



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: September 8, 2016

Meeting Time: 6:00 pm

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

Absent: None

Minutes: Mr. Klink made a motion to approve the minutes from the August 11, 2016 meeting as submitted. Mr. Henwood seconded the motion.

Vote:

Humpal	<u>Y</u>
Williams	<u>abstain</u>
Livingston	<u>Y</u>
Klink	<u>Y</u>
Roszak	<u>Y</u>
Approved	4-1 abstention

Old Business: Mr. Humpal stated Case #Z16-12 has been removed from the agenda and is tentatively rescheduled for next week. Mr. Mendel stated interested parties will be notified of the date and time of the meeting when it is determined.

The Court Reporter swore in everyone who will give testimony.

Mark Williams announced he has spoken with staff and related that he has past business relationships with both applicants this evening. Mr. Williams stated barring any objections, he does not have a problem with being impartial or having a conflict of interest. Mr. Williams stated he would like this to be on the record.

Mr. Humpal stated is anyone has an objection, Mr. Williams will recuse himself from the case. There were no objections.

Susan Hirsch from the Medina County Fair Housing Office conducted a Fair Housing training.

New Business:

1. Z16-17 620 N. Broadway Medina Veteran's Hall VAR

Mr. Benko stated this is a Variance request from Section 1147.12 of the Planning and Zoning Code to allow a 40 square feet, six feet six inches tall ground sign for a non-residential use in the R-3 zoning district.

Mr. Benko stated the property is located on the southeast corner of the N. Broadway Street and Howard Street intersection.

Mr. Benko stated the applicant is proposing the installation of a full color LED electronic message center sign. Mr. Benko stated the applicant is seeking conditional sign approval at the September 8, 2016 Planning Commission meeting because Electronic Message Center signs are conditionally permitted within the city. Mr. Benko stated the property is zoned R-3 residential. Mr. Benko stated non-residential uses in residential zoning are permitted to have a 40 sq. ft. ground sign, except in the R-3 zoning where all signs are prohibited. Mr. Benko stated the sign prohibition is due to an omission that occurred during the zoning code update in 2014. Mr. Benko stated Staff intends to propose adding R-3 zoning back to the preamble of code section 1147.12 in the near future.

Mr. Benko stated the applicant is also seeking a height variance for the proposed sign. Mr. Benko stated the proposed sign is six feet six inches tall which exceeds the 6 feet height max for signs in the city.

Mr. Benko stated the Board shall weigh the following factors to determine whether an area variance should be granted:

Mr. Benko stated construction of a conforming sign would not obstruct the vision of motorists. Mr. Benko stated the sign would be compliant in R-1, R-2, and R-4 zoning district. Mr. Benko stated the height of the sign does exceed the 6 feet height max by 6 inches; however, the difference may not be discernable and should not obstruct the vision of motorists.

Mr. Benko stated due to an omission, a ground sign is not permitted at the site. Mr. Benko stated without the error, the only variance that would be required is a variance for the height of the sign. Mr. Benko stated the height of the sign exceeds code requirements by 6 inches. Mr. Benko stated the difference may not be visually discernable. Mr. Benko stated per the applicant, this sign design is the most cost effective and that reducing the sign would require a special order at an additional cost.

Mr. Benko stated the proposed sign is a full color electronic message center sign. Mr. Benko stated EMC signs are conditionally permitted within the city. Mr. Benko stated the impact on the character of the neighborhood is part of the Planning Commission conditional sign review.

Mr. Benko stated the variance sought is the minimum necessary for the ground sign. Mr. Benko stated due to an omission, ground signs are prohibited within R-3 zoning. Mr. Benko stated this oversight in the sign code should be rectified in the near future. Mr. Benko stated the variance sought is not the minimum necessary for the height of the ground sign. Mr. Benko stated the sign could be reduced six inches to be in compliance with the code.

Mr. Benko stated sign regulations are established in the Planning and Zoning Code to promote clarity in sign communications and to promote a harmonious relationship between sign types, sign locations and land uses. Mr. Benko stated the proposed sign is consistent with the general spirit and intent of this ordinance.

Present for the case was Dave Taylor, President of the Board of Directors of the Medina County Veteran's Memorial Hall at 620 N. Broadway Street. Mr. Taylor stated last year he came before the board for approval to modernize the building at 620 N. Broadway. Mr. Taylor stated since then, they have invested \$438,000 into the building. Mr. Taylor stated it was completed in June of this year. Mr. Taylor stated the property to the south, 610 N. Broadway, was purchased by the Veteran's Hall. Mr. Taylor stated they will demolish the building at 610 and it will be replaced with soil and seeded.

