



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: June 13, 2019

Meeting Time: 6:00 pm

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

Absent: None

Mr. Williams made a motion to approve the minutes from the May 9, 2019 meeting as submitted. The motion was seconded by Mr. Henwood.

Vote:

Rozsak	<u>abstain</u>
Humpal	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Fry	<u>abstain</u>
Approved	3-2 abstentions

The Court Reporter swore in all attendees, board, and staff.

Old Business:

1. Z19-10 625 Bowman Lane City of Medina VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request from Section 1115.05 to permit the creation of a new lot in the OC District that is substandard. Mr. Mendel stated OC is the Open-Space Conservation District and covers parkland in the City of Medina. Mr. Mendel stated for this subdivision was reviewed and approved by the Board of Zoning Appeals on April 25, 2019. Mr. Mendel stated it was approved, but the proposed lot dimensions in the plat were incorrect. Mr. Mendel stated therefore, the variance request is amended must be reviewed again at a public meeting.

Mr. Mendel stated the site is City owned property at the intersection of Weymouth Rd. Bowman Ln near the entrance to Reagan Park.

Mr. Mendel stated the City proposes creating a new lot for the existing house on the subject site in order to swap the new lot and building with the Medina City School District for a property on the 300 block of N. Huntington St.

Mr. Mendel stated this swap will permit the school district to improve the existing building which currently houses educational services for students with disabilities. Mr. Mendel stated with this property under the school district ownership, funds can be accessed to perform needed improvements to the building/property. Mr. Mendel stated the proposed lot is the minimum needed to provide the school district what it needs, but retains the remainder of the parent lot under City ownership as part of the contiguous Reagan Park land in this area of the City and allow for the possible future alignment of Bowman Ln. with Woodland Dr. across Weymouth Rd.

Mr. Mendel stated the proposed lot does not comply with several of the minimum required lot dimensions in the O-C district and therefore the variances are requested.

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

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Mr. Mendel stated since the proposed and the remainder lots will continue being publicly owned, the uses for the properties will not change and the conditions on the ground will not change.

B. Whether the variance is substantial;

Mr. Mendel stated the following are the percentage reductions proposed from the minimum required:

- Lot width: 80 ft proposed; 100 ft required – 20% reduction
- Lot area: 0.6290 acres proposed; 5 acres required – 87.5% reduction
- Rear yard setback: 13 ft proposed; 50 ft required – 74% reduction
- Side yard setback; 20 ft proposed; 25 ft required – 20% reduction

Mr. Mendel stated given the above percentages and the practical fact that there will be no physical changes on the ground, the variance is not substantial.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

Mr. Mendel stated the proposed lot will not be physically noticeable on the ground, the creation of the lot is for ownership purposes and not for land development purposes. Mr. Mendel stated there will be no changes to the existing neighborhood character.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

Mr. Mendel stated the variance will not adversely affect the delivery of governmental services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Mr. Mendel stated the City of Medina is aware of the applicable development regulation.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

Mr. Mendel stated the only other feasible method would be to allocate more land area to the proposed lot around the house, but this would prevent the realignment of Bowman Ln. with Woodland Dr., which has significantly more public benefit than compliance with the minimum O-C lot dimensions for this case.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Mr. Mendel stated the intent of the requirement was to require minimum adequately sized areas for public open space and parkland within the City of Medina. Mr. Mendel stated in this instance, the proposed lot does not affect the public value of the acreage of Reagan Park and will provide space for creating safer street alignments for public access to the Park.

Mr. Mendel stated the BZA must weigh the above seven factors to determine if a practical difficulty exists that would merit variances from Section 1115.05.

Mr. Humpal asked where the change is from what was originally approved. Mr. Mendel gave an orientation on the map. Mr. Mendel stated the lot width on the previous approval was 86.69' but should be 80' of width. Mr. Mendel stated that is the difference. Mr. Mendel stated that changed the lot area calculation. Mr. Mendel stated in order to do a land swap for no cost, it must be equal area to equal area. Mr. Mendel stated the lot on N. Huntington is .629 acres and this one is .629 acres.

