



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: March 13, 2014

Meeting Time: 6:00 pm

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

Absent: none

Minutes: The minutes of the February 13, 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>
Pinskey	<u>abstain</u>
Williams	<u>Y</u>
Approved	4 yeas-1 abstention

New Business:

1. Z14-04 Spring Grove Cemetery City of Medina VAR
Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request to the following:

A 15 foot variance from Section 1115.04(c) to allow a new building to be setback 10 feet from the side (east) property line instead of the minimum required 25 feet.

Mr. Mendel stated this is for a new office building for the cemetery. Mr. Mendel stated this property is zoned Public Facilities District and it is in the Transitional Corridor Overlay District. Mr. Mendel stated the application will also be before the Planning Commission this evening.

Mr. Mendel stated the existing maintenance building is in the southeast corner of the property. Mr. Mendel gave an orientation of the location of the proposed new building. Mr. Mendel stated the building will create a new site plan around the location of the proposed building.

Mr. Mendel stated the funds for the building are being donated by the Mears Family to memorialize Mr. Amos Mears. Mr. Mendel stated this will be a building to house city offices for the cemetery along with conference room space and a space for the Friends of the Cemetery. Mr. Mendel stated this will replace the existing maintenance building. Mr. Mendel stated the old maintenance building will be demolished and formalize the parking in that area. Mr. Mendel stated the proposal will greatly improve the conditions and appearance of that corner of the cemetery.

Mr. Mendel stated the Friends of the Cemetery will build the memorial building and when completed, they will donate it to the city. Mr. Mendel stated at that point the city will own the facility which is why the city is the applicant on this request.

Mr. Mendel stated with the location of the building, the setback will be approximately ten feet to the east property line. Mr. Mendel stated the Public Facilities District requires 25 feet so a 15 foot variance is being requested.

Mr. Mendel stated in this instance it is a practical difficulty. Mr. Mendel reviewed the criteria for practical difficulties as follows:

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;*

Mr. Mendel stated if the proposed building were to comply with the minimum 25 foot setback it would push the walkway and drive further to the west impacting burial plots or create narrow vehicle circulation which is unnecessary. Mr. Mendel stated either of these would negatively affect the beneficial use of the property.

2. *Whether the variance is substantial;*

Mr. Mendel stated the setback variance is “substantial” (a 60% reduction to the minimum required), but given the location of the building, the existing commercial office use to the east, and substantial existing trees in the interstitial areas between properties the impact will not be substantial.

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;*

Mr. Mendel stated the proposed variance will not substantially alter the character of the neighborhood or adjoining properties. The existing maintenance building has approximately the same setback and the proposed will maintain this while substantially improving the aesthetics in this immediate area.

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

Mr. Mendel stated delivery of governmental services will be improved with this project, since it will provide better facilities for City cemetery functions/activities.

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

Mr. Mendel stated since this is a City owned site and project, the zoning restrictions were known.

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

Mr. Mendel stated the predicament cannot be obviated through other means, because complying with the requirement will either impact burial plots or unnecessarily impact onsite vehicle circulation.

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

Mr. Mendel stated granting the variance will observe the intent and spirit of the zoning requirement and provide substantial justice, because the City's activities and functions will be improved with this project.

Present for the case was Jerry Gunner, 865 Shorewood Drive, member of the Friends of the Cemetery.

Mr. Gunner stated he works for Washington Properties and Mr. Rose is very pleased with the proposed project. Mr. Gunner stated this project has been planned since 2012. Mr. Gunner stated Ed Mears left the Friends of the Cemetery a considerable amount of money which are to be used to improve and beautify Spring Grove Cemetery. Mr. Gunner stated the office will look somewhat like the Chapel with the same brick color. Mr. Gunner stated the building will house the Sexton, Forester, and Friends of the Cemetery. Mr. Gunner stated the conference is approximately 24 x 18 and dedicated to Mr. Ed Mears with his estate photos displayed inside.

Mr. Pinsky stated he is happy to see that updates are being proposed for the cemetery and the addition of the building in the area being proposed is going to be a positive upgrade to the cemetery.

Janis Zachman, 1264 Ty Drive, spoke as a Trustee of Friends of the Cemetery. Mrs. Zachman stated the Friends of the Cemetery is a newer organization that has been in existence for ten years. Mrs. Zachman stated the organization has been the recipient of grant funds from local community foundations and bequests from the Mears Family. Mrs. Zachman stated the Friends of the Cemetery are required to use the funds to assist the City in keeping Spring Grove Cemetery in good condition. Mrs. Zachman stated the cemetery was originally built as a Victorian urban park. Mrs. Zachman stated over the

last ten to fifteen years, the trees have been trimmed and new trees have been added along with substantial improvements to the buildings. Mrs. Zachman stated this includes the entry gates and baby section. Mrs. Zachman stated with the assistance of the Oddfellows Organization, the baby section has been restored.

Mrs. Zachman stated the cemetery has become one of the nicest open spaces that the city still has. Mrs. Zachman stated one extra component of this project is the city and Friends of the Cemetery are working on an agreement for the city to build a garage to house the equipment for the cemetery. Mrs. Zachman stated this building would be adjacent to the office building. Mrs. Zachman stated when the project is totally completed, the equipment used at the cemetery will be inside and protected from the weather and not visible to the public. Mrs. Zachman stated this will greatly improve the appearance of that corner of the cemetery.

Kelly Blackburn, 810 Andrews Road, stated she lives to the rear of the proposed project. Ms. Blackburn asked if there will be outside lights on the parking areas and will there be a hedge put up to screen the facility from her property.

Ms. Blackburn stated her property is on the north east side of the cemetery on the edge of the parking lot on the top right on the hill between Washington Properties and the cemetery. Mrs. Zachman stated the proposed building is along Washington Street along the Rt. 18 side of the cemetery. Mrs. Zachman stated the proposed building will be approximately in the same location as the existing building and will be quite a ways from her property. Mr. Mendel stated the garage will be approximately where the outdoor storage is now located. Mr. Mendel stated the trees there will remain. Mr. Mendel oriented Ms. Blackburn on the proposed location of the building which is approximately 200 to 400 feet away through existing trees.

Mr. Mendel stated there are no proposed outdoor lights at this time but if there were, they would be small lights on the main building and would not penetrate through the trees and distance to Ms. Blackburn's home. Mr. Mendel stated if lighting is proposed, the city would verify that they follow code and do not impact the residential homes.

Mr. Williams asked if the Planning Commission will review lighting plans. Mr. Mendel stated the lighting is not included in the site plan review for Planning Commission however; he will make sure that anything not represented on the plans will follow code.

Mr. Williams made a motion to approve a variance to Section 1115.04(c) of the Planning and Zoning Code to allow a new building to be setback 10 feet from the side (east) property line instead of the minimum required 25 feet. Mr. Williams based his motion on the finding that the character of the neighborhood will not be substantially altered and in fact be improved by the granting of the variance.

The motion was seconded by Mr. Pinskey.

Vote:
 Klink Y
 Bigam Y
 Pinsky Y
 Humpal Y
 Williams Y
 Approved 5-0

2. Z14-05 935 Heritage Drive Howden VAR

Justin Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1147.14(b) of the Planning and Zoning Code to allow a ground sign with a height of 12 feet which exceeds the 6 feet limit.

Mr. Benko stated the site is located at the northwest corner of the Heritage Drive and Independence Drive Intersection. Mr. Benko stated the site is completely surrounded by industrial zoning

Mr. Benko stated the applicant has submitted a request to install a 40 sq. ft. ground sign for Howden North American to serve as a directional sign for the complex. Mr. Benko stated the applicant is seeking a variance to section 1147.14 (b) to allow for a 12 feet tall ground sign when there is a maximum sign height of 6 feet. Mr. Benko stated as part of an expansion at the property, additional truck traffic is anticipated and the higher sign will improve readability for the visitors to the complex.

Mr. Benko stated the request is subject to determination of a practical difficulties as a sign height variance is requested. Mr. Benko reviewed the following:

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

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

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

Mr. Benko stated the sign will be located in an undeveloped portion of the property. Mr. Benko stated due to the directional nature of the sign necessitating a considerable amount of content, the lower portion of the sign may prove difficult to read due to vegetation growth and/or snow buildup. Mr. Benko stated this could impact the visibility and readability of the sign.

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. Benko stated due to the large footprint of the Howden North American Complex, a sign that exceeds the allowable height would be appropriately scaled for the area. Mr. Benko stated the sign will direct visitors to locations at two

parcels; 935 Heritage Drive and 411 Independence Drive. Mr. Benko stated between the two parcels, there is over 2000 feet of road frontage.

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

Mr. Benko stated the variance sought is not the minimum necessary to allow reasonable use of the sign; however, the height of the sign should greatly improve readability for trucks and visitors to the property as well as the overall functionality of the directional sign.

Mr. Benko 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 §1147.14(b).

Present for the case was Todd Evans, owner of FastSigns, 1783 Brittain Road, Akron, Ohio. Mr. Evans stated he is working with Howden on this project. Mr. Evans stated Howden is the former TLT Babcock which was purchased by Howden. Mr. Evans stated this site will become the main facility by consolidating their Fairlawn offices and including future expansion plans. Mr. Evans stated the project will cause additional traffic and visitors. Mr. Evans stated the company would like to have a sign with interchangeable panels so the sign does not need to be redone. Mr. Evans stated given the amount of content and the greenspace around the sign, the current sign is too small and not visible. Mr. Evans stated the company would like to have their trademark on their main sign.

Mr. Humpal asked staff if this application should include a square footage variance which is not included in the formal application. Mr. Humpal asked how far down the panel of the sign extends and if the measurement of the signage is done correctly.

Mr. Benko stated the face of the sign is 40 square feet, the code does not calculate the base portion of the sign as part of the graphics area. Mr. Humpal stated the applicant stated more graphics will be added eventually. Mr. Humpal asked if that square footage should be considered. Mr. Mendel stated not at this time since the additional graphics are not included in this sign application. Mr. Mendel stated the applicant's letter assumed the pole variation was for five to twelve feet but you cannot seek a variance for something that does not exist or is not proposed at the time. Mr. Mendel stated if the applicant wishes to add a panel to the south of the assembly building, they would need to come back and request an additional variance for that area of signage.

Mr. Klink asked if that should be part of the motion or approval. Mr. Mendel stated it is assumed.

Mr. Williams thanked Howden for bringing more business to the city and he is inclined to approve the variance. Mr. Williams asked why there is so much white space at the top of the sign. Mr. Evans stated they are concerned about having a sign so close to the ground. Mr. Evans stated at six feet, the text will be more visible. Mr. Williams stated there is a large portion at the top of the sign that is essentially used for very little verbiage. Mr. Evans stated that is their branding.

Mr. Pinsky made a motion to approve a variance to Section 1147.14(b) of the Planning and Zoning Code to allow a ground sign with a height of 12 feet which exceeds the 6 feet limit. Mr. Pinsky stated the approval is based on the finding the non-conforming sign would not obstruct the vision of motorists or otherwise endanger public services and also 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 building.

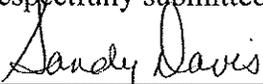
The motion was seconded by Mr. Klink.

Vote:

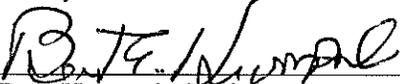
Klink	<u>Y</u>
Bigam	<u>Y</u>
Williams	<u>Y</u>
Humpal	<u>Y</u>
Pinsky	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman