CITY of MEDINA
Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: July 9, 2020

Meeting Time: 7:00 pm

Present: Bert Humpal, Brandilyn Fry, Mark Williams, Rob Henwood, Jonathan Mendel, (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: Paul Roszak

Mr. Williams made a motion to approve the minutes from the May 14, 2020 meeting as submitted. The motion was seconded by Mrs. Fry.

Vote:

Humpal	Y
Fry	Y
Williams	Y
Henwood	Y
Approved	4-0

Announcements: None

The Court Reporter swore in all attendees.

Old Business: None

New Business:

1. Z20-08 Ohio Valley Pizza 426 Lafayette Rd. VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance from Section 1147.14(d) of the Planning & Zoning Code to permit a secondary building frontage wall sign to be 21 square feet instead of the maximum allowed 9.25 square feet and also a variance request to Section 1147.07(B)(1) & (2) of the Planning & Zoning Code to allow outward facing sign illumination when inward facing illumination is required.

Mr. Mendel stated the property is zoned C-2, Central Business District and is located on the northeast corner of S. Court Street and Lafayette Road.

Mr. Mendel stated the applicant is opening a new business at the subject location and proposes primary and secondary 21 sqft wall signs for the existing building. Mr. Mendel stated the primary 21 sqft wall sign complies with code, but the secondary 21 sqft wall sign exceeds the maximum allowed 9.25 sqft for a secondary wall sign on this proposed building.

Mr. Mendel stated the sign illumination is proposed to be outward facing bulbs for a 'marquee' effect and look, but the code requires exterior sign lighting must be focused onto the sign not outward.

Mr. Mendel stated the Board shall weigh the following factors to determine whether an area variance should be granted:

1. ***Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health.***

   Wall sign area:
   Mr. Mendel stated construction of a conforming sign will not obstruct vision of motorists.

   Sign lighting:
   Mr. Mendel stated the outward facing external illumination may not be an obstruction to the vision of motorists as the applicant indicates the lighting is subdued, dimmable low wattage bulbs and more intended for design aesthetics versus lighting.

2. ***A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees, or other obstructions.***

   Mr. Mendel stated conforming signage will not be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.

3. ***Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.***

   Mr. Mendel stated conforming signage would not require severe alteration to significant site features.

4. ***A sign that exceeds the allowable height or area standards of this Ordinance would be more appropriate in scale because of the large size or frontage of the premises or building.***

   Wall sign area:
   Mr. Mendel stated the proposed sign may be more appropriate in scale than a conforming sign because having two signs of equal size would provide visual unity on the building.

5. ***The exception shall not adversely impact the character or appearance of the building, lot or the neighborhood.***

   Wall sign area:
   Mr. Mendel stated the proposed signs are equal size and the visual unity this provides may not detract from the neighborhood's cohesive character or appearance.

   Sign lighting:
   Mr. Mendel stated this immediate vicinity is majority commercial land uses and buildings with a variety of internal sign illumination and sign-facing external illumination. Mr. Mendel stated there is one residentially used and zoned house (110 Lafayette Road) across Lafayette Road approximately 125 feet due southeast of the wall sign on the subject building's south façade.

6. ***The variance sought is the minimum necessary to allow reasonable use, visibility, or readability of the sign.***

   Mr. Mendel stated the variances sought may be the minimum necessary to provide visual clarity and readability of the sign.

7. ***The variance will be consistent with the general spirit and intent of this Ordinance.***

   Mr. Mendel stated sign regulations are established in the Planning and Zoning Code to promote clarity in sign communications; to balance sign communications; to promote a harmonious relationship between sign types, sign locations and land uses; and to protect the public health, safety and welfare from the hazards resulting from indiscriminate placement.

Mr. Mendel stated the BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variances from sections 1147.07(B)(1) & (2) and 1147.14(d).

Present for the case was the business owner, Amy Byers. Ms. Byers stated the total square footage of both signs is less than what is allowed by code. Ms. Byers stated the

code would allow approximately 48 sq. ft. for two signs and the total amount being proposed is approximately 42 sq. ft. Ms. Byers stated the sign will bring more style and character with a Medina feel to the pizza shop. Ms. Byers stated the lights are dimmable and the sign is white so bright light is not needed. Ms. Byers stated the lights are set on a red stripe. Ms. Byers stated the lights have a very low wattage.

Mr. Williams asked which façade is the primary and which is the secondary frontage. Mr. Mendel stated the sign code, for the sake of clarity in the staff report, stated the primary and secondary frontages but this is basically a variance request for a secondary wall sign to be larger than it is allowed.

There was a discussion regarding the calculations for wall signage. Mr. Mendel stated the code allows 1 sq. ft. of signage for every 1 lineal foot of building frontage. Mr. Mendel stated the secondary wall sign is a 1 to 4 ratio.

Mr. Mendel stated the code allows the business owner to decide which side will be the primary and which side will be the secondary frontage.

Mr. Mendel stated what the applicant is proposing is less square footage than what is permitted by code but with one sign being larger than is permitted for a secondary wall sign.

Mr. Williams asked if there are any buildings in Medina with that style of bulbs. Mr. Williams stated he has concerns about the aesthetic. Mr. Williams stated he is also concerned about the enforcement of dimmable LED lights. Mr. Mendel stated he would ask that enforcement not be imposed on current or future staff because it is effectively impossible. Mr. Mendel stated the bulbs are 120v with 250 lumen dimmable bulbs. Mr. Mendel stated the building is set back approximately 12' to 15' from Lafayette and approximately 25' from Court Street.

Mr. Mendel stated it is up to the board to decide if there is a scenario where this could be really bright sign illumination.

There was a brief discussion about another sign approval given in the city recently. Mr. Mendel stated it was a totally different scenario.

Mr. Mendel stated he cannot think of anywhere in the city that has this type of marquise sign lighting other than Regal Cinema displays which are very minor.

Mr. Williams stated he is concerned about opening a can of worms by allowing this type of lighting. Mr. Mendel reminded the board that variances do not set precedence.

Mr. Humpal mentioned the letter from the architect in the packet. Mr. Mendel stated yes, it was submitted with the plans.

Mr. Humpal asked if the applicant is waiving their opportunity to have a ground sign. Mr. Mendel stated they are permitted to have a wall sign and a ground sign. Mr. Mendel stated the board could make it a condition of approval to not have a ground sign which would be a reasonable nexus.

Mr. Henwood stated he has concerns that the sign is already up. Mr. Mendel stated the applicant contacted him and stated their sign company has a specific window to install the sign. Mr. Mendel stated he told them he cannot give permission to install the sign and if they did, it would be at their own risk. Mr. Mendel stated that was on June 29th. Mr. Mendel stated the applicant has been diligent in moving through this regulatory process even though the sign was put up. Mr. Mendel stated this is not an enforcement after the fact situation.

Mr. Williams stated he does not think he can vote in the affirmative because of the lights which he feels is a different aesthetic than anywhere in Medina. Mr. Williams stated he has no issue with the sign size and he likes the signs.

Ms. Byers explained the situation of why the signs were installed prior to approval. Ms. Byers stated the bulbs are a design factor and the bulbs are very similar to Christmas bulbs. Ms. Byers stated she hopes to add character to the sign and the building.

Mr. Mendel stated the sign code strictly prohibits flashing or movement of the lights. Ms. Byers stated they are not going to be running lights but only off or on and they are dimmable to whatever level the city would agree to.

Mrs. Fry stated she really likes the sign and does not have an issue with the lights which add character to the building.

Mr. Henwood stated he is ok with the 25 watt light. Mr. Humpal agreed.

Mr. Henwood made a motion to approve a variance from Section 1147.14(d) of the Planning & Zoning Code to permit a secondary building frontage wall sign to be 21 square feet instead of the maximum allowed 9.25 square feet and also a variance request to Section 1147.07(B)(1) & (2) of the Planning & Zoning Code to allow outward facing sign illumination when inward facing illumination is required for 426 Lafayette Road based on the finding that the granting of the variances will not adversely impact the character or appearance of the building or the lot or the neighborhood and the variance is consistent with the general spirit and intent of the ordinance.

The motion was seconded by Mr. Williams.

Vote:

Humpal	Y
Williams	Y
Henwood	Y
Fry	Y
Approved	4-0

Mr. Humpal discussed the Courthouse meeting held a week or so ago. Mr. Humpal stated there may be two variances to consider for that project. Mr. Humpal stated the first is the height of the building which exceeds the maximum height of 45 ft. and the proposed building may be 50+ ft. in height.

There was a brief discussion on the subject of the proposed courthouse building.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sandy Davis

Sandy Davis

Bert Humpal

Bert Humpal, Chairperson