Mr. Roszak asked if the building improvements are not increasing the footprint. Mr. Mendel stated it is basic maintenance improvements, physical building improvements. Mr. Mendel stated he knows of no additions proposed for the existing building.

Mr. Henwood asked if the city has any policy about zoning compliance. Mr. Mendel stated the city is subject to its own requirements. Mr. Henwood stated some

communities, under the Revised Code, a public jurisdiction can be exempt from zoning. Mr. Henwood stated some communities will put it in their zoning code or in some other type of document with an affirmative or negative statement saying they are choosing to adhere to the zoning or not. Mr. Mendel stated there is nothing in the zoning code that exempts the City of Medina from their own requirements.

Mr. Henwood stated it is the school district that will end up with the reduced size parcel. Mr. Henwood stated in some instances it will substantially not comply with zoning so would the school district consider a deed restriction that essentially says the substandard lot is permissible for the city school district only rather than if it were to change hands at some point in the future. Mr. Mendel stated the O-C Zoning District effectively does that. Mr. Mendel stated there is really no other uses than publically owned activities or plot plan so they would need to get a zoning amendment to apply the use so it would have the same effect.

Mr. Williams asked if there are any plans to realign Bowman and Woodland. Mr. Mendel stated there is a constant desire to do it but it is not a priority at the moment.

Mr. Williams made a motion to approve a variance request from Section 1115.05 to permit the creation of a new lot in the O-C District that is 80 feet wide, 0.6290 acres with an existing building with a 20 foot side yard and 13 foot rear yard at 625 Bowman Lane based on the finding that the property owners predicament cannot feasibly be obviated through some other method than a variance.

The motion was seconded by Mr. Roszak.

Vote:

Humpal	<u>Y</u>
Fry	<u>Y</u>
Rozsak	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Approved	5-0

New Business:

1. Z19-12 531 N. Court Street Alan Thomas VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated Alan and Sheila Thomas are requesting a variance from Section 1125.05 of the Planning and Zoning Code to permit a 3 foot setback from the side and rear property lines for an accessory structure where 5 foot setbacks are required. Mr. Mendel stated the property is zoned R-3, High Density Urban Residential.

Mr. Mendel stated the site is located on the southwest corner of N. Court St. and Bradway St.

Mr. Mendel stated the applicant proposes replacing the existing detached garage which currently has nonconforming side and rear setbacks. Mr. Mendel stated the applicant requests a variance to allow the 3 foot setback from the side and rear property lines for the accessory structure when the minimum required is 5 feet.

Mr. Mendel stated the applicant provided a narrative argument for their request which was provided in the packet as well as plans showing the location of the garage on the site plan.

The Board shall weigh the following factors to determine whether an area variance should be granted:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Mr. Mendel stated a detached garage can be located on this property without the granting of the requested variance, but it would have to be smaller than the proposed building.

B. Whether the variance is substantial;

Mr. Mendel stated the requested setbacks are 40% less than the minimum allowed, but the proposed 3 foot setbacks would provide sufficient area to access the west and south sides of the proposed building.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

Mr. Mendel stated the essential character of the neighborhood may not be altered by the proposed variance request. Mr. Mendel stated the proposed detached garage is approximately the same size and setbacks as the existing detached garage. Mr. Mendel stated if the minimum 5 foot side setback was followed, the parking pad on the private property in front of the proposed garage (north façade) could be negatively impacted by possibly forcing vehicles to extend over a substantive portion of public sidewalk on Bradway St.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

Mr. Mendel stated the variance will not adversely affect the delivery of governmental services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Mr. Mendel stated the code requirements have been in effect for a significant time when the applicant purchased the subject property.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

Mr. Mendel stated the property owner could move the detached garage to meet the required setbacks, but it could impact the ability to park a vehicle between the garage and the Bradway St. public sidewalk without obstructing the sidewalk.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Mr. Mendel stated the likely intent of the requirement is to provide a standard and predictable amount of development and to prove a minimum level of accessibility at property boundaries.

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 variances from section 1125.05.

Present for the case was property owner Alan Thomas, 531 N. Court Street, Medina, Ohio. Mr. Thomas stated they purchased the home about 1.5 years ago and never thought about the setbacks when he purchased it. Mr. Alan stated he planned on restoring the garage which is as old as the house which is 99 years old. Mr. Thomas stated the garage is too far gone and has a 5" lean with no foundation under it. Mr. Thomas stated he would like to put the garage back where it is only because of the way it lines up with the driveway apron. Mr. Thomas stated the city replaced the apron some time ago and it lines up with the garage that is there now. Mr. Thomas stated it is currently 2 feet off the property line on the west side. Mr. Thomas stated he would like to move it to 3' off the property line. Mr. Thomas stated if he moves it to 5', it would require a curve around a tree to get into the garage. Mr. Thomas stated the garage is only a 20' x 20' garage. Mr. Thomas stated he has a full size Chevy pickup truck that is 18.5' long. Mr. Thomas stated he cannot get his truck in the garage and it sits in the driveway. Mr. Thomas stated both of his vehicles sit in the drive because the garage is too small. Mr. Thomas stated he would like to make it 2' deeper so he can get the truck and car and some other lawn equipment in the garage. Mr. Thomas stated the only way he can do that is to go back. Mr. Thomas stated if he makes his driveway shorter, and it is short enough now, his truck in the driveway is already at the edge of the sidewalk because his drive is short already.

Mr. Humpal asked Mr. Thomas if his neighbors put their approval of the project in writing. Mr. Thomas stated they did not.

Mr. Thomas stated the rear setback facing south is 6'. Mr. Thomas stated he gains a foot by moving it to the five feet there but if he gets it all the way to 3 feet it gives him plenty of room to get the 22' depth garage which would be aesthetically pleasing on both sides.

Mrs. Fry asked the applicant if he has a fence around his property. Mr. Thomas stated the back yard does have a fence.

Mr. Roszak asked if both neighbors are supportive of the proposal. Mr. Thomas stated yes they are.

Mrs. Fry stated her struggle is there are solutions to meet the required setbacks. Mrs. Fry stated it is an issue to align the garage door with the apron but is there any reason the garage could not be built larger to one side for storage rather than deeper.

Mr. Thomas stated he is doing both. Mr. Thomas stated he is proposing a 24' x 22' and gaining 4' on the side and 2' on the back. Mrs. Fry asked if he could do more to the side. Mr. Thomas stated yes but it is a postage stamp yard and that would use most of it up when behind the garage is yard that is not being used. Mr. Thomas stated there is nothing else in the neighbor's back yard.

Mr. Henwood stated he has issues with it as well. Mr. Henwood stated he does not see any attempt to comply more. Mr. Williams asked Mr. Thomas is he is increasing the one setback to 3' from 2' which is getting closer to compliance. Mr. Thomas stated that is correct. Mr. Thomas stated he worked on this all winter long and put quite a bit of thought into this and this turns out to be the best way for his needs.

Mr. Williams made a motion to approve a variance to Section 1125.05 of the Planning and Zoning Code to permit a 3 foot setback from the side and rear property lines for an accessory structure as presented based on the finding that the essential character of the neighborhood would not be substantially altered and adjoining properties will not suffer substantial detriment.

The motion was seconded by Mr. Roszak.

Vote:

Humpal	<u>Y</u>
Fry	<u>N</u>
Rozzak	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Approved	4-1

1. Z19-12 531 N. Court Street Alan Thomas VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a Variance request from Section 1147.14(d) of the Planning & Zoning Code to permit a secondary

building frontage wall sign to be 59.85 square feet instead of the maximum allowed 32 square feet.

Mr. Mendel stated the property is zoned C-3 General Commercial.

Mr. Mendel stated the property is located on the east side of the 1000 block of N. Court St.

Mr. Mendel stated the applicant proposes primary and secondary wall signs for the new building. Mr. Mendel stated the primary wall sign complies with code, but the secondary wall sign is 59.85 sqft, which exceeds the maximum allowed 32 sqft for a secondary wall sign on the proposed building.

Mr. Mendel stated the subject site will be reviewed for Site Plan approval by the Planning Commission at the June 13, 2019 meeting for the construction of the new retail building and site reconfiguration.

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.***

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

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 may be blocked from the sight of passing motorists at a certain point south of the subject site due to the existing building immediately to the south at 1004 N. Court St.

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.***

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

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

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.

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

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

6. ***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 variance from Section 1147.14(d).

Mr. Humpal asked if the existing Pizza Hut building is coming down. Mr. Mendel stated yes. Mr. Mendel shared a site plan submitted for the Planning Commission meeting. Mr. Mendel stated the existing building is being removed and a new 8,200 sq. ft. building is being built a little closer to the frontage and the parking areas are being reconfigured.

Mr. Mendel stated the site plan reflects any taking of land for the Rt. 42 expansion project. Mr. Mendel stated he does not think the site had any land taken. Mr. Mendel stated the proposed new building will be approximately 10' from the right of way.

Present for the case was Todd Mosher, RA Smith, Inc., 1245 East Diehl Road, #102, Naperville, IL 60563. Mr. Mosher stated he represents Discount Tire. Mr. Mosher explained Discount Tire is a tire store, not auto service, there is no oil changes, mufflers or brakes being repaired or installed. Mr. Mosher stated it is a privately owned company with over 1,000 stores nationwide. Mr. Mosher stated they have entered into a real estate agreement for the possible redevelopment of the Pizza Hut site. Mr. Mosher stated they are in their feasibility period right now and will be before the Planning Commission this

evening at 7pm for the site plan review. Mr. Mosher stated if everything is approved, they will likely move forward with the project.

Mr. Mosher stated it is a narrow site and the front door faces the mattress store on the side of the building the side of the building is facing Court Street. Mr. Mosher stated the predominant elevation for signage is not facing the road and the front customer entrance is not on the front facing the road. Mr. Mosher stated they have no additional frontage on another street.

Mr. Mosher stated there is a sign band around the building and the showroom is facing Court Street and the parking lot which is glass on 3 sides of the building which frames the showroom. Mr. Mosher stated when the sign is placed above the doors and the windows, it turns the side of the building and makes it appear as the front of a building. Mr. Mosher stated if they did a smaller sign on the mattress store side of the building, and a regular sign on the front of the building, it would look off and obvious because they are so close together. Mr. Mosher stated it would like a mistake. Mr. Mosher stated the signs are individual channel letters internally illuminated. Mr. Mosher stated they feel the larger sign will look better proportionately. Mr. Mosher stated the signs are not seen as having a significant negative impact in the area. Mr. Mosher stated the sign would represent 1.8% of the linear frontage of that side of the building.

Mr. Mosher stated signage on Court Street is important for traffic reasons.

Mr. Roszak asked if a ground sign will be installed. Mr. Mosher stated yes. Mr. Mendel stated a ground sign would be at the 5' minimum setback required which is currently a landscaped area. Mr. Mendel stated if the sign meets code, it will be approved administratively. Mr. Mosher stated they do not anticipate needing a variance for the ground sign.

Mr. Henwood stated the applicant has the ability to choose the frontage for the primary sign. Mr. Henwood stated if the ground sign is on the Court Street side, is it necessary to do the larger sign on the Court Street frontage.

Mr. Mosher stated he understands Mr. Henwood's suggestion but they are also considering the proportions of the signs to each other. Mr. Mosher stated there would be larger letters and smaller letters within the sign band which would not be attractive.

Mr. Mendel stated if the south façade was designated as the primary wall, they could do a 128 sq. ft. wall sign. Mr. Mendel stated if the west façade became the secondary frontage, they could have a 16 sq. ft. wall sign.

Mr. Mosher stated the aggregate area would be 144 sq. ft. using Mr. Mendel's calculations and they are asking for 120 aggregate area as a variance.

Mr. Williams stated the drawings show no other signs other than the address and the two proposed signs such as wayfinding or directional signage. Mr. Mosher stated just the

monument sign would be added. Mr. Humpal asked if there will be window signage. Mr. Mosher stated Discount Tire does not really do permanent window signage other than an occasional promotion sign on the sidewalk or such. Mr. Mosher stated they do not like to cover up their showroom.

Mr. Roszak stated he does not have an issue with the request as it looks in scale and proportion to the building.

Mr. Humpal stated he noticed one other building in the area which was in compliance without a variance on Court Street. Mr. Mendel stated Kay Jewelers down the street received a similar variance a few years ago. Mr. Mendel stated they have 2 wall signs of equal size.

Mr. Henwood stated the question of scale comes up often. Mr. Henwood stated sometimes, as with the Original Cheesesteak business, a larger sign was more appropriate in scale. Mr. Henwood suggested perhaps that portion of the sign code needs to be revisited due to the regularity of this type of variance request.

Mrs. Fry stated the difference between this site and the Cheesesteak was that was their only sign so it was a different consideration. Mrs. Fry stated she feels there are other opportunities for a compliant sign on this side of the building and with the monument sign and the sign on the front and the sign on the side it is not necessary.

Mr. Williams questioned the appearance in the sign band. Mrs. Fry stated the sign does not have to look exactly like the main sign but smaller. Mrs. Fry stated maybe they could put a canopy with Discount Tire on it meeting the signage requirements over the door. Mrs. Fry stated it would identify the entrance and the type of store. Mrs. Fry stated she does not think the sign on the south façade would be missed if it was not there. Mrs. Fry stated she agrees that if it was a scaling of the letters, it would look ridiculous.

Mr. Roszak asked if the sign was on an awning or canopy, would it still need to come before the board for a variance. Mr. Mendel stated it would still have the same requirements as a wall sign with the same calculations for a primary and secondary wall sign. Mr. Mendel stated if there was a 60 sq. ft. sign on a canopy attached to the secondary wall of the building, it would be the same regulation of 32 sq. ft. which would be an administrative approval and not a variance.

Mr. Williams asked Mr. Mosher if the company's design standards allow for some flexibility as to maybe an in between size. Mr. Mosher stated corporate is looking for a 75 sq. ft. sign on 3 sides of the building. Mr. Mosher stated the request has been scaled down considerably to come closer to the city code. Mr. Mosher stated the applicant has come in with the minimum they will accept.

Mr. Mendel reminded the board that variances do not set precedent.

Mr. Roszak asked why the applicant chose the south side rather than the north side for the secondary sign. Mr. Mosher stated it is the customer entrance which the company requires a sign over. Mr. Mosher stated they would like the customer entrance to be predominant.

Mr. Mendel stated they are not permitted a sign on the north side of the building because of the building design. Mr. Mendel stated they are allowed a primary and secondary wall sign but they are asking for a secondary wall sign which is larger than code allows.

Mr. Williams asked if the road to the east was considered a road, would they gain a frontage and be allowed another sign. Mr. Mendel stated they are only allowed 2 wall signs.

Mr. Williams made a motion to approve a variance request from Section 1147.14(d) of the Planning and Zoning Code to permit a secondary building frontage wall sign to be 59.85 sq. ft. at 1008 N. Court Street based on the finding that a sign that exceeds the allowable area standards would be more appropriate in scale because of the large size of the secondary frontage of the building and the exception shall not adversely impact the character or appearance of the neighborhood.

The motion was seconded by Mr. Roszak.

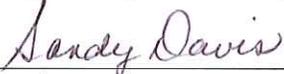
Vote:

Humpal	<u>Y</u>
Fry	<u>N</u>
Roszak	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>N</u>
Approved	3-2

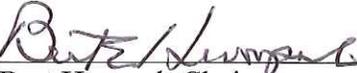
Mr. Mendel stated the rebidding request for the City Hall parking garage has been out for about 1.5 weeks and there is about 2.5 more weeks for the bids to come in. Mr. Mendel stated they will then go back through the process as before to vet the bid requests. Mr. Mendel stated the project will need to go to the Historic Preservation Board, the Board of Zoning Appeals and the Planning Commission for review.

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairperson