

**MEDINA TOWNSHIP  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
October 20, 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, Payne, Blakemore and Greene were in attendance. Permanent member Morel was absent. Alternate member Bill Ostmann sat in for a full 5-member Board.

**Thrill Point Motorsports variance request-3057 Eastpointe Dr.**

The application was read into the record. The applicant is Mr. Albert Haddad from Ellet Sign Company. The property owner is CC2 Enterprises LLC. The street address requesting the variance 3057 Eastpointe Dr. Present Zoning: BG. Previous variance requests-Yes. Variation requested and reason: I-71 facing signs. Section 605 I.1. We request a variance to increase the signs square footage by 20.7 sq. ft. to a total of 106.7 sq. ft. from the 80 sq. ft. allowed. The larger sign improves legibility, readability and looks nicer.

Mr. Albert Haddad from Ellet Sign Company and Mr. Tom Demrovsky one of the owners, were sworn in. Mr. Haddad stated there are two existing signs, one on the main entrance by I-71 and the other on Eastpointe Dr. The signs were approved by variance granted by the BZA. We are asking for a slight increase in the size of each sign of 20.7 sq. ft. as stated in the application. When looking at the Duncan Factors we did not feel the increase was that substantial. The larger signage does not negatively affect the neighborhood as on one side is the highway and the other the hotel.

Chair Blakemore asked the size of the existing signs. Mr. Demrovsky stated 80 sq. ft. each and they have been removed.

Mr. Greene asked, was the previous variance that was granted for a second wall sign? Secretary Ferencz stated the variance was granted for a second wall sign at the maximum size, 80 sq. ft.

Mr. Haddad stated that was correct and at a different hearing, a variance was granted for the highway sign. We are not asking for additional signage, just an increase in the two existing wall signs.

Mr. Demrovsky stated he is one of the new owners of the business; and the only visibility for this establishment is from the highway. You can't see it from Rt. 18, and it was barely visible from Eastpointe Dr.

Chair Blakemore stated it appears you want to go from an 80 sq. ft. wall sign to a 106.7 sq. ft. wall sign so that is a 26.7 sq. ft. variance not 20.7 sq. ft. variance. Mr. Haddad

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stated that was correct, 26.7 sq. ft. is the variance request. Chair Blakemore stated that was a significant increase. Mr. Ostmann interjected it was  $\frac{1}{4}$ . Mr. Haddad stated the method of measurement impacts the size of the sign. Yes 80 sq. ft. is just that, but when you have empty space around the sign not being utilized the sign itself comes smaller. When we tried to use all the space available it becomes a 20% increase.

Chair Blakemore stated Mr. Demrovsky said you can't see the sign on Eastpointe Dr. so why does it matter if its 40 sq. feet or 400 sq. ft? Why not just consider increasing the sign facing 71? Mr. Dobrowski stated the reason was uniformity. Each side of the building is basically a mirror image of the each other so it would look uniform in nature.

Mr. Ostmann stated he was familiar when this business was Rick Roush and did not see any problem with viewing the sign from the highway.

Mr. Greene interjected; one would probably not see the sign going north on 71 but could view the sign going south.

Ms. Strogin, Chair of the Zoning Commission was sworn in. She asked about the sign which read, "We buy used bikes." Mr. Demrovsky responded that sign is not there. Ms. Strogin commented it was in all the pictures submitted with the application. Chair Blakemore stated if that was the case that sign needs to be removed. Ms. Strogin stated they also have a sign down the driveway on Eastpointe Dr. It was an arrow pointing up to where the business is located so they really don't need an 80 sq. ft. sign on Eastpointe Dr. They were granted a 100% variance to have a second 80 sq. ft. wall sign, so I really don't believe a variance to make the sign bigger is necessary.

Mr. Haddad stated visibility and the aesthetics of the sign are also important. This is a brand-new dealership so it is important.

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.
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.

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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 it could really go either way.

Mr. Haddad stated in response to Duncan Factor #5, he didn't believe the new owners had previous knowledge of the zoning restrictions. Chair Blakemore responded, if you are driving in Indiana and go faster than the speed limit allows do you get out of the ticket by saying you didn't know the speed limit? One is to have knowledge of the code prior to the purchase of property.

Mr. Payne made a motion to grant a 26.7 sq. ft. variance for the wall sign (application A) facing east of Rt. 71 for the property located at 3057 Eastpointe Dr. as presented. It was seconded by Mr. Greene  
ROLL CALL-Payne-yes, Greene-yes, Gray-yes, Ostmann-no, Blakemore-yes.

The variance request was granted.

The Board then considered application B which, for the record read as follows:

The applicant is Mr. Albert Haddad from Ellet Sign Company. The property owner is CC2 Enterprises LLC. The street address requesting the variance 3057 Eastpointe Dr. Present Zoning: BG. Previous variance requests-Yes. Variation requested and reason: I-71 facing signs. Section 605 I.1. We request a variance to increase the signs square footage by 20.7 sq. ft. to a total of 106.7 sq. ft. from the 80 sq. ft. allowed. The larger sign improves legibility, readability and looks nicer.

Mr. Greene made a motion to deny the 26.7 sq. ft. variance request for the south facing wall sign for the property located at 3057 Eastpointe Dr. as presented.  
It was seconded by Mr. Ostmann.  
ROLL CALL-Greene-yes, Ostmann-yes, Gray-yes, Payne-yes, Blakemore-yes.

The variance request was denied.

Mr. Haddad asked if he needed to come before the Commission to get the 80 sq. ft. sign approved. Ms. Strogin stated no, he just needed to get a sign permit from ZI Ridgely to change the face of the sign.

**TSC variance request-3768 Pearl Rd.**

The application was read into the record. The applicant is Major Source LLC. The property owner is Addison Holdings LLC. The street address requesting the variance is

3768 Pearl Rd. Present Zoning: BG. Previous variance requests-No. Variation requested and reason: Requesting variance to install second wall sign. Section 605.I.1.

Tractor Supply has expanded not only their building structure but also the service they will now provide. With the addition of a new 4,752 green house, identification of said services is paramount. It will be an undue hardship if Tractor Supply would not be allowed an additional identification sign.

As stated above, Tractor Supply has expanded and will now provide an additional service to the Medina (Township) community.

The requested variance will be a deterrent to the zoning resolution and in this case, will further support the purpose of the resolution as it seeks to provide the needed identification for new services and for residents and transient visitors. Also, the second sign will help with wayfinding and reduce any confusion by lack thereof.

The applicant, Mr. Harrison Major was sworn in. He apologized profusely to the Board and the entire Township about any miscommunications that occurred regarding the sign for TSC's Garden Center. Mr. Major added that the sign has already been erected. He stated he thought that the permit he had when he went before the Commission was for the sign, but it was for the building addition for the garden center. This was not revealed until he went to the County to get the electrical permit for the sign. Mr. Major concluded that they fully except and will pay for any penalties or fines regarding the sign. The sign for the garden center is 45 sq. ft.

Mr. Major said this sign is very important for the addition of the garden center. There is even a drive-up lane for customers to use if they wanted. There is also a separate entrance to the garden center. This sign is necessary for the added services TSC is now offering with the garden center.

Ms. Strogin gave the background on this application. She stated Mr. Major was before the Commission last month and was adamant he had a permit for the sign. Chair Strogin stated the sign has already been erected which was not permitted and the fee for the sign will be doubled. Mr. Harrison reiterated they did receive a zoning permit for this sign. Chair Strogin asked if Mr. Harrison could produce the permit. Mr. Harrison stated he did not bring it with him as he thought he would just be turned down by the Commission and would proceed to the BZA for a variance request.

It was then determined until the situation can be rectified, that the Commission would just turn down the sign and if necessary, the applicant can make an application before the Board of Zoning Appeals if there ends up being no zoning permit issued. That is why Mr. Major is before the BZA this evening.

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.
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? 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 yes.

Ms. Gray made a motion to grant a variance for a second wall sign not to exceed 45 sq. ft. for the property located at 3768 Pearl Rd. as presented. It was seconded by ROLL CALL-Gray-yes, Greene-yes, Payne-yes, Ostmann-yes, Blakemore-yes.

The variance request was granted.

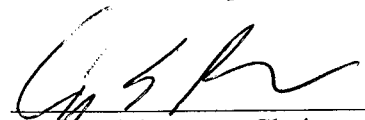
**MISC.**

The minutes to the Board's September 15, 2021 hearing were approved as written.

Having no further business before the Board, the hearing was adjourned at 7:37 p.m.

Respectfully Submitted,

Kim Ferencz  
Medina Township Zoning Secretary

  
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Carey Blakemore, Chairperson