Mr. Taylor stated the hall will have graphics displays of uniforms and photos and equipment from the Civil War through the current war on terror. Mr. Taylor stated those are the wars Medina County citizens were involved in. Mr. Taylor stated they are working with the schools for tours for Social Studies and History classes. Mr. Taylor stated the sign is the last part of the modernization process and the dollars are tight. Mr. Taylor stated the sign is six inches higher than allowable. Mr. Taylor stated the following hardships if they were made to be compliant:

1. The sign company would need to retool the base to lower it 6 inches. The sign company stated that will cost more money and the project funds are very low.
2. Lowering the sign 6 inches will cover part of the message when it snows. Mr. Taylor stated the proposed new sign is actually five inches narrower than the old sign so the overall footprint of the sign is very close to the old sign.

Mr. Taylor stated the sign will be placed in the same spot the old sign was placed. Mr. Taylor stated it is a good line of sight and does not obstruct site for motorists.

Mr. Taylor stated he asks the board, on behalf of the 14,000 veterans in Medina County, to allow the additional six inches for the sign.

Mr. Henwood asked if the sign face could be reduced rather than the base and would it be as expensive. Mr. Taylor stated the sign company stated the next size lower for the sign would not be visible and would lose the message. Mr. Taylor stated the old sign would be better but it has been removed and taken away.

Mr. Humpal stated he recalls requests for one or two variances for signs in the past year. Mr. Humpal asked if the hours of illumination were limited on those variances. Mr. Mendel stated if they were limited, it was through the Conditional Sign review from the Planning Commission. Mr. Mendel stated this board is only dealing with the variance requested and the Planning Commission will discuss the timing of the illumination of the sign. Mr. Taylor stated they will limited the illumination with a timer if required. Mr. Taylor stated they are open no later than 9:00 pm with the exception of special events.

Mr. Williams made a motion to approve a variance from Section 1147.12 of the Planning and Zoning Code to allow a 40 square feet, six feet six inches tall ground sign for a non-residential use in the R-3 zoning district based on the finding that the variance sought is the minimum necessary to allow reasonable use due to the omission from the code and the variance will be consistent with the general spirit and intent of the ordinance as the difference will not be substantial.

The motion was seconded by Mr. Henwood.

Vote:

Humpal	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Klink	<u>Y</u>
Roszak	<u>Y</u>
Approved	5-0

2. Z16-19 444 Independence Do It Best Corp. VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is an administrative review for a barbed wire fence. Mr. Benko stated the subject site is located on the east side of Independence Drive, south of W. Smith Road and north of Lafayette Road.

Mr. Benko stated the applicant is seeking site plan approval from the Medina Planning Commission for the expansion of a parking lot for Do It Best Corp. Mr. Benko stated currently there is one acre of pavement. Mr. Benko stated the applicant proposes expanding the paved area to a total of three acres. Mr. Benko stated the additional paved area will be for improved circulation at the site and for semi-truck storage.

Mr. Benko stated the site is currently surrounded by a 6 feet tall barbed wire fence. Mr. Benko stated the applicant has proposed the installation of a new 6' tall barbed wire fence that will encompass the parking area expansion. Mr. Benko stated pursuant to Medina Codified Ordinance section 1155.01(d)(2), the applicant is seeking an administrative review and approval to allow the barbed wire fence.

Present for the case was Dan Wonderly, Engineering Project Manager for Do It Best Corporation, 444 Independence Drive, Medina, Ohio.

Mr. Wonderly stated there is an existing barbed wire fence that surrounds the shipping lot. Mr. Wonderly stated they are making the shipping lot larger so they will be increasing the size of the fence to encompass the larger lot.

Mr. Wonderly gave a brief orientation of the proposed site on the overhead projector.

Mr. Klink stated he has never participated in an Administrative Review. Mr. Klink asked Mr. Mendel for procedural guidance. Mr. Mendel stated this is a quirky part of the zoning code which states barbed wire fence is allowed through administrative review and approval by the Board of Zoning Appeals. Mr. Mendel stated it is not a variance or an appeal but is basically a review. Mr. Mendel stated the fence should be consistent with the character of the existing site and the neighborhood.

Mr. Humpal asked if notice is provided to the adjoining property owners. Mr. Mendel stated no, it is not a variance so there is no notice requirement. Mr. Mendel stated the neighbors did receive notice of the site plan review process for the Planning Commission case. Mr. Mendel and Mr. Benko stated they have not received any comments from the adjoining property owners.

Mr. Henwood made a motion to approve the administrative review for 444 Independence Drive as proposed based on the finding that it is a reasonable application since it meets the criteria for a fence and is consistent with the fence that is existing on the site.

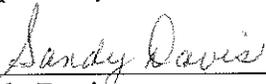
The motion was seconded by Mr. Williams.

Vote:

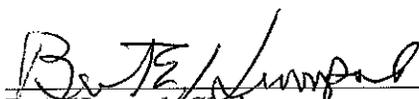
Williams	<u>Y</u>
Henwood	<u>Y</u>
Klink	<u>Y</u>
Roszak	<u>Y</u>
Humpal	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman