



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: April 10, 2014

Meeting Time: 6:00 pm

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

Absent: none

Minutes: The minutes of the March 13, 2014 meeting were presented for approval. Mr. Klink made a motion to approve the minutes as submitted. Mr. Williams seconded the motion.

Vote:

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

The minutes of the March 20, 2014 meeting were presented for approval. Mr. Bigam made a motion to approve the minutes as submitted. Mr. Williams seconded the motion.

Vote:

Humpal	<u>Y</u>
Bigam	<u>Y</u>
Klink	<u>abstain</u>
Pinsky	<u>abstain</u>
Williams	<u>Y</u>
Approved	3 yeahs-2 abstentions

New Business:

1. Z14-07 203 W. Lafayette Gionino's VAR
Justin Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1147.07(j) of the Planning and Zoning Code to permit a ground sign

with electronic message center in the Transitional Corridor Overlay District (TCOV) were electronic message center signs are not permitted.

Mr. Benko stated the 0.17 acre site is located on the north side of W. Lafayette Road east of S. Huntington Street and west of S. Elmwood Avenue. Mr. Benko stated the site is adjacent to commercial, multi-family and residential development on all sides.

Mr. Benko stated the applicant is seeking a variance request before the Board of Zoning Appeals to permit a ground sign with electronic message center to be installed in the TCOV. Mr. Benko stated electronic message center signs are conditionally permitted in the city, except in the TCOV, historic district and the mixed use district where they are prohibited. Mr. Benko stated the applicant is also seeking conditional sign approval for the remainder of the ground sign replacement from the Medina Planning Commission since the property is located in the Transitional Corridor Overlay District.

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

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 vision of motorists. Mr. Benko stated the dimensions of the current sign would not be significantly altered.

2. ***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. Benko stated conforming signage would not require removal or severe alteration to any significant features on the site. Mr. Benko stated the size and location of the sign will not be altered.

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

Mr. Benko stated the variance may have an effect on the character of the neighborhood as this will be the first true electronic message center sign located in the TCOV. Mr. Benko stated there are two other electronic message center signs in the TCOV; however, they are located at gas stations to display gas prices. Mr. Benko stated the variance will not negatively impact the building as the sign should be an attractive upgrade.

Present for the case was Richard Stump from LADD Sign Company. Mr. Stump stated the existing ground sign will be removed and replaced with a small monochrome red electronic message center to display specials on. Mr. Stump stated the size of the name plate will be reduced.

Mr. Pinskey asked if the electronic sign as it is proposed was in one of the districts that allow electronic signs, would it be within code requirements. Mr. Benko stated it would be conditionally permitted so it would require approval from the Planning Commission. Mr. Benko state the size is consistent with code as presented.

Mr. Humpal asked if there are brightness limitations for the hours of operation and the frequency of rotation of the message. Mr. Benko stated this is under the same code requirements for the rest of the city which state the message can change only every thirty seconds in one single color and the brightness is also spelled out in the code.

Mr. Klink asked if the intent of the sign is to have a message change every 30 seconds or for a weekly special. Mr. Stump stated the applicant is anticipating every 30 seconds per code allowances. Mr. Stump stated he believes one minute intervals would be fine with the applicant. Mr. Stump stated other Gionino's have already changed to this type of sign.

Mr. Stump stated this is a corporate change as there are 27 stores in Ohio.

Mr. Williams asked the reasoning or thought process for the electronic message center in a zoning district where it is not allowable.

Mr. Stump stated he feels as a resident, he feels the more he sees, the more he does not notice them.

Mr. Mendel stated that every property is unique and therefore, variances do not set precedents. Mr. Mendel stated they have been determined by case law to be unique instances.

Mr. Humpal asked if the letters are within code size. Mr. Benko stated there is no size limit for the letters. Mr. Pinskey stated he understands this will not set a precedence however; other businesses in the area will be prompted to request the same type of sign.

Mr. Mendel stated the stretch of Lafayette that the subject property is on is the most auto oriented suburban style of development as opposed to South Court or Washington Street where it is a mix of residential and commercial.

Mr. Bigam stated he is not against it because it is monochrome and timed at one minute.

Mr. Stump stated the property owner has expressed that he does not want the sign to be a hazard to traffic pulling in and out of the driveway.

Mr. Williams asked for a unique factor for this property that would provide justification for a variance. Mr. Stump stated the way the current sign is situated, the electronic sign will attract more business. Mr. Stump stated the building is set back on the corner of the property with trees and the sign is needed for attracting business.

Mr. Pinskey asked how the signage is enforced for color and message changes. Mr. Benko stated he monitors the signs regularly.

Mr. Bigam made a motion to approve a variance to Section 1147.07(j) of the Planning and Zoning Code to permit a ground sign with electronic message center in the Transitional Corridor Overlay District (TCOV) were electronic message center signs are not permitted based on the finding that the sign would not adversely impact the character or appearance of the building and or lot. Mr. Bigam stated the variance is conditioned on the sign message change at a minimum of one minute.

Mr. Williams asked to amend the motion to include the finding that the sign is back off the street which impedes visibility and readability.

Mr. Bigam amended his motion to include the hardship of visibility of the existing sign.

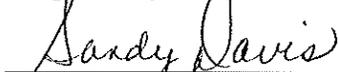
The motion was seconded by Mr. Williams.

Vote:

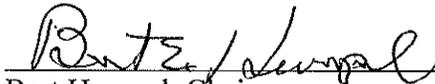
Klink	<u>Y</u>
Bigam	<u>Y</u>
Pinskey	<u>Y</u>
Humpal	<u>Y</u>
Williams	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman