



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: February 13, 2014

Meeting Time: 6:00 pm

Present: Bert Humpal, Mark Williams, Kris Klink, Jim Bigam, Earl Harris, Justin Benko (Associate Planner), Jonathan Mendel (Community Development Director)

Absent: Mark Pinskey

Minutes: The minutes of the January 9, 2014 meeting were presented for approval. Mr. Bigam made a motion to approve the minutes as submitted. Mr. Klink seconded the motion.

Vote:

Humpal	<u>Y</u>
Bigam	<u>Y</u>
Klink	<u>Y</u>
Harris	<u>abstain</u>
Williams	<u>abstain</u>
Approved	3 yeas-2 abstentions

New Business:

1. Z14-02 1166 Lafayette Rd. Verizon Wireless VAR

Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request to the following:

Section 1146.05(e) to allow construction of the facility without complying with the site landscaping requirements;

Section 1146.05(l) to permit a zero (0') foot setback from the side (north) property line for the driveway instead of the minimum required 20 feet and a 6 foot variance to permit a 12 foot wide driveway instead of the minimum required 18 feet;

Section 1145.08(a) to permit a gravel driveway instead of concrete or asphalt pavement.

Mr. Mendel stated the property is zoned I-1 Industrial. Mr. Mendel stated the site is surrounded by vacant and developed properties with a variety of industrial uses. Mr. Mendel stated the proposal is all new construction on an existing empty lot and the proposed improvements would be on the northern portion of the site including a 250 foot long and twelve foot wide driveway leading to an 80 x 80 ground compound at the base

of the tower. Mr. Mendel stated it would also include a 180 foot tall tower for the antenna. Mr. Mendel stated the proposed driveway would have no setback from the north property line to the adjacent property and they are proposing no landscaping for the perimeter.

Mr. Mendel reviewed the following considerations from the staff report:

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

Providing site landscaping around the equipment compound, a the minimum 20 foot driveway setback from the side (north) property line, and minimum 18 foot wide driveway will still permit a reasonable return for the property and provide beneficial use of the property. Although, constructing a 250 foot long paved 18 foot wide driveway will be a large cost.

2. *Whether the variance is substantial;*

The driveway setback variance, site landscaping and pavement variances are “100%” variances. The applicant requests complete relief from the requirements without compromise or partial adherence to the requirements. The 6 foot driveway width variance (12 ft versus min. required 18 ft) is a 33% reduction from the minimum required.

3. *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;*

The character of the neighborhood is a partially developed high intensity industrial district in the southwest corner of the City. The neighboring property to the north is a one story industrial building with no windows on the south building façade and it’s setback about 25 feet from the shared property line. Additionally, the properties to the south are undeveloped and wooded, and the property to east is a trailer storage lot.

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

Delivery of governmental services will not be affected.

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

Due the extent of the applicant’s description and responses to the various regulations, it appears there was knowledge of the zoning restrictions.

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

Since the property is undeveloped there is ample space on the site to permit compliance with all requirements.

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

The intent and spirit of the Chapter 1146 (Wireless Telecommunications Regulations) is as follows:

- (a) To provide for orderly development within the City;
- (b) To protect property values;
- (c) To maintain the aesthetic appearance of the City, including, but not limited to, its unique residential character, historic character, unobstructed open spaces and attractive commercial/office areas;
- (d) To protect residential properties, open spaces and non-intensive commercial zoning districts which are characteristic of the City from adverse effects of Towers and related Facilities;
- (e) To promote Collocation of Wireless Telecommunications Facilities in order to decrease the total number of Towers in the City;
- (f) To provide for and protect the health, safety and general welfare of the residents and visitors of the City; and,
- (g) To maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Ordinance.

Mr. Humpal asked since the site is not being parceled off, will this be part of the entire forty acre parcel. Mr. Mendel stated yes.

Mr. Mendel stated a Wireless Telecommunications facility is allowed as a principal and accessory use but requires Conditional Use approval from the Planning Commission and will be going before that board this evening.

Present for the case was Ralph Wyngarden from Falk & Foster, 588 Three Mile Road, NW, Grand Rapids, MI. Also present was Rob Ferguson from UAS who handled the location and leasing of the site for Verizon.

Mr. Wyngarden stated the variance requests revolve around three factors being the state of development on the parcel, the nature of the proposed use and the character of the surrounding area. Mr. Wyngarden stated with respect to the stage of development, this parcel is currently a blank slate and the Verizon facility is the first small piece of the puzzle. Mr. Wyngarden stated the proposed tower location can be considered certain but as far as landscaping and driveway, it is possible that in the future when the site is more fully developed, there could be a different scheme of access and different type of landscaping. Mr. Wyngarden stated there a lot of things that could happen in the future that could shape the site development. Mr. Wyngarden stated the way the site is

currently drawn maintains maximum flexibility from a development perspective. Mr. Wyngarden stated he feels permanent pavement of the entire driveway is premature at this time. Mr. Wyngarden stated the facility is unmanned and general visited sporadically by maintenance technicians. Mr. Wyngarden stated therefore; there is no heavy use of the driveway to warrant wider driveways and pavement.

Mr. Wyngarden stated as far as the character of the surrounding area, it relates to considering what impact there would be if you granted the requested variances. Mr. Wyngarden stated if the site were next to a residential development, he could see a more compelling argument for landscaping. Mr. Wyngarden stated with respect to setbacks, given the industrial character of the area, there is not a big concern about being closer to property lines with the driveway or other structures. Mr. Wyngarden stated there are no homes in the vicinity. Mr. Wyngarden stated the current buildings in the area are the typical metal siding industrial character buildings. Mr. Wyngarden stated at this point they are looking for relief from the paving of the wider driveway as it is a considerable expense and may or may not lend well to the permanent development of the parcel. Mr. Wyngarden stated Verizon Wireless respectfully asks that the board grant relief from these items.

Mr. Bigam asked if Verizon owns the site. Mr. Wyngarden stated they do not however; the landowners have signed off on the variance request application and site plan application. Mr. Bigam asked if the landowners have given any specific plans for future development. Mr. Wyngarden stated they have not. Mr. Bigam asked if the applicant is before the board to ask for an unrestrictive variance when they do not know where they will be and what the measurements will be so the landowner can develop the site by tucking around the Verizon tower like pieces in a puzzle. Mr. Wyngarden stated that is true however; the board could approve or make requirements when future plans are submitted for further development.

Mr. Wyngarden stated if given the choice they would prefer relief from the full width paved driveway due to the expense.

Mr. Humpal stated he notice on the plat that there is a concrete apron drawn in with no dimensions. Mr. Humpal asked what the apron requirement is. Mr. Humpal stated there are no dimensions stated on the plat. Mr. Mendel stated there is no required size other than a standard twelve foot wide apron which can come out anywhere along the frontage. Mr. Mendel stated there is no minimum other than it needs to be paved. Mr. Mendel stated the remaining length of the drive is shown as gravel on the plan. Mr. Humpal asked if there is a defined length or distance that the apron needs to be from the street inward. Mr. Mendel stated no.

Mr. Humpal asked if there is a reason for the Board to consider a required length for the paved portion of the apron. Mr. Mendel stated he does not see the need or advantage for putting a required length on the paving of the apron.

Mr. Benko stated the applicant is seeking conditional sign approval before the Planning Commission for a second wall sign located on the secondary frontage facing Lafayette Road because the property is located in the Transitional Corridor Overlay District. Mr. Benko stated the sign is proposed as an internally illuminated box cabinet sign with 6 inch changeable copy. Mr. Benko stated the applicant is seeking two variances before the Board of Zoning appeals to allow a second wall sign when only one is allowable by code and for a for a secondary wall sign that is larger than permitted. Mr. Benko stated the sign will be used to announce community events and promotions within the store.

Mr. Benko stated the request is subject to determination of a practical difficulty as a sign size variance and a sign quantity variance is requested. Mr. Benko stated there are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists.

Mr. Benko stated the applicant has proposed a wall sign. Mr. Benko stated this will be the second wall sign on that side of the building. Mr. Benko stated neither sign will be obstructed from view.

Mr. Benko stated the sign would be allowable on a primary frontage of a building. Mr. Benko stated while large, the proposed sign appears consistent to the building. Mr. Benko stated the variance will improve the readability of the sign. The intent of the proposed sign is to advertise specials in the store.

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 Zahi Abi Younes, owner of the Marathon gas station located at 429 S. Court and Lafayette Road. Mr. Younes stated he would like to put the sign up as a way to communicate with the public and not just to post pricing and sales and promotions. Mr. Younes stated he sponsors the Medina High School girls basketball team and will sponsor the soccer team in the future. Mr. Younes stated it is way to promote events for the schools and teams and it is their way of communicating with the public. Mr. Younes stated it would also advertise city events on the Square or at the Fairgrounds.

Mr. Klink asked if there have been similar requests in the past. Mr. Humpal stated he can only think of the BP Station on N. Court. Mr. Humpal stated it was permitted due to having two frontages on a corner of the street. Mr. Humpal asked if there is a percentage requirement for window signage. Mr. Benko stated it is 25% of the window area to be used for signage. Mr. Humpal stated the front window is currently over the allowable 25% of signage. Mr. Mendel stated it is an item of enforcement. Mr. Younes stated much of the signage has been taken off since the photo was taken and more will be removed.

Mr. Klink asked if the board can enforce the 25% window signage. Mr. Benko stated he can visit the site next week for enforcement.

Mr. Williams reminded the board of past sign approvals for larger signage to allow the type to be legible rather than someone trying to read smaller font while driving. Mr. Williams stated he thinks the school sign was one of the exceptions allowed.

Mr. Bigam made a motion to approve a variance to Section 1147.14(d) to permit a wall sign on the secondary frontage to be 28 sq. ft. and a variance to Section 1147.14(d) to permit two wall signs on the secondary frontage since there is an existing wall sign which will remain. The approval is based on the finding that the variance is the minimum necessary to allow reasonable use, visibility, and readability of the sign and the variance would not adversely affect the character of the neighborhood.

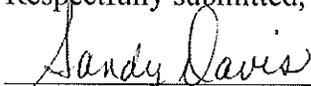
The motion was seconded by Mr. Williams.

Vote:

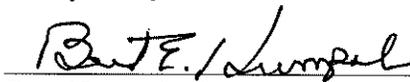
Klink	<u>Y</u>
Bigam	<u>Y</u>
Williams	<u>Y</u>
Humpal	<u>Y</u>
Harris	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman