CITY of MEDINA
Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: May 12, 2016

Meeting Time: 6:00 pm

Present: Bert Humpal, Kris Klink, Rob Henwood, Paul Roszak, Mark Williams, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant), Brandilynn Fry (Alternate present for Executive Session)

Absent: None

Minutes: Mr. Henwood made a motion to approve the minutes from the April 14, 2016 meeting as submitted. Mrs. Fry seconded the motion.

Vote:

Humpal	Y
Fry	Y
Henwood	Y
Approved	3-0

Minutes: Mr. Klink made a motion to approve the minutes from the December 10, 2015 meeting as submitted. Mr. Humpal seconded the motion.

Vote:

Humpal	Y
Klink	Y
Approved	2-0

The Court Reporter swore in everyone who will give testimony.

Old Business: None

New Business:

1. Z16-13 Weymouth Rd. St. Francis Xavier VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request

to Section 1130.05 of the Planning and Zoning Code to allow an accessory structure 12 feet from the side property line and 7.5 feet from the rear property line instead of the minimum 20 feet.

Mr. Benko stated the property is located on the south side of Weymouth Road, west of Woodland Drive and east of Rolling Meadows Place.

Mr. Benko stated currently two 8' x 12' sheds exist at the rear of the St. Francis Xavier Cemetery site. Mr. Benko stated the applicant has proposed the demolition of both sheds and the construction of a new 20' x 24' storage building for the site. Mr. Benko stated the existing sheds are located 11 feet from the side lot line and 12 feet from the rear property line; the applicant has proposed setbacks of 12 feet for the side yard setback and 7.5 feet for the rear yard setback. Mr. Benko stated the applicant is seeking a side and rear yard setback variance because P-F Zoning requires a setback of 20 feet for the side and rear yard for accessory buildings.

Mr. Benko 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. Benko stated the existing site can still operate as a cemetery; however, space for additional grave sites would be reduced due to the construction of additional driveways.

B. *Whether the variance is substantial;*

   Mr. Benko stated the variance may be substantial. Mr. Benko stated the proposed side yard setback is 8 feet or 40% smaller than code requirements. Mr. Benko stated the proposed rear yard setback is 13.5 feet or 63% smaller than code requirements.

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. Benko stated the essential character of the neighborhood may not be altered because the current sheds at the site do not meet the required side or rear yard setbacks for properties in the P-F zoning district. Mr. Benko stated the proposed setback for the side yard is one foot longer than the side yard setback of the existing shed. Mr. Benko stated the proposed rear yard setback would be 22% smaller than the existing shed. Mr. Benko stated additionally, the adjacent Residential Zoned properties to the east and south could place a similar building at least 5 feet from the lot line.

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

Mr. Benko stated in 2006, the P-F Zoning was created and the St. Francis Cemetery site was rezoned from R-1 Zoning to P-F Zoning. Mr. Benko stated the rear parcel (parcel number 028-19B-16-012) remained R-1 zoning which was likely an oversite. Mr. Benko stated prior to the zoning map change to P-F zoning, the proposed location of the storage building would have been compliant.

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

Mr. Benko stated the owner's predicament could not feasibly be obviated without a variance. Mr. Benko stated per the applicant, constructing a storage building with compliant setbacks may interfere with existing grave sites or future cemetery expansion. Mr. Benko stated relocating to a different portion of the site, may also require the construction of additional driveways.

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

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 section 1130.05.

Present for the case were Daniel Clor, property owner, and Richard Monroe, 3311 Lester Rd., Medina. Mr. Clor stated the existing sheds are in bad shape and are becoming an eyesore. Mr. Clor stated the sheds are needed to store equipment used to maintain the property. Mr. Clor stated they are keeping supplies in the sheds also. Mr. Clor stated they would like to replace them with a larger single structure made with split face concrete block which would be more attractive and would last longer. Mr. Clor stated the shed could be put on other places on the site but it would take area away for future graves. Mr. Clor stated in any other space they would want to build the shed, it would still require a variance.

Mr. Henwood asked if the proposed shed could move south on the driveway to avoid a variance. Mr. Clor stated they are moving it that direction but still need room for vehicles to turn in that drive. Mr. Clor stated that intent is to place the shed closer to the circular drive. Mr. Henwood asked if it could move further than proposed. Mr. Monroe stated it would be hard to do as they are very near the property line as proposed.

Mr. Clor stated the existing sheds take up 20 square feet. Mr. Clor stated they would like to go to 24 feet wide and move it over 5 or 6 feet closer. Mr. Henwood asked if they could move farther in that direction. Mr. Clor stated no.

Mr. Monroe stated they need room for snow plows to get through in the winter which is another reason they cannot move the structure further to the south. Mr. Henwood asked if there is not much room to move it to the west. Mr. Clor stated that is correct. Mr. Williams asked if all that concrete area is needed. Mr. Monroe stated it is needed for the trucks.

Paul K. from 347 Strawberry Lane stated the redwood fence is his fence. Paul stated his understanding is the new building will be one foot from the existing fence. Mr. Clor stated that is correct. Paul commented on watershed issues and asked that the City Engineer take a look at the watershed from the proposed shed. Mr. Humpal stated this is not a Board of Zoning Appeals issue. Mr. Mendel stated the Building Department will send the plan to the City Engineer for drainage issues prior to issuing building permits.

Paul stated he feels the new building will be better than what is there now.

Mr. Williams asked if they could build a smaller structure. Mr. Clor stated they may be acquiring new equipment which will need to be stored.

Leonard Zittle of 345 Roshon Drive commented that he lives behind the sheds to the right. Mr. Zittle stated he has been at that address since 1984. Mr. Zittle stated he would like to have landscaping and eye appeal since the trees were removed. Mr. Zittle would like landscaping or a fence put up so the view is more appealing from his property.

Mr. Monroe stated the church is fine with doing that. Mr. Zittle asked when the building is being built. Mr. Clor stated he is assuming late June of this year.

Mr. Benko stated staff spoke with Steve Euga from 319 Roshon Drive who stated he has no problems with the proposed garage.

Mr. Williams made a motion to approve a Variance to Section 1130.05 of the Planning and Zoning Code to allow an accessory structure 12 feet from the side property line and 7.5 feet from the rear property line instead of the minimum 20 feet. Mr. Williams stated the approval is based on the finding that the character of the neighborhood will not be substantially altered by the granting of the variance.

The motion was seconded by Mr. Klink.

Vote:

Humpal	Y
Klink	Y
Henwood	Y
Williams	Y

Roszak Y
Approved 5-0

2. Z16-14 421 N. Court Street Buckeye Super Wash VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request from Section 1147.13 (C) of the Planning and Zoning Code allow a second wall sign to be installed on the side of the building.

Mr. Benko stated the building is located on the west side of N. Court Street, south of West Union Street and North of Bishop Alley within the TCOV.

Mr. Benko stated Buckeye Super Wash is seeking Site Plan Approval from the Planning Commission at the May 12, 2016 meeting for façade renovations. Mr. Benko stated in conjunction with the façade renovations, the applicant is seeking a variance for a second wall sign to be located on the side of the building. Mr. Benko stated secondary wall signs are only permitted for corner lots that face a secondary street.

Mr. Benko 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. Benko stated construction of a conforming sign would not obstruct vision of motorists. Mr. Benko stated the variance request is for a secondary wall sign, but a compliant ground sign could obstruct site circulation given the frontage width.

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

   Mr. Benko stated conforming signage would not be blocked from the sight of passing motorists due to existing trees or other obstructions. Mr. Benko stated the secondary wall sign would be visible primarily by motorists traveling south on N. Court Street.

3. ***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 the variance request does not affect the size of the sign. Mr. Benko stated the applicant has proposed a compliant wall sign for the front of the building. Mr. Benko stated the proposed may be considered a reasonable alternative to a ground sign.

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

Mr. Benko stated the second wall sign may appear consistent with the façade renovations of the building. Mr. Benko stated the design of the sign is consistent with the TCOV design guidelines.

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

   Mr. Benko stated the variance sought may not be the minimum necessary for the second wall sign. Mr. Benko stated the size of the sign could be reduced to 12 sq; ft. in area so that the sign is consistent in size with code compliant secondary signs in the M-U Zoning district, if this was a corner lot.

6. ***The variance will be consistent with the general spirit and intent of this Ordinance.***

   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.

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 code section 1147.13(c).

Present for the case were property owners Sean Fugarino and Chad Frazier. Mr. Fugarino stated the second wall sign will help keep the balance of the design of the building and will look uniform coming from other directions. Mr. Fugarino stated it is also a customer access route so the signage will be present at that entrance. Mr. Fugarino stated they feel the value is in the look being more uniform and the exposure to the customers.

Mr. Klink stated he understands the hardship of not being able to put a monument sign there but is there any consideration of conforming to a 12 square foot sign rather than a 15 square foot sign. Mr. Frazier stated there is currently at 15 sq. ft. sign on the front of the building facing N. Court. Mr. Frazier stated that sign was approved several years ago. Mr. Frazier stated he feels the signs should be the same size to look symmetrical.

Mr. Humpal asked the staff if they are aware of any other similar variances that have been granted. Mr. Frazier suggested Dr. Milburn's sign next door. Mr. Frazier stated there are three signs. Mr. Williams stated he remembers the case and part of the reasoning is so the patients can see the signage since they are patients for the eye doctor.

Mr. Mendel stated there was a recent variance for Half Moon Yoga on South Court Street for one sign on the south side of the building which was not an additional sign but it was on the side of the building and smaller.

Mr. Humpal stated he tends to agree with the applicant that both signs should be the same size. Mr. Henwood asked if the sign on the front conforms to code now. Mr. Benko stated it does. Mr. Williams asked if there is no intent to put a street sign or monument sign up. Mr. Fugarino stated there is no intent to do so because of the access to their lot.

Mr. Henwood asked where a monument sign would be permitted on the site. Mr. Benko stated it would be 20 sq. ft. in that district which is larger than what is being requested.

Mr. Roszak made a motion to approve a variance to Section 1147.13(C) of the Planning and zoning Code to allow a second wall sign to be installed on the side of the building as presented. Mr. Roszak stated the approval is based on the practical difficulties and the proposal is a reasonable alternative to a ground sign which would make it difficult for vehicles to pull out.

The motion was seconded by Mr. Henwood.

Vote:

Humpal	Y
Klink	Y
Henwood	Y
Williams	Y
Roszak	Y
Approved	5-0

Mr. Williams made a motion to move into Executive Session. Mr. Klink seconded the motion.

Vote:

Humpal	Y
Klink	Y
Henwood	Y
Williams	Y
Roszak	Y
Approved	5-0

Mr. Mendel stated BZA members and alternates and Planning Commission members are invited into the executive session along with Law Director Greg Huber and himself.

Having no further business, the meeting was adjourned at 7:30 pm.

Respectfully submitted,

Sandy Davis

Sandy Davis

Bert E. Humpal

Bert Humpal, Chairman