by the Zoning Inspector. They are not entitled to any other signage. Key Bank color is red, Huntington is green and Chase is blue. People will know whose kiosk it is. Another option could be for them just to have the key symbol sign on the east and west signs. The variances requested are large. Chair Blakemore interjected, yes it was 600%. Mr. Ostmann commented, it was a substantial variance request.

Mr. Greene asked, "why couldn't they have two wall signs?" Ms. Strogan responded because Duncan Donuts is the corner lot. Mr. Greene stated Plaza 71 is one parcel. Ms. Strogan stated the kiosk is not a corner parcel. Duncan Donuts is the corner. Mr. Greene stated the code states one sign per parcel. Chair Blakemore stated the request before us is for two directional signs. If the applicant wants to research the accuracy of Mr. Greene's comments, then they can do so; but the request before us the Board is for two double-sided directional sign-25 sq. ft. each.

Ms. Strogan stated even if Mr. Greene's interpretation is correct, Key Bank would only be permitted one sign. When there are structures there like in Plaza 71... the structure on the corner lot is Duncan Donuts.

Mr. Ostmann stated he would like a legal opinion from the Prosecutor on Mr. Greene's interpretation. Mr. Greene stated the legal opinion from the Prosecutor is not binding it's just an opinion from a lawyer. Mr. Ostmann stated he would still request a legal opinion if the applicant wanted to pursue that avenue.

Ms. Gelin stated we still want the Board to consider the request before them as we feel with the traffic direction plus the divided highway on Rt. 18 the small sign at the top of the ATM is not going to be enough to get people's attention in their vehicles. The signage proposed will give us much more visibility. The word ATM is applicable to any bank. According to our internal powers, we are no longer able to use just the key for our branding.

The Board asked the applicants if they wanted the Board to consider both signs (application A & B) together or each individually. Ms. Gelin stated she would like each sign to be considered separately.

Mr. Danko added they would need to come back before the Commission to have another directional sign approved. That sign would be a stand-alone sign consisting of 4 sq. ft. Ms. Strogan stated that sign would not have to come back for approval. The Zoning Inspector can just write a permit for it.

Ms. Gelin again stated she would like to have each sign considered individually.

Having 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 very. It was 600%.
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 than the granting of the variance? The Board stated yes.

7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated no.

Mr. Morel made a motion to deny the directional sign request for Key Bank's ATM kiosk (application A) as presented. It was seconded by Ms. Gray.

ROLL CALL-Morel-yes, Gray-yes, Greene-no, Ostmann-yes, Blakemore-yes.

The variance request was denied.

The Board then considered application B which was identical to application A.

The application was read into the record. The applicant is Mr. Bruce Danko, KeyBank Senior Corporate Real Estate Specialist. Jason Cassidy. The property owner is KeyBank-Corporate Real Estate. The street address requesting the variance is 2577 Medina Rd. Present Zoning: BG. Previous variance requests-No. Variation requested and reason: At this time, KeyBank is requesting an increase in allowed signage area for their proposed ATM kiosk directional sign. The sign is not to exceed 4 sq. ft. in area per Article VI, Section 605 L. of the Medina Township Zoning Code.  $2.31\text{ft.} \times 11.17\text{ft.} = 25.8 \text{ sq. ft.}$

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Ms. Gelin stated she knew this signage request (application B) would also be denied. She then asked; that being the case; could they put up (2) 4 sq. foot directional signs on the east and west side of the sign? The Board responded yes, as that was permitted per the code.

Having 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 very.
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 affects 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 than the granting of the variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated no.

Mr. Morel made a motion to deny the directional sign request for Key Bank's ATM kiosk (application B) as presented. It was seconded by Ms. Gray.

ROLL CALL-Morel-yes, Gray-yes, Greene-no, Ostmann-yes, Blakemore-yes.

The variance request was denied.

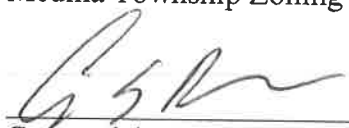
**MISC.**

The minutes to the Board's June 16, 2021 and July 21, 2021 hearings were approved as written.

Having no further business before the Board, the hearing was adjourned at 7:49 p.m.

Respectfully Submitted,

Kim Ferencz  
Medina Township Zoning Secretary



Carey Blakemore, Chairperson