



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: November 13, 2014

Meeting Time: 6:00 pm

Present: Bert Humpal, Mark Williams, Kris Klink, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant)

Absent: Mark Pinskey, Jim Bigam

Minutes: There were no minutes presented for approval this month due to a lack of a quorum of members that were present at the October meeting.

Announcements: Mr. Humpal announced that there are only three board members present this evening and it requires 3 yes votes to pass a motion. Mr. Humpal stated all applicants have the opportunity, if they would like, to "Table" their request until the December 11th meeting.

Old Business: None

New Business:

1. Z14-17 Lafayette Rd. Medina Co. Fairboard VAR
Justin Benko gave a brief overview of the case. Mr. Benko stated the application is for Medina Fairgrounds, PP#028-19C-09-010, Lafayette Road, to request the following variances:

A variance request to Section 1147.12(C) of the Planning and Zoning Code to permit a ground sign that is 53.3 sq. ft. and 9.7 feet tall when a maximum of 40 sq. ft. and 6 ft. tall is allowed;

A variance request to Section 1147.12(C) of the Planning and Zoning Code to permit a ground sign that is 7 feet tall when a 6 foot tall ground sign is allowed;

A variance request to Section 1147.07(J)(2) of the Planning and Zoning Code to allow a full color LED Electronic Message Center Sign when single color LED signs are allowed by code.

Mr. Benko stated the site is located between W. Smith Road and Lafayette Road. Mr. Benko stated the property is adjacent to industrial and commercial zoning as well as a small amount of residential zoning.

Mr. Benko stated the applicant is proposing two new signs for the Medina County Fairgrounds to replace the existing fairgrounds signs. Mr. Benko stated the proposed full color LED sign will be located at the Lafayette Road Entrance.

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Mr. Benko stated Electronic Message Center signs are conditionally permitted within the city; the applicant is seeking conditional sign approval for the electronic message center sign at the November 13, 2014 Planning Commission meeting.

Mr. Benko stated the applicant also proposed a second sign for the West Smith Road Entrance. Mr. Benko stated the sign meets the area requirements outlined in code section 1147.12(C); however, the proposed sign is seven feet high.

Mr. Benko stated the applicant also proposes a second sign for the W. Smith Road Entrance. Mr. Benko stated the sign meets the area requirements outlined in code section 1147.12(C); however, the proposed sign is seven feet high. Mr. Benko stated the applicant is seeking a variance from code section 1147.12(C) to allow a sign that is seven feet high when a maximum of six feet tall signs are allowed by code.

Mr. Benko stated the request is subject to determination of a practical difficulty as sign size, area and LED color variance are requested.

Mr. Benko stated the larger signs may be more appropriate in scale because the Medina Fairgrounds Complex is large with several buildings on site and is a destination for thousands of visitors yearly.

Mr. Benko stated the essential character of the neighborhood may be altered by the variance. Mr. Benko stated although code section 1147.07(J) also details the frequency of Electronic Message Center sign changes, a full LED sign may create a visual distraction to motorists. Mr. Benko stated this would be the first full color LED sign within the city. Mr. Benko stated the size and height variances should not alter the character of the neighborhood because the fairgrounds property is unique to the city and attracts thousands of visitors yearly.

Mr. Benko stated the variance sought is not the minimum necessary to allow reasonable use, visibility, or readability of the sign; however, the increase may improve the visibility of the sign. Mr. Benko stated the fairgrounds is an attraction in the city, the larger sign would improve the overall visibility of the Fairgrounds. Mr. Benko stated the applicant could reduce the color of the LED sign to a single color.

Present for the case was Randy Eifert from Wilson Sign Company. Also present was Pamela Oberholtzer, Chairman of the sign committee for the Fairboard. Mr. Eifert stated the staff report listed the overall square footage as 53 sq. ft. with the LED sign. Mr. Eifert stated the LED sign itself is 16 sq. ft. and the LED portion is 37 sq. ft. Mr. Eifert stated the current sign is over 8 feet tall.

Mr. Benko stated the square footage of the sign is determined by the overall size of the sign. Mr. Benko stated the allowable square footage is 40 square feet.

Mr. Williams asked if the top section of the sign has internal lighting. Mr. Eifert stated yes it is lit. Mr. Eifert stated it is a polycarbonate face with a vinyl background of blue and the light will shine through the white letters. Mr. Humpal asked if the white is a constant white. Mr. Eifert stated yes, it will be controlled with light sensors so it will not be on during the daytime.

Mr. Williams asked Mrs. Oberholtzer if there has been any discussion regarding varying the brightness and frequency of the message changes. Mr. Williams asked the intent for the sign and asked why a full color sign is necessary.

