

MEETING DATE: 04-14-16

BOARD OF ZONING APPEALS

Z16-09

129 W. Lafayette



CITY of MEDINA

Board of Zoning Appeals

April 14, 2016 Meeting

Case No: Z16-09

Address: 129 W. Lafayette Road

Applicant: Tracey Diehl

Subject: Variance request from Section 1147.14 (B) of the Planning and Zoning Code allow a 12 feet tall ground sign which exceeds the 6 feet height limit.

Zoning: C-2 Central Business District
Transitional Corridor Overlay District

Submitted by: Justin Benko, Associate Planner

JB

Site Location:

The building is located on the north side of Lafayette Road west of S. Court Street and east of S. Elmwood Avenue.

Project Introduction:

The apartment complex to the west recently installed a 6 feet tall privacy fence on the property line along the frontage which blocks eastbound visibility of the ground sign on Lafayette Road. The applicant is seeking a variance to install a 12 feet tall ground sign for Auto Zone so the sign is visible above the fence. The existing sign complies with code requirements.

Please find attached to this report:

1. Sign rendering
2. Aerial site photograph
3. Letter from Applicant
4. Existing Condition Photographs
5. Letter from Applicant

Considerations:

§1107.08(b) of the Medina Planning and Zoning Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Board shall have the power, in a specific case, to interpret any such provision in harmony with its general purpose and intent so that the public health, safety, and general welfare may be secured and substantial justice done.

When a sign variance is requested, as in this case, a practical difficulty must exist. There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists. These factors are outlined below, along with a discussion of how these factors apply to the application in question. 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.***

Construction of a conforming sign would not obstruct vision of motorists. The current sign is conforming.

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

The apartment complex to the west installed a 6 feet tall fence on the perimeter of the property that does impede the visibility of the current sign for eastbound traffic.

3. ***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.***

The existing ground sign conforms to the sign code requirements. The applicant may consider moving the ground sign a different site location.

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.***

A sign that exceeds the allowable height may not be more appropriate in scale. The height of the proposed sign constitutes a 100% variance from code requirements. Additionally, a 12 foot tall ground sign would be the tallest sign within the TCOV.

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

The property is located in the TCOV. The TCOV sign guidelines state that “The size, style, and location of a proposed sign should be appropriate to the site and use with which the sign is associated” and that “A sign should complement the building with which it is associated, as well as adjacent buildings, by being designed and placed to enhance the architecture of the building.” A 12 foot tall ground sign may not be consistent with the TCOV guidelines or harmonious to the neighborhood.

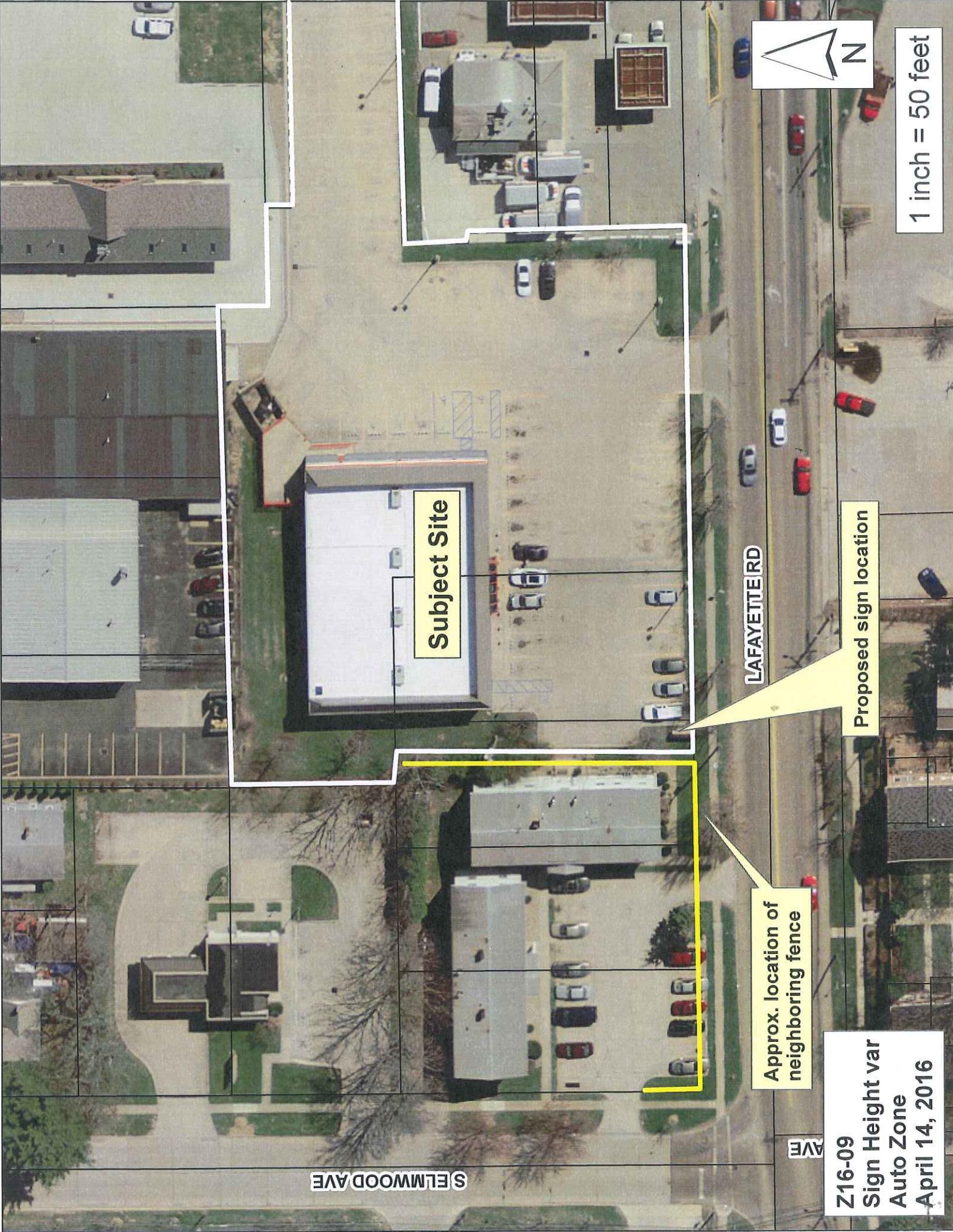
6. ***The variance sought is the minimum necessary to allow reasonable use, visibility, or readability of the sign.***

The variance sought may not be the minimum necessary. The existing sign complies with code requirements. The sign could be relocated to another portion of the site to improve visibility.

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

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.

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 1147.14(B).



S ELMWOOD AVE

Subject Site

LAFAYETTE RD

Approx. location of neighboring fence

Proposed sign location



1 inch = 50 feet

Z16-09
Sign Height var
Auto Zone
April 14, 2016

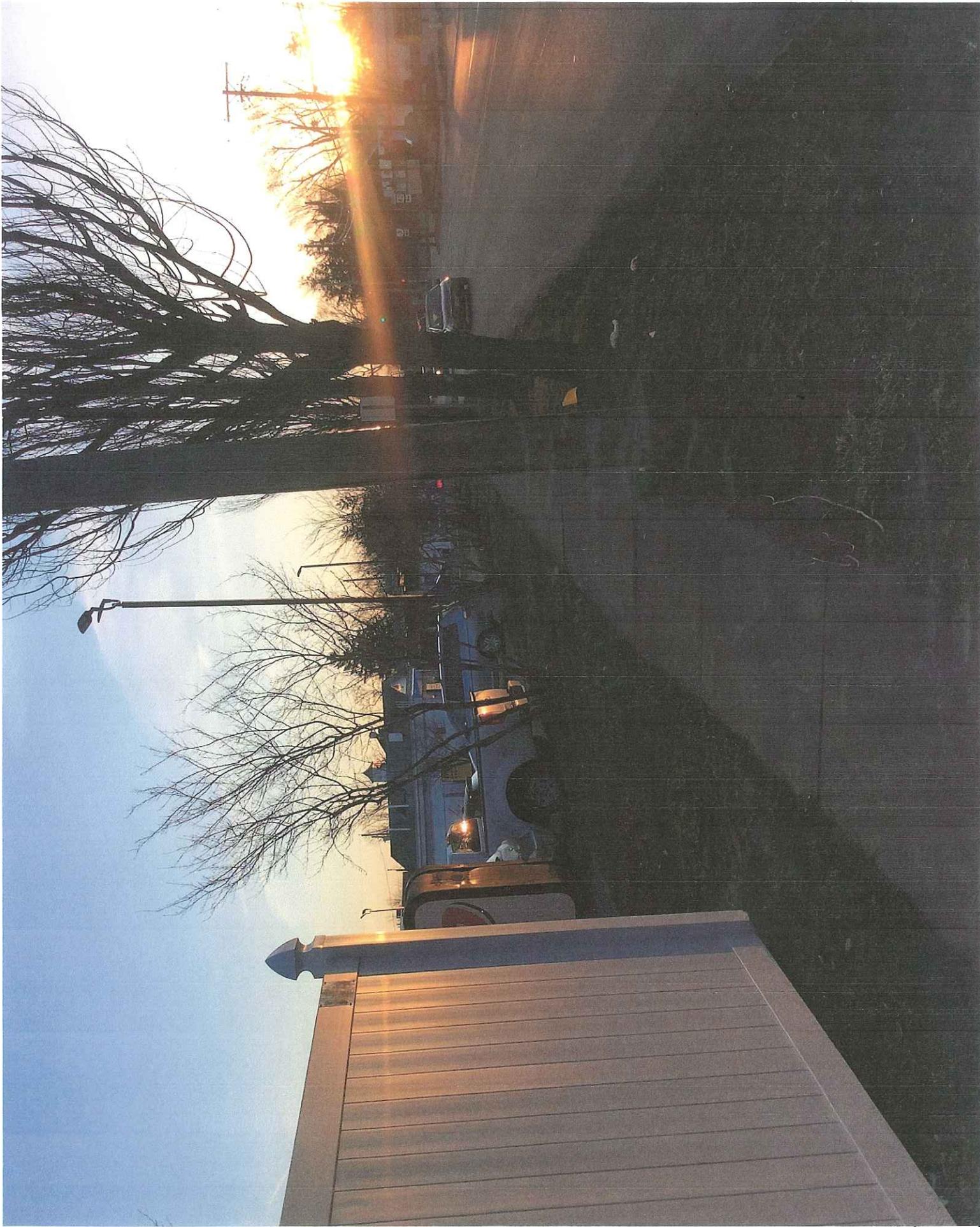
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Auto[®]
Zone

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MAR 24 2016



Expedite The Diehl

March 22, 2016

City of Medina
Planning Department
132 North Elmwood Street
Medina, OH 44256

Dear Members of the Board;

AutoZone is located at 129 W. Lafayette Road (US Route 42), Medina, Ohio 44256 and is proposing an increase in height to their ground sign. This request is the direct result of the variance granted (Case # Z15-25) for the installation of a 6' fence at the adjacent property known as 145 & 135 W. Lafayette Road.

Relief is requested from the City of Medina Planning and Zoning Code Chapter 1147.14 (B) where it states that a sign has a maximum height allowance of 6' and the maximum area allowed is 40 sq. ft. The proposed sign is 12', and therefore we request a variance of 6 additional feet in height and 40 sq. ft. in sign area.

The significance of the sign for the public good vs. the good of the neighboring landowners is that this sign will allow motorists to safely identify the location of this business and prepare for turns and stopping along US Route 42 – Lafayette Road. If patrons cannot safely locate the property it becomes a vehicular hazard. Vehicular hazards create a financial burden for law enforcement and public safety. The financial burden of law enforcement and public safety becomes a burden for the citizens of the community. Safely locating a business is essential to the success of the business and the safety of the citizens as well as transient motorist. Ultimately, when considering all of these factors this variance would be for the public's good and the good of the neighboring landowners. Denying this ground sign has the potential to create safety hazards for the community therefore creating an unnecessary hardship.

In evaluating the proposed variance, we hereby address the following concerns:

- There will be no adverse effect on existing and projected traffic volumes in the neighborhood, signs enhance motorist safety. This store already exists.
- The current and future need for the proposed use will not be affected because this area is an existing business zone, signs of this type are existing and code allowed.
- The character of the existing neighborhood and the effect of the proposed use on existing property values will not be negatively affected because this sign already exists. Signs already exist in this area and they enhance the aesthetic appeal of the property. The request is to increase the height of an existing sign.
- This proposal is consistent and compatible with surrounding uses and that of the zoning district.

1 OF 3 PAGES VARIANCE
REQUEST AUTO ZONE

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MAR 24 2016

BY:

- The proposed sign will have a positive effect on the proposed use as well as the peace and enjoyment of people in their homes by reducing the incidents of traffic related accidents because in absence of the sign motorists would not be able to safely locate this service.
- There will be no probable effect of noise and glare upon the uses of surrounding properties, this type of sign already exists.
- The proposed use would not cause deterioration of the area and neighborhoods but rather enhance the business district, the visibility of the sign is necessary to make full use of this property.
- The proposed sign is consistent with the AutoZone brand image across the United States.

Findings of Fact:

The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

The sign is already existing, this request is to increase the height so that potential patrons are aware of their destination when seeking an auto service benefit to the members of the community. The sign will not obstruct the view of traffic.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The sign requested is consistent with the other signs in the business district and in harmony with what the current zoning ordinance aesthetically allows. This variance is the direct results of a variance on an adjacent property, which prevents Auto Zone from fully using their property because of a fence that now fully obstructs the east bound view of this sign.

The strict application of the terms of the zoning ordinance will result in practical difficulties and undue hardship in the use of the property because:

There may be a need for emergency vehicle assistance and without the sign the citizens will be unaware of its location and availability here. The sign notifies the citizen of an automotive benefit service. The sign is necessary for Auto Zone and is consistent with their national image.

The granting of this variance is in harmony with the intended spirit and purpose of the zoning ordinance;

The sign proposed is consistent with what the code allows. The hardship here is created by granting of a variance to an adjacent property that now has a fence which is fully blocking the Auto Zone monument sign. The variance is in harmony with the intended spirit of the zoning code.

Conclusion:

The large amount of transient traffic from nearby highways and on US Route 42, that coupled with lack of signage could cause vehicular confusion, especially for people not familiar with the area. The safety and welfare of the community is important. Motorists traveling east bound on US Route 42 (Lafayette Road) will not be able to identify the location of the AutoZone without this sign in place. Relief is only requested because when this sign was initially proposed it was not obstructed by a 6' fence.

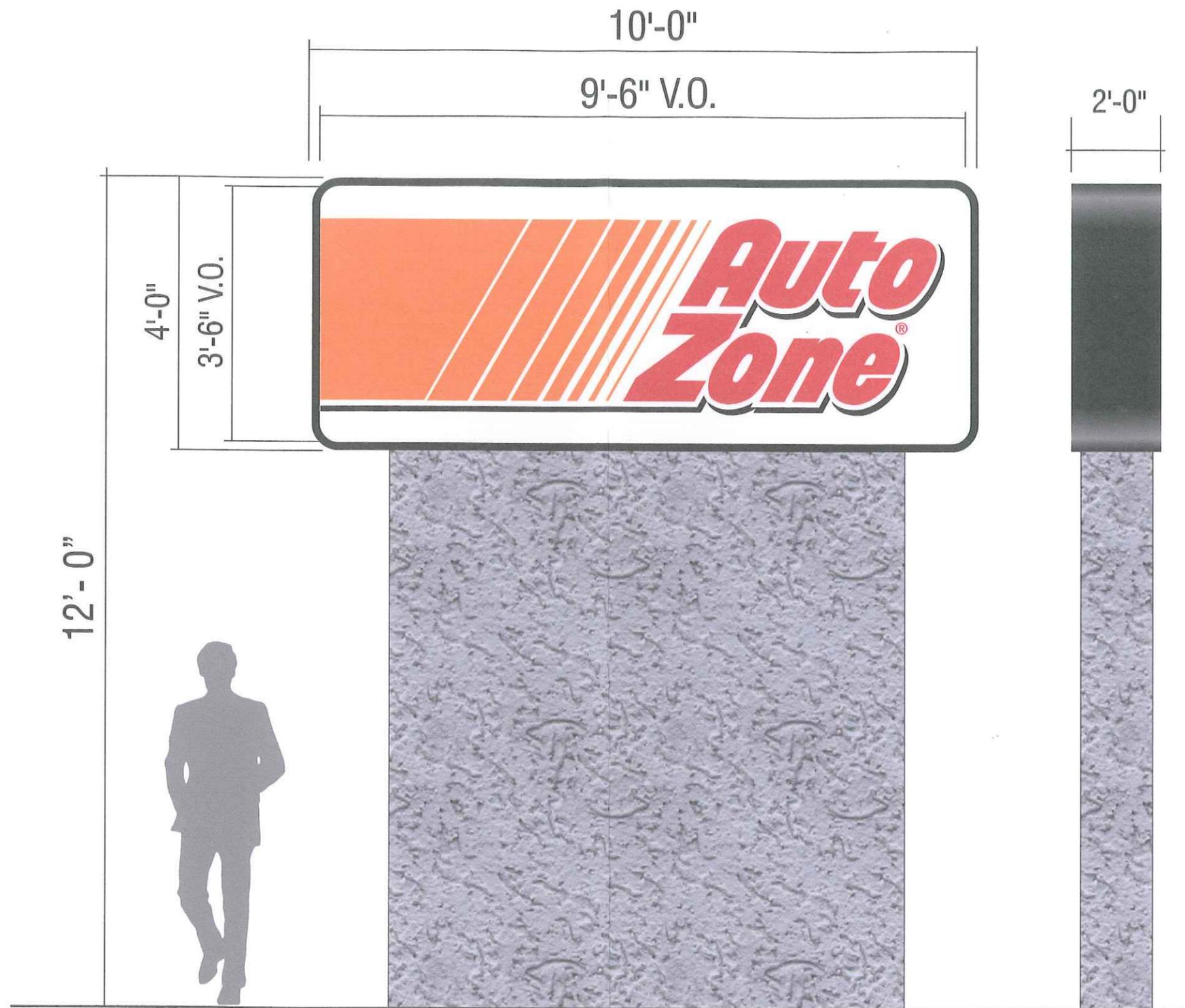
If you have any questions about this submittal I can be reached at tracey@expeditethediehl.com.

Sincerely,


Tracey Diehl

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FY:



4x10 CP D/F ILLUMINATED Monument - 40 S.F.

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 FT.