Mrs. Oberholtzer stated the full color is for visibility since it is a highly visible area. Mrs. Oberholtzer stated they would like to use it for community events also. Mrs. Oberholtzer stated they would like it to highlight community events along with Fairground events, this is why they would like the full color. Mrs. Oberholtzer stated this is the third time the Fairboard has been before the board for a digital sign. Mrs. Oberholtzer stated they were not permitted in the past and now the Fairboard is the first applicant to request a full color digital display.

Mr. Eifert stated the Fairboard would like to add images and logos. Mr. Williams stated he lives in the neighborhood and he has some concerns from other residents in the area. Mr. Williams stated Lafayette Road is a State Route and the distraction of the sign may be an issue for traffic. Mr. Williams stated the brightness and number of times the sign changes per minute might be an issue for distraction.

Mr. Eifert stated in the letter that accompanied the application to the board, it was stated that the owner is willing to meet all regulations on brightness and frequency of the message changes. Mr. Eifert stated the sign is manually controllable and automatically dimming.

Mrs. Oberholtzer stated a sample sign was put up one day in order to see how it affected the area. Mrs. Oberholtzer stated they walked down the street in order to see the visual impact. Mrs. Oberholtzer stated it was not very impactful until you were fairly close to the entrance. Mrs. Oberholtzer stated the closest neighbor is on the west side of the entrance and the other side is wooded. Mrs. Oberholtzer stated she is open to working with the city and is willing to shut the sign off at a certain time each night if the city requires it.

Mr. Benko stated he has not received any comments from the adjoining property owner notices.

Mr. Humpal asked for public comment. Katherine Jenkins at 750 Lafayette Road stated she lives across the street from the Fairgrounds. Ms. Jenkins stated she is concerned how bright the light will be and how late it will be left on. Mr. Humpal stated the code stipulates brightness. Mr. Mendel stated the code is not specific. Mr. Mendel stated if it causes concern, staff can use a light meter to evaluate the brightness. Mr. Mendel stated there are no restrictions on when it is turned on or off. Mr. Mendel stated most signs turn off when the business is closed.

Mr. Humpal asked what time the High School sign is turned off. Mr. Klink stated he thinks it is turned off at 10:30 pm or 11:00 pm.

Mr. Benko stated the code stipulates that the sign message can only change once every 30 seconds. Ms. Adkins stated she has had problems in the past with motorists turning around in her driveway while trying to find the Fairgrounds. Ms. Adkins stated she is hoping the sign will help to prevent this by helping to find the entrance.

Mr. Williams asked the manner of enforcement the city has for issues with brightness. Mr. Benko stated it is complaint driven. Mr. Eifert stated the brightness of a full color sign is within 5% of the brightness of a monochrome sign and can be adjusted.

Mr. Humpal asked Ms. Oberholtzer if she has a shut off time in mind. Ms. Oberholtzer stated she is open to suggestions since the Fairgrounds is closed every evening other than Fair week. Ms. Oberholtzer stated she sees no reason to keep the sign on all evening.

Mr. Williams asked if 11:00 pm would be an acceptable shut off time and 6:00 a.m. as a turn on time. Ms. Oberholtzer stated yes. Mr. Williams stated he is not comfortable with approving a full color sign. Mr. Williams stated it is not allowed in the code which makes it a 100% variance and there are no other full color signs in the city. Mr. Williams stated he feels the LED sign is a good idea.

Mr. Humpal asked if the color of the LED message can change each time the message changes. Mr. Benko stated no, the sign can only have one color which can be designated by the Planning Commission. Mr. Eifert stated the sign must be purchased with only a single color or capable of full color. Mr. Eifert stated the multiple color sign can be controlled to be a single color. Mr. Williams stated the applicant could purchase the full color but only use one color per the requirements of the city. Mr. Williams stated this would give them the flexibility to change over to full color if the code should ever change in the future.

Mr. Klink stated he feels that the city just passed a new Planning and Zoning Code. Mr. Klink stated there was no consideration of allowing a full color sign when reviewing the sign code. Mr. Klink stated for that reason, he is concerned about the full color also.

Mr. Klink made a motion to approve a ground sign of 53 square feet and a ground sign of 7 feet tall when 40 sq. ft. and 6 foot tall is allowable by code. Mr. Klink stated the approval is based on the finding that this is a unique situation for the Fairgrounds where a larger sign is more appropriate in scale. The motion was seconded by Mr. Williams.

Vote:

Klink	<u>Y</u>
Williams	<u>Y</u>
Humpal	<u>Y</u>
Approved	3-0

Mr. Williams made a motion to deny the request for a variance to allow a full color LED sign. The motion was seconded by Mr. Klink.

Vote:

Williams	<u>Y</u>
Klink	<u>Y</u>
Humpal	<u>Y</u>
Approved	3-0

2. Z14-18 981 Shorewood Lynn Skobern VAR
Mr. Skobern tabled the case until the December 11, 2014 meeting date.

3. Z14-19 970 N. Court Street Harbor Freight VAR
Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1147.14(D) of the Planning and Zoning Code to allow a 110.5 sq. ft. wall sign instead of the maximum allowed 70.3 sq. ft.

Mr. Benko stated the building is located on the east side of North Court Street. Mr. Benko stated the site is adjacent to commercial zoning to the west, north, and south with residential zoning to the east.

Mr. Benko stated Harbor Freight Tools is moving into the previous MC Sports location.

Mr. Benko stated Section 1147.14(D) allows for one permanent wall sign not exceeding one square foot in area for each one linear foot of store frontage. Mr. Benko stated the building has 70.4 ft. of linear frontage. Mr. Benko stated the proposed sign is 40.2 sq. ft. larger than what is allowed by code.

Mr. Benko stated construction of a conforming sign would not obstruct the vision of motorists or otherwise endanger public health.

Mr. Benko stated the larger sign may be more appropriate in scale. Mr. Benko stated Harbor Freight will be located in the center building of a larger plaza which might make the sign appear more in scale. Mr. Benko stated the sign would be located as a part of a decorative dormer on the front of the building.

Mr. Benko stated the variance should not adversely impact the character of the neighborhood. Mr. Benko stated the plaza is setback off of the road; the larger sign may improve visibility for the plaza.

Mr. Benko stated the variance sought is not the minimum necessary to allow reasonable use, visibility, or readability of the sign; however, the increased square footage may increase the visibility of the sign.

Mr. Benko 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.

Present for the case was sign contractor Jim Briola from North Coast Sign and Lighting. Mr. Briola stated the site has been vacant for some time and is the anchor for the plaza. Mr. Briola stated Harbor Freight will be refurbishing the building with new lights and interior.

Mr. Williams stated he feels the size is appropriate as the building sits far off the road and the store is the anchor for the plaza. Mr. Williams stated the sign is attractive and he does not feel it will adversely affect the neighborhood.

Mr. Humpal asked for public comment. There were no public comments and no public comments were received by staff.

Mr. Williams made a motion to approve a variance request to Section 1147.14(D) of the Planning and Zoning Code to allow a 110.5 sq. ft. wall sign at 970 N. Court Street, Harbor Freight Store as submitted. Mr. Williams stated the approval is based on the finding that the essential character of the neighborhood would not be negatively altered and the sign is appropriate to the size and scope of the building.

The motion was seconded by Mr. Klink.

Vote:

Klink	<u>Y</u>
Williams	<u>Y</u>
Humpal	<u>Y</u>
Approved	3-0

4. Z14-20 888 Concord Drive Gary Allen VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1121.05 of the Planning and Zoning Code to allow an addition 31 feet from the rear property line rather than the minimum allowed 50 feet.

Mr. Benko stated the site is located on the south side of Concord Drive. Mr. Benko stated the property is bounded by Smokerise Drive to the north and Sturbridge Drive to the South. Mr. Benko stated the property is adjacent to residential zoning on all sides.

Mr. Benko stated the applicant is seeking a variance to allow an addition 31 feet from the rear of the property when a 50 foot rear yard setback is required. Mr. Benko stated the proposed addition is a 12'9" by 18'3" non-heated sunroom.

Mr. Benko stated the request is subject to determination of a practical difficulty as a rear property line setback is required.

Mr. Benko stated the existing site can still be used as a single family residential dwelling without the granting of a variance.

Mr. Benko stated the rear yard setback for the proposed sunroom is 38% less than what is allowable by code.

Mr. Benko stated the essential character of the neighborhood may not be altered. Mr. Benko stated per aerial maps, it looks as if several of the houses in the neighborhood have had similar additions to the rear of the house that appear to encroach into the rear yard setback.

Mr. Benko stated the owner's predicament could not be obviated without a variance.

Mr. Benko stated the likely intent of the requirements is to provide a standard and predictable amount of development and site disturbance for a given parcel and to prevent excessive encroachment into rear yards.

Present for the case was William Lawhon, Contractor, on behalf of the homeowners. Mr. Lawhon stated there are other homes in the neighborhood with similar structures but seem to have more of a rear yard. Mr. Lawhon stated it appears that the subject property is an odd shape lot. Mr. Lawhon stated there is a six foot privacy fence around the rear of the property.

Mr. Klink made a motion to approve a variance to Section 1121.05 of the Planning and Zoning Code to allow an addition 31 feet from the rear property line based on the finding that the essential character of the neighborhood would not be substantially altered and the owner's predicament could not be obviated without the granting of a variance.

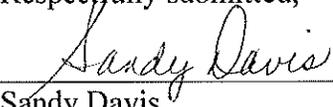
Mr. Williams seconded the motion.

Vote:

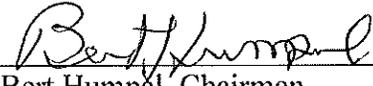
Humpal	<u>Y</u>
Williams	<u>Y</u>
Klink	<u>Y</u>
Approved	3-